

SIXTY-FOURTH DAY

FRIDAY, MAY 6, 2005

PROCEEDINGS

The Senate met at 9:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Averitt, Barrientos, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Staples, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

The President announced that a quorum of the Senate was present.

Rabbi Alan Freedman, Temple Beth Shalom, Austin, offered the invocation as follows:

Dear God, we stand here this day grateful for Your divine wisdom, Your revealed word given to us on Sinai. We are particularly inspired this day by the words which will be read this shabbat, this sabbath, in synagogues throughout the world, in that section of the Torah known as kedoshim, holiness. It is in this parasha, this section, You teach us that holiness is achieved not only through religious ritual but also through daily human conduct. For it is here that we find the words, you shall not render an unfair decision; do not favor the poor or show deference to the rich; judge your kinsman fairly. It is here that we find the admonition, love your neighbor as yourself. Dear God, as we seek divine wisdom to aid us in our deliberations this day, may the word of Your revealed law guide us to better serve the people of Texas. May our conduct this day be in accordance with Your will, and may our actions reflect the message of Your word. Blessed are You, O God, ruler of the universe, who blesses human beings with discernment and wisdom. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of yesterday be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

CO-AUTHOR OF SENATE BILL 604

On motion of Senator Ellis, Senator Eltife will be shown as Co-author of **SB 604**.

CO-AUTHOR OF SENATE BILL 649

On motion of Senator Hinojosa, Senator Shapleigh will be shown as Co-author of **SB 649**.

CO-AUTHOR OF SENATE BILL 831

On motion of Senator Shapiro, Senator West will be shown as Co-author of **SB 831**.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 6, 2005

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 681, Relating to the forfeiture of good conduct time from inmates who file frivolous applications for writ of habeas corpus.

HB 790, Relating to the conduct of newborn screening by the Department of State Health Services.

HB 1718, Relating to the regulation of certain nursing practices.

HB 1842, Relating to the licensing and regulation of massage therapists; providing a penalty.

HB 2017, Relating to a nonsubstantive revision of statutes relating to the Texas Department of Insurance, the business of insurance, and certain related businesses, including conforming amendments, repeals, and penalties.

HB 3001, Relating to the amount of the annual constitutional appropriation to certain agencies and institutions of higher education and to the allocation of those funds to those agencies and institutions.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Fraser was recognized and presented Dr. Henry David Pope of Kerrville as the Physician of the Day.

The Senate welcomed Dr. Pope and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

Austin, Texas
May 5, 2005

TO THE SENATE OF THE SEVENTY-NINTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Texas A&M University System Board of Regents for terms to expire February 1, 2011:

Lupe Fraga
Sugar Land, Texas

(replacing Susan Rudd Bailey of Benbrook whose term expired)

Gene Stallings
Powderly, Texas

(replacing Lionel Sosa of Floresville whose term expired)

To be members of the Texas Historical Commission for terms to expire February 1, 2011:

Diane Bumpas
Dallas, Texas

(Ms. Bumpas is being reappointed)

Donna Carter
Austin, Texas

(replacing Chris Carson whose term expired)

Marcus Warren Watson
Dallas, Texas

(replacing Gail Loving Barnes whose term expired)

Thomas R. Phillips
Bastrop, Texas

(replacing Jean Ann Ables-Flatt whose term expired)

Sara Armstrong Hixon
Houston, Texas

(replacing Mamie McKnight whose term expired)

Earl Broussard, Jr.
Austin, Texas

(replacing Juan Sandoval whose term expired)

Respectfully submitted,
/s/Rick Perry
Governor

BILLS SIGNED

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read: **SB 374, SB 424, SB 1006.**

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate his sister, Melody Ellis, and his father, Elijah Ellis.

The Senate welcomed its guests.

SENATE RESOLUTION 804

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Mid Valley Christian School as the first senior class graduates from high school; and

WHEREAS, Founded in 1975, the school was started with a class of first-grade students at the First Christian Church in Weslaco; Mid Valley Christian School was founded by a group of concerned parents who wanted an educational alternative for their children; and

WHEREAS, Adding another grade every year, the school had expanded by 1980 to include a kindergarten at the Presbyterian church, grades one and two at the First Christian Church, and grades three through six at the First Methodist Church; and

WHEREAS, In 1980, a building was purchased, and Mid Valley Christian School was consolidated into one campus; the school continued to grow, and in 2002, a junior and senior high school program was begun; and

WHEREAS, In 2005, the school's first class graduates; its members are Micah Mullins, Jonathan Banda, Travis Beam, Ben Dudley, and Christian van der Graaff; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend the senior class of Mid Valley Christian School on the occasion of their graduation; and, be it further

RESOLVED, That a copy of this Resolution be prepared for them as an expression of esteem from the Texas Senate.

SR 804 was read and was adopted without objection.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate senior class members from Mid Valley Christian School in Weslaco: Jonathan Banda, Travis Beam, Ben Dudley, Micah Mullins, and Christian van der Graaff, accompanied by their principal.

The Senate welcomed its guests.

(Senator Armbrister in Chair)

CONCLUSION OF MORNING CALL

The Presiding Officer, Senator Armbrister in Chair, at 10:11 a.m. announced the conclusion of morning call.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 6, 2005

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 1777, Relating to regulation of the electric power market.**HB 3540**, Relating to certain fiscal matters affecting governmental entities.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

HOUSE BILL 1285 ON THIRD READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1285** at this time on its third reading and final passage:

HB 1285, Relating to the exception from required disclosure under the public information law of certain audit working papers.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

GUESTS PRESENTED

Senator Ogden was recognized and introduced to the Senate students from Cameron Junior High School in Cameron, accompanied by their sponsors.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 1379 ON THIRD READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 1379** at this time on its third reading and final passage:

CSSB 1379, Relating to a statewide initiative regarding the prevention and treatment of obesity-related health concerns.

The motion prevailed.

Senators Brimer, Eltife, Shapiro, Staples, and Williams asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read third time.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **CSSB 1379** (committee printing) on third reading by striking Subsection (b) of SECTION 7 (page 5, lines 24-32) and substituting the following:

(b) The Texas Department of Insurance shall study and analyze the benefits of having health insurers and other health benefit plan issuers providing coverage for the treatment and prevention of obesity, including coverage for counseling of overweight and obese individuals. In the report, the Department of Insurance shall include analysis detailing the fiscal impact of such an initiative, including any findings, feedback and recommendations of health insurers and other health plan issuers. Not later than September 1, 2006, the Texas Department of Insurance shall submit a report to the governor, lieutenant governor, and speaker of the house of representatives regarding the department's findings and proposed initiatives for the legislature's consideration to better address obesity treatment, prevention and health care coverage.

The amendment to **CSSB 1379** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 on Third Reading.

On motion of Senator Lucio and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

CSSB 1379 as again amended was finally passed by the following vote: Yeas 26, Nays 5.

Yeas: Armbrister, Averitt, Barrientos, Carona, Deuell, Duncan, Ellis, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Seliger, Shapleigh, Van de Putte, Wentworth, West, Whitmire, Zaffirini.

Nays: Brimer, Eltife, Shapiro, Staples, Williams.

GUESTS PRESENTED

Senator Williams was recognized and introduced to the Senate participants in the University Interscholastic League math competition at Bridge City Independent School District and a group of seventh-grade students from Christ Community School in The Woodlands.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Bradley Henicke from George West High School in George West, who won second place in the University Interscholastic League State Editorial Writing competition.

The Senate welcomed its guest.

RECESS

On motion of Senator Whitmire, the Senate at 10:28 a.m. recessed until 11:00 a.m. today.

AFTER RECESS

The Senate met at 11:46 a.m. and was called to order by the President.

GUESTS PRESENTED

Senator Madla was recognized and introduced to the Senate a group of students from Medina Valley High School in Castroville.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate a group of students from Trinity Christian Academy in San Antonio.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE**SENATE BILL 1813 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1813** at this time on its second reading:

CSSB 1813, Relating to the creation of the Pearland Municipal Management District No. 1; providing authority to impose an assessment, impose a tax, and issue bonds.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE**SENATE BILL 1813 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1813** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1813**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1813** would

have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 831 ON SECOND READING**

Senator Shapiro moved to suspend the regular order of business to take up for consideration **CSSB 831** at this time on its second reading:

CSSB 831, Relating to the creation of programs and funding for emerging technology industries.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Armbrister, Averitt, Barrientos, Brimer, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Nelson, Shapiro, Shapleigh, Staples, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Ellis, Madla, Ogden, Seliger.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Ellis, Madla, Ogden, Seliger.

**COMMITTEE SUBSTITUTE
SENATE BILL 831 ON THIRD READING**

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 831** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Armbrister, Averitt, Barrientos, Brimer, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Nelson, Shapiro, Shapleigh, Staples, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Ellis, Madla, Ogden, Seliger, Wentworth.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 831**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 831** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4.

Yeas: Armbrister, Averitt, Barrientos, Brimer, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Nelson, Shapiro, Shapleigh, Staples, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Ellis, Madla, Ogden, Seliger.

REMARKS ORDERED PRINTED

On motion of Senator Estes and by unanimous consent, the remarks between Senators Estes and Shapiro regarding **CSSB 831** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Estes: I just have a couple of questions. I was looking in Section 490.003, and you have a generic list of emerging technology industries, and I just want to ask, was it your intent to have a generic list rather than a list of all the specific categories?

Senator Shapiro: Yes, because we could go on and on, this bill could be 25 to 40 pages if we listed every specific area of potential opportunity.

Senator Estes: OK. I appreciate that. Well for instance, I have Senate Bill 1366 and it talks about various kinds of new technologies, carbon sequestration, I can't even say the word, and the capturing of carbon dioxide from emissions and, so in looking at your list, is it your intent that these types of new technologies would be covered by item 4, energy, or item 11, petroleum refining and chemical processes?

Senator Shapiro: I think what you're saying is, you're defining a lot of what's in this already, and it would come under one of these categories. Obviously, the category of petroleum refining and chemical processes, it could be under energy, there are lots of places for it to go. We put generic names so that just what you're asking can happen, because we don't know what the future might bring.

Senator Estes: All right.

SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)

On motion of Senator Nelson and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Health and Human Services might meet today.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Duncan and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet and consider the following bills today: **SB 555, SB 1128.**

RECESS

On motion of Senator Armbrister, the Senate at 12:40 p.m. recessed until 3:00 p.m. today.

AFTER RECESS

The Senate met at 3:00 p.m. and was called to order by Senator Armbrister.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Carona was granted leave of absence for the remainder of the day on account of important business.

COMMITTEE SUBSTITUTE
SENATE BILL 1814 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1814** at this time on its second reading:

CSSB 1814, Relating to the creation of the Southampton Neighborhood Services District; providing authority to impose an assessment, impose a tax, and issue bonds or similar obligations.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1814** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, strike added Section 3839.052, Special District Local Laws Code (page 2, lines 42-46), and substitute the following:

Sec. 3839.052. APPOINTMENT OF DIRECTORS. (a) The mayor and members of the governing body of the City of Houston shall appoint directors. The city may consider persons recommended by the board. A person is appointed if a majority of the members of the governing body, including the mayor, vote to appoint that person.

(b) Not later than 30 days before nominating a director, the board shall solicit from the real property owners in the district the names of proposed directors in a manner of the board's choosing. The board may nominate for appointment as directors persons from a list of names solicited under this subsection.

(2) In SECTION 1 of the bill, strike added Section 3839.106, Special District Local Laws Code (page 4, lines 15-33) and renumber subsequent sections accordingly.

(3) In SECTION 1 of the bill, in added Section 3839.153, Special District Local Laws Code, strike added Subsection (a)(4) (page 5, lines 4-13), and substitute the following:

(4) assessment revenue may only be used to pay for:

(A) garbage collection;

(B) supplemental security and public safety;

(C) landscaping and beautification projects as funds permit;

(D) studying reconstruction of alleyways and making minor alleyway

repairs;

(E) formulation and adoption of neighborhood deed restrictions; and

(F) other operation and administration costs of the district.

(4) In SECTION 1 of the bill, in added Section 3839.154, Special District Local Laws Code (page 5, line 23) strike "majority" and substitute "two-thirds".

(5) In SECTION 1 of the bill, in added Section 3839.161, Special District Local Laws Code (page 6, line 46) strike "payable from ad valorem taxes".

(6) In SECTION 1 of the bill, in added Section 3839.201, Special District Local Laws Code (page 6, line 64) strike "75 percent" and substitute "two-thirds".

(7) In SECTION 1 of the bill, immediately following added Section 3839.203, Special District Local Laws Code (page 7, between lines 5 and 6) insert the following:

Sec. 3839.204. DISSOLUTION; CONTINUATION BY RESOLUTION. (a) Unless continued in existence by the adoption of a resolution by the governing body of the City of Houston, the district is dissolved September 1, 2011.

(b) If the district is dissolved under this section, the district shall remain in existence until all debts are paid and the remaining assets are transferred to the City of Houston. The dissolution is effective when all assets have been transferred and all debts have been discharged.

(c) The governing body of the City of Houston may adopt a resolution continuing the district only if the governing body finds that:

(1) the district continues to serve a public use and benefit; and

(2) land and other property included in the district will continue to benefit from the improvements and services provided by the district.

(d) The governing body of the City of Houston shall specify in the resolution continuing the district a date on which the district will be dissolved. The governing body may not specify a date that occurs later than the sixth anniversary of the date of the resolution. The district is dissolved on the date specified in the resolution unless the governing body adopts a subsequent resolution extending the existence of the district under the procedures described by this section.

(e) Not later than the 30th day after the date a resolution is adopted under this section, the governing body of the City of Houston shall file a copy of the resolution continuing the district with the Texas Commission on Environmental Quality.

The amendment to **CSSB 1814** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Carona.

On motion of Senator Ellis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1814 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Carona.

COMMITTEE SUBSTITUTE SENATE BILL 1814 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1814** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Carona.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1814**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1814** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

**COMMITTEE SUBSTITUTE
SENATE BILL 95 ON SECOND READING**

Senator Shapleigh moved to suspend the regular order of business to take up for consideration **CSSB 95** at this time on its second reading:

CSSB 95, Relating to the establishment of an asthma research center at the Texas Tech University campus in El Paso.

The motion prevailed.

Senator Wentworth asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Wentworth.

Absent-excused: Carona.

**COMMITTEE SUBSTITUTE
SENATE BILL 95 ON THIRD READING**

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 95** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Carona.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 95**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 95** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

COMMITTEE SUBSTITUTE
SENATE BILL 1806 ON SECOND READING

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1806** at this time on its second reading:

CSSB 1806, Relating to the creation of the West Ranch Management District; providing authority to impose a tax and issue a bond or similar obligation and granting a limited power of eminent domain.

The bill was read second time.

Senator Jackson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1806** (Senate committee printing) as follows:

(1) In Section 1 of the bill, in added Subchapter C, Chapter 3837, Special District Local Laws Code, strike added Section 3837.102 (page 3, lines 49-58), and renumber the sections of the subchapter appropriately.

(2) In Section 1 of the bill, in added Subchapter C, Chapter 3837, Special District Local Laws Code, insert a new Section 3837.106 to read as follows:

Sec. 3837.106. NO EMINENT DOMAIN. The district may not exercise the power of eminent domain.

(3) Conform the caption of the bill appropriately (page 1, line 12).

The amendment to **CSSB 1806** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Carona.

On motion of Senator Jackson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1806 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Carona.

**COMMITTEE SUBSTITUTE
SENATE BILL 1806 ON THIRD READING**

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1806** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Carona.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1806**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1806** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
May 6, 2005

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 2753, Relating to the powers, duties, and functions of the Legislative Budget Board.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

(President in Chair)

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 1291 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 1291** at this time on its second reading:

CSSB 1291, Relating to the termination of agreements with certain insurance agents.

The motion was lost by the following vote: Yeas 16, Nays 12. (Not receiving two-thirds vote of Members present)

Yeas: Armbrister, Barrientos, Ellis, Eltife, Estes, Fraser, Gallegos, Jackson, Lucio, Madla, Shapleigh, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Averitt, Brimer, Deuell, Duncan, Janek, Lindsay, Nelson, Ogden, Seliger, Shapiro, Staples, Wentworth.

Absent: Harris, Hinojosa.

Absent-excused: Carona.

SENATE BILL 828 ON SECOND READING

On motion of Senator Janek and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 828** at this time on its second reading:

SB 828, Relating to the eligibility of certain property owners to file a late notice of protest with an appraisal review board.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Carona.

SENATE BILL 828 ON THIRD READING

Senator Janek moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 828** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Carona.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 828**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 828** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

**COMMITTEE SUBSTITUTE
SENATE BILL 1597 ON SECOND READING**

On motion of Senator Madla and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1597** at this time on its second reading:

CSSB 1597, Relating to the appointment of county court magistrates in Bexar County.

The bill was read second time.

Senator Madla offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1597** in Section 54.901(e), page 1, lines 44-45, committee printing, by striking the words "and shall be paid a salary equivalent to that of an elected county court judge in Bexar County"

The amendment to **CSSB 1597** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Carona.

On motion of Senator Madla and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1597 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Carona.

**COMMITTEE SUBSTITUTE
SENATE BILL 1597 ON THIRD READING**

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1597** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Carona.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1597**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1597** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

(Senator Armbrister in Chair)

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1738 ON SECOND READING**

Senator Duncan moved to suspend the regular order of business to take up for consideration **CSSB 1738** at this time on its second reading:

CSSB 1738, Relating to consumer access to health care information and consumer protection for services provided by or through hospitals, ambulatory surgical centers, and birthing centers; providing penalties.

The motion prevailed.

Senator Wentworth asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1738** in SECTION 2, page 3, line 42-46, strike the following:

"(c) Before any nonemergency treatment or service is performed and before a consumer is discharged from a facility, the facility shall disclose to the consumer the consumer's right to receive a written estimate of the charges for any procedure, service, or supply."

and replace with the following:

"(c) The facility shall provide a written estimate of the facility's charges for any procedure, service, or supply upon request and before an elective admission or scheduling of nonemergency outpatient procedures or services. The written estimate must be provided within a reasonable time based on the number of charge estimates requested and whether the request was made during normal operating hours of the facility's business office. The facility must advise the consumer that:

(1) the request for a written estimate of charges may result in a delay in the scheduling and provision of the procedure, service, or supply; and

(2) the consumer may be personally liable for payment of the procedure, service or supply depending on the consumer's health benefit plan coverage."

The amendment to **CSSB 1738** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Carona.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1738** (committee printing) as follows:

(1) On page 5, line 19, through page 11, line 11, delete SECTIONS 3 through 13 and insert new SECTIONS 3, 4 and 5 as follows and renumber accordingly:

"SECTION 3. Section 1271.055(b), Insurance Code, is amended as follows:

(b) If medically necessary covered services are not available through network physicians or providers, the health maintenance organization, on the request of a network physician or provider and within a reasonable period, shall:

(1) allow referral to a non-network physician or provider; and

(2) ~~fully~~ reimburse the non-network physician or provider at the usual and customary rate or at an agreed rate.

SECTION 4. Section 1272.301(a)(1), Insurance Code, is amended as follows:

(a) A contract between a health maintenance organization and a limited provider network or delegated entity must provide that:

(1) if medically necessary covered services are not available through network physicians or providers, the limited provider network or delegated entity, on the request of a network physician or provider, shall:

(A) allow a referral to a non-network physician or provider; and

(B) ~~fully~~ reimburse the non-network physician or provider at the usual and customary or an agreed rate; and

SECTION 5. Subtitle F, Title 8, Insurance Code, as effective April 1, 2005, is amended by adding Chapter 1456 to read as follows:

CHAPTER 1456. DISCLOSURE OF PROVIDER STATUS

Sec. 1456.001. DEFINITIONS. In this chapter:

(1) "Balance billing" means the practice of charging an enrollee in a health benefit plan that uses a provider network to recover from the enrollee the balance of a non-network health care provider's fee for service received by the enrollee from the health care provider that is not fully reimbursed by the enrollee's health benefit plan.

(2) "Enrollee" means an individual who is eligible to receive health care services through a health benefit plan.

(3) "Facility based physician" means a radiologist, an anesthesiologist, a pathologist, or an emergency department physician:

(A) to whom the facility has granted clinical privileges; and

(B) who provides services to patients of the facility under those clinical privileges.

(4) "Health care facility" means a hospital, emergency clinic, outpatient clinic, or other facility providing health care services.

(5) "Health care practitioner" means an individual who is licensed to provide and provides health care services.

(6) "Health care provider" means a health care facility or health care practitioner.

(7) "Provider network" means a health benefit plan under which health care services are provided to enrollees through contracts with health care providers and that requires those enrollees to use health care providers participating in the plan and procedures covered by the plan. The term includes a network operated by:

(A) a health maintenance organization;

(B) a preferred provider benefit plan issuer; or

(C) another entity that issues a health benefit plan, including an insurance company.

Sec. 1456.002. APPLICABILITY OF CHAPTER. This chapter applies to any health benefit plan that:

(1) provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an individual or group evidence of coverage that is offered by:

(A) an insurance company;
(B) a group hospital service corporation operating under Chapter 842;
(C) a fraternal benefit society operating under Chapter 885;
(D) a stipulated premium company operating under Chapter 884;
(E) a health maintenance organization operating under Chapter 843;
(F) a multiple employer welfare arrangement that holds a certificate of authority under Chapter 846;

(G) an approved nonprofit health corporation that holds a certificate of authority under Chapter 844; or

(H) an entity not authorized under this code or another insurance law of this state that contracts directly for health care services on a risk-sharing basis, including a capitation basis; or

(2) provides health and accident coverage through a risk pool created under Chapter 172, Local Government Code, notwithstanding Section 172.014, Local Government Code, or any other law.

Sec. 1456.003. REQUIRED DISCLOSURE: HEALTH BENEFIT PLAN. (a) Each health benefit plan that provides health care through a provider network shall provide notice to its enrollees that:

(1) a facility-based physician or other health care practitioner may not be included in the health benefit plan's provider network; and

(2) a health care practitioner described by Subdivision (1) may balance bill the enrollee for amounts not paid by the health benefit plan.

(b) The health benefit plan shall provide the disclosure in writing to each enrollee in:

(1) any materials sent to the enrollee in conjunction with issuance or renewal of the plan's insurance policy or evidence of coverage;

(2) an explanation of payment summary provided to the enrollee;

(3) any other analogous document that describes the enrollee's benefits under the plan; or

(4) conspicuously displayed on any website that an enrollee is reasonably expected to access.

Sec. 1456.004. REQUIRED DISCLOSURE: HEALTH CARE FACILITY. (a) Each health care facility that has entered into a contract with a health benefit plan to serve as a provider in the health benefit plan's provider network shall provide notice to enrollees receiving health care services at the facility that:

(1) a facility-based physician or other health care practitioner may not be included in the health benefit plan's provider network; and

(2) a health care practitioner described by Subdivision (1) may balance bill the enrollee for amounts not paid by the health benefit plan.

(b) The health care facility shall provide the disclosure in writing at the time the enrollee is first admitted to the facility or first receives services at the facility.

Sec. 1456.005. REQUIRED DISCLOSURE: FACILITY BASED PHYSICIANS. (a) If a facility based physician bills a patient who is covered by a health benefits plan, as described in Section 1456.002, that does not have a contract with the facility based physician, the facility based physician shall send a billing statement that:

(1) contains an itemized listing of the services and supplies provided along with the dates the services and supplies were provided;

(2) contains a conspicuous plain language explanation that:

(A) the facility based physician is not within the health plan health delivery network; and

(B) the health benefit plan has paid the usual and customary rate, as determined by the health benefits plan, which is below the facility based physician billed amount;

(3) contains a telephone number to call to discuss the statement, provide an explanation of any acronyms, abbreviations, and numbers used on the statement, or discuss any payment issues;

(4) contains a statement that the patient may call to discuss alternative payment arrangements;

(5) contains a notice that the patient may file complaints with the Texas State Board of Medical Examiners and include the Texas State Board of Medical Examiners mailing address and complaint telephone number; and

(6) for billing statements that total to an amount greater than \$200, over any applicable copayments or deductibles, states, in plain language, that if the patient finalizes a payment plan agreement within 45 days of receiving the first billing statement and substantially complies with the agreement, the facility based physician may not furnish adverse information to a consumer reporting agency regarding an amount owed by a patient for the receipt of medical treatment for one calendar year from the first statement date. A patient may be considered by the facility based physician to be out of substantial compliance with the payment plan agreement if payments are not made in compliance with the agreement for a period of 90 days.

Sec. 1456.006. DISCIPLINARY ACTION AND ADMINISTRATIVE PENALTY. (a) The commissioner may take disciplinary action against a licensee that violates this chapter in accordance with Chapter 84, Texas Insurance Code. A health care provider that violates this chapter is subject to disciplinary action by the appropriate regulatory agency.

(b) A violation of this chapter by a health care provider or facility based physician is grounds for disciplinary action and imposition of an administrative penalty by the appropriate regulatory agency that issued a license, certification, or registration to the health care provider or facility based physician who committed the violation.

(c) The regulatory agency shall:

(1) notify a health care provider or facility based physician of a finding by the regulatory agency that the health care provider or facility based physician is violating or has violated this chapter or a rule adopted under this chapter; and

(2) provide the health care provider or facility based physician with an opportunity to correct the violation.

(d) The complaints brought under this section are not considered to require a determination of medical competency, and therefore Occupations Code Sec. 154.058 shall not apply.

Sec. 1456.007. COMMISSIONER RULES; FORM OF DISCLOSURE. The commissioner by rule may prescribe specific requirements for the disclosure required under Sections 1456.003 and 1456.004. The form of the disclosure must be substantially as follows:

NOTICE

ALTHOUGH HEALTH CARE SERVICES MAY BE OR HAVE BEEN PROVIDED TO YOU AT A HEALTH CARE FACILITY THAT IS A MEMBER OF THE PROVIDER NETWORK USED BY YOUR HEALTH BENEFIT PLAN, OTHER PROFESSIONAL SERVICES MAY BE OR HAVE BEEN PROVIDED AT OR THROUGH THE FACILITY BY HEALTH CARE PROVIDERS WHO ARE NOT MEMBERS OF THAT NETWORK. YOU MAY BE RESPONSIBLE FOR PAYMENT OF ALL OR PART OF THE FEES FOR THOSE PROFESSIONAL SERVICES THAT ARE NOT COVERED BY YOUR HEALTH BENEFIT PLAN."

(2) On page 11, line 44 through page 12, line 27, delete SECTIONS 15 and 16 and renumber accordingly.

(3) On page 12, line 38 through page 12, line 44, delete SECTION 19 and renumber accordingly.

(4) On page 12, line 60 through 64, delete SECTION 22 and replace with the following:

"SECTION 22. This Act takes effect September 1, 2005."

The amendment to **CSSB 1738** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2 except as follows:

Absent-excused: Carona.

On motion of Senator Duncan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1738 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Wentworth.

Absent-excused: Carona.

**COMMITTEE SUBSTITUTE
SENATE BILL 1738 ON THIRD READING**

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1738** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Carona.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1738**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1738** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

SENATE BILL 333 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **SB 333** at this time on its second reading:

SB 333, Relating to the eligibility of a high school graduate for automatic admission to an institution of higher education.

The motion prevailed by the following vote: Yeas 22, Nays 6.

Yeas: Armbrister, Averitt, Barrientos, Deuell, Duncan, Ellis, Eltife, Gallegos, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Shapiro, Shapleigh, Staples, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Brimer, Estes, Fraser, Jackson, Seliger, Wentworth.

Absent: Harris, Hinojosa.

Absent-excused: Carona.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 333** (Senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Sections 28.025(e) and (g), Education Code, are amended to read as follows:

(e) Each school district shall report the academic achievement record of a student in an electronic format ~~[students who have completed a minimum, recommended, or advanced high school program]~~ on a uniform transcript form ~~[forms]~~ adopted by the State Board of Education. The transcript form ~~[forms]~~ adopted by the board must be designed to:

(1) clearly differentiate between ~~[each of]~~ the minimum, recommended, and advanced high school programs and identify the program completed by a student;

(2) provide information in a standard format regarding:

(A) any honors, advanced placement, or international baccalaureate courses available at a student's high school and which, if any, of those courses the student completed; and

(B) any college-level courses available to a student under a dual credit program provided under an agreement between the student's high school and an institution of higher education and which, if any, of those courses the student completed; and

(3) identify whether a student received a diploma or a certificate of coursework completion.

(g) If a student, other than a student permitted to take courses under the minimum high school program as provided by Subsection (b), is unable to complete the recommended or advanced high school program solely because necessary courses were unavailable to the student at the appropriate times in the student's high school career as a result of course scheduling, lack of enrollment capacity, or another cause not within the student's control, the school district, ~~[shall indicate that fact]~~ on the student's transcript form described by Subsection (e), shall:

(1) indicate whether the student completed those courses necessary to complete the program that were available to the student; and

(2) identify those courses necessary to complete the program that were unavailable to the student as a result of course scheduling, lack of enrollment capacity, or another cause not within the student's control.

SECTION 2. Subchapter B, Chapter 28, Education Code, is amended by adding Section 28.0252 to read as follows:

Sec. 28.0252. COMPUTATION OF HIGH SCHOOL GRADE POINT AVERAGE. (a) The commissioner shall develop a standard method of computing a student's high school grade point average that provides for additional weight to be given to each honors course, advanced placement course, international baccalaureate course, or dual credit course described by Section 28.025(e)(2)(B) completed by a student.

(b) A school district shall use the standard method developed under this section to compute a student's high school grade point average, and the student's grade point average computed in that manner shall be used in determining the student's eligibility for automatic college admission under Section 51.803.

(b-1) Subsection (b) applies only to students entering grade nine during or after the 2007-2008 school year. This subsection expires September 1, 2010.

(c) The commissioner may adopt rules necessary to implement this section.

SECTION 3. Section 28.026, Education Code, is amended to read as follows:

Sec. 28.026. NOTICE OF AUTOMATIC COLLEGE ADMISSION. (a) The board of trustees of a school district shall require each high school in the district to post appropriate signs in each counselor's office, in each principal's office, and in each administrative building indicating the substance of Section 51.803 regarding automatic college admission. To assist in the dissemination of this information, the school district shall:

(1) require that each high school counselor and class advisor be provided a detailed explanation of the substance of Section 51.803;

(2) provide each district student, at the time the student first registers for one or more classes required for high school graduation, with a written notification of the substance of Section 51.803;

(3) require that each high school counselor and senior class advisor explain to eligible students the substance of Section 51.803; and

(4) ~~(3)~~ provide each eligible senior student under Section 51.803, at the commencement of a class's senior year, with a written notification of the student's eligibility with a detailed explanation of the substance of Section 51.803.

(b) The commissioner shall adopt forms to use in providing notice under Subsections (a)(2) and (4). In providing notice under Subsection (a)(2) or (4), a school district shall use the appropriate form adopted by the commissioner.

(c) The commissioner shall adopt procedures to ensure that, as soon as practicable after this subsection becomes law, each school district provides written notification of the substance of Section 51.803, as amended by the 79th Legislature, Regular Session, 2005, to each district student who, for the 2005-2006 school year, registers for the first time for one or more courses required for high school graduation. The commissioner may adopt rules under this subsection in the manner provided by law for emergency rules. Each district shall comply with the procedures adopted by the commissioner under this subsection. This subsection expires September 1, 2006.

SECTION 4. Sections 51.803 and 51.807, Education Code, are amended to read as follows:

Sec. 51.803. AUTOMATIC ADMISSION: ALL INSTITUTIONS. (a) Each general academic teaching institution shall admit an applicant for admission to the institution as an undergraduate student if the applicant graduated with a grade point average in the top 10 percent of the student's high school graduating class in one of the two school years preceding the academic year for which the applicant is applying for admission and:

(1) the applicant graduated from a public or private high school in this state accredited by a generally recognized accrediting organization or from a high school operated by the United States Department of Defense;

(2) the applicant completed the curriculum requirements established under Section 28.025 for the recommended or advanced high school program, or an equivalent curriculum at a high school to which that section does not apply; and

~~(3) [— To qualify for admission under this section, an applicant must submit an application before the expiration of any application filing deadline established by the institution and,]~~ if the applicant graduated from a high school operated by the

United States Department of Defense, the applicant is ~~must be~~ a Texas resident under Section 54.052 or is ~~be~~ entitled to pay tuition fees at the rate provided for Texas residents under Section 54.058(d) for the term or semester to which admitted.

(b) To qualify for admission under this section, an applicant must submit an application before the expiration of any application filing deadline established by the institution.

(c) After admitting an applicant under this section, the institution shall review the applicant's record and any other factor the institution considers appropriate to determine whether the applicant may require additional preparation for college-level work or would benefit from inclusion in a retention program. The institution may require a student so identified to enroll during the summer immediately after the student is admitted under this section to participate in appropriate enrichment courses and orientation programs. This section does not prohibit a student who is not determined to need additional preparation for college-level work from enrolling, if the student chooses, during the summer immediately after the student is admitted under this section.

(d) Subsection (a)(2) applies beginning with admissions for the 2008-2009 academic year. Subsection (a)(2) does not apply to an applicant who graduated from a public high school that does not offer the curriculum established under Section 28.025 for the recommended or advanced high school program.

(e) An applicant who does not satisfy the curriculum requirements of Subsection (a)(2) is considered to have satisfied those requirements if the high school from which the student graduated indicates on the student's transcript that the student completed the portion of the curriculum that was available to the student but was unable to complete the curriculum solely because courses necessary to complete the curriculum were unavailable to the student at the appropriate times in the student's high school career as a result of course scheduling, lack of enrollment capacity, or another cause not within the student's control.

Sec. 51.807. RULEMAKING. (a) The Texas Higher Education Coordinating Board may adopt rules relating to the operation of admissions programs under this subchapter, including rules relating to the identification of eligible students and the reporting requirements of Section 51.806.

(b) The Texas Higher Education Coordinating Board after consulting with the Texas Education Agency by rule shall establish standards for determining for purposes of this subchapter:

(1) whether a private high school is accredited by a generally recognized accrediting organization; and

(2) whether a person completed a high school curriculum that is equivalent to the curriculum established under Section 28.025 for the recommended or advanced high school program.

SECTION 5. (a) The Texas Education Agency shall conduct a study to determine the feasibility of requiring school districts to provide high school seniors with an elective class period during the school day to enable the student to:

(1) research colleges and major areas of study;

(2) work with guidance counselors in preparing college applications, admission essays, and financial aid applications; and

(3) search for scholarships and financial aid options.

(b) In conducting the study required by this section, the Texas Education Agency shall survey the current practices of school districts in this state and determine the best practices relating to college application assistance for high school seniors.

(c) Not later than December 1, 2006, the Texas Education Agency shall submit a report on the results of the study required by this section to the governor, the lieutenant governor, and the legislature.

SECTION 6. The State Board of Education shall adopt the uniform transcript form required by Section 28.025(e), Education Code, as amended by this Act, as soon as practicable after the effective date of this Act, and not later than January 1, 2006. A school district shall use the form beginning with the 2006-2007 school year.

SECTION 7. This Act takes effect September 1, 2005.

The amendment was read.

Senator Duncan offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to **SB 333** as follows:

(1) In SECTION 4 of the proposed floor substitute, at the end of amended Section 51.807, Education Code (page 6, between lines 14 and 15), insert the following:

(c) The Texas Education Agency by rule shall prescribe criteria for determining whether a person completed a significant portion of any honors, advanced placement, international baccalaureate, or college-level dual credit courses available to the person at the person's high school for purposes of Section 51.805(b).

(2) Add the following appropriately numbered SECTIONS to the proposed floor substitute and renumber subsequent SECTIONS of the proposed floor substitute appropriately:

SECTION __. Section 51.805(b), Education Code, is amended to read as follows:

(b) The general academic teaching institution, after admitting students under Sections 51.803 and 51.804, shall admit other applicants for admission as undergraduate students, giving priority to those applicants who completed a significant portion of any honors, advanced placement, international baccalaureate, or college-level dual credit courses available to the applicant at the applicant's high school. It is the intent of the legislature that all institutions of higher education pursue academic excellence by considering students' academic achievements in decisions related to admissions. Because of changing demographic trends, diversity, and population increases in the state, each general academic teaching institution shall also consider all of, any of, or a combination of the following socioeconomic indicators or factors in making first-time freshman admissions decisions:

(1) the applicant's academic record;

(2) the socioeconomic background of the applicant, including the percentage by which the applicant's family is above or below any recognized measure of poverty, the applicant's household income, and the applicant's parents' level of education;

- (3) whether the applicant would be the first generation of the applicant's family to attend or graduate from an institution of higher education;
- (4) whether the applicant has bilingual proficiency;
- (5) the financial status of the applicant's school district;
- (6) the performance level of the applicant's school as determined by the school accountability criteria used by the Texas Education Agency;
- (7) the applicant's responsibilities while attending school, including whether the applicant has been employed, whether the applicant has helped to raise children, or other similar factors;
- (8) the applicant's region of residence;
- (9) whether the applicant is a resident of a rural or urban area or a resident of a central city or suburban area in the state;
- (10) the applicant's performance on standardized tests;
- (11) the applicant's performance on standardized tests in comparison with that of other students from similar socioeconomic backgrounds;
- (12) whether the applicant attended any school while the school was under a court-ordered desegregation plan;
- (13) the applicant's involvement in community activities;
- (14) the applicant's extracurricular activities;
- (15) the applicant's commitment to a particular field of study;
- (16) the applicant's personal interview;
- (17) the applicant's admission to a comparable accredited out-of-state institution; and
- (18) any other consideration the institution considers necessary to accomplish the institution's stated mission.

SECTION __. The changes in law made by this Act to Section 51.805(b), Education Code, apply beginning with admissions for the 2008-2009 academic year.

The amendment to Floor Amendment No. 1 to **SB 333** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2 except as follows:

Absent-excused: Carona.

Senator Janek offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 3

Amend Floor Amendment No. 1 to **SB 333** as follows:

(1) In SECTION 1 of the bill, in amended Section 51.803, Education Code (page 4, line 12), strike "Each" and substitute "Subject to Subsection (f), each [~~Each~~]".

(2) In SECTION 1 of the bill, at the end of amended Section 51.803, Education Code (page 6, between lines 1 and 2), insert the following:

(f) A general academic teaching institution shall reserve for admissions under Subsection (a) not less than 50 percent of the institution's enrollment capacity designated for first-time undergraduate students. Subsection (a) does not apply to the portion of the institution's enrollment capacity designated for first-time undergraduate students that is not reserved for admissions under Subsection (a). If the number of

applicants who qualify for automatic admission to a general academic teaching institution under Subsection (a) exceeds the number of spaces reserved under this subsection by the institution for admissions under Subsection (a), the institution shall:

(1) offer admission to those applicants by percentile rank according to graduating class standing based on grade point average, beginning with the top percentile rank, until a sufficient number of applicants have accepted admission offers to fill those spaces reserved by the institution under this subsection for admissions under Subsection (a), except that the institution must offer admission to all applicants with the same percentile rank; and

(2) after offering admission to applicants under Subdivision (1), consider any remaining applicants qualified for automatic admission under Subsection (a) in the same manner as other applicants for admission as first-time freshmen students in accordance with Section 51.805.

The amendment was read.

On motion of Senator West, Floor Amendment No. 3 to Floor Amendment No. 1 to **SB 333** was tabled by the following vote: Yeas 15, Nays 13.

Yeas: Averitt, Barrientos, Deuell, Duncan, Ellis, Eltife, Gallegos, Lucio, Madla, Ogden, Shapleigh, Staples, Van de Putte, West, Whitmire.

Nays: Armbrister, Brimer, Estes, Fraser, Jackson, Janek, Lindsay, Nelson, Seliger, Shapiro, Wentworth, Williams, Zaffirini.

Absent: Harris, Hinojosa.

Absent-excused: Carona.

Question recurring on the adoption of Floor Amendment No. 1 to **SB 333**, the amendment as amended was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 as amended except as follows:

Nays: Barrientos, Shapleigh.

Absent-excused: Carona.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 4

Amend **SB 333** (Senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION ____. Section 33.007(b), Education Code, is amended to read as follows:

(b) During the first school year a student is enrolled in a high school or at the high school level in an open-enrollment charter school, and again during a student's senior year, a counselor shall provide information about higher education to the student and the student's parent or guardian. The information must include information regarding:

(1) the importance of higher education;

(2) the advantages of completing the recommended or advanced high school program adopted under Section 28.025(a);

(3) the disadvantages of taking courses to prepare for a high school equivalency examination relative to the benefits of taking courses leading to a high school diploma;

(4) financial aid eligibility;

(5) instruction on how to apply for federal financial aid;

(6) the center for financial aid information established under Section 61.0776;

~~[(7) the automatic admission of certain students to general academic teaching institutions as provided by Section 51.803;] and~~

~~[(8)] the eligibility and academic performance requirements for the TEXAS Grant as provided by Subchapter M, Chapter 56[as added by Chapter 1590, Acts of the 76th Legislature, Regular Session, 1999].~~

SECTION ____. The heading to Section 51.805, Education Code, is amended to read as follows:

Sec. 51.805. UNDERGRADUATE ~~[OTHER]~~ ADMISSIONS.

SECTION ____. Sections 51.805(a) and (b), Education Code, are amended to read as follows:

(a) ~~[A graduating student who does not qualify for admission under Section 51.803 or 51.804 may apply to any general academic teaching institution.~~

~~[(b) The general academic teaching institution, after admitting students under Sections 51.803 and 51.804, shall admit other applicants for admission as undergraduate students.]~~ It is the intent of the legislature that all institutions of higher education pursue academic excellence by considering students' academic achievements in decisions related to admissions.

(b) Because of changing demographic trends, diversity, and population increases in the state, each general academic teaching institution shall also consider all of, any of, or a combination of the following socioeconomic indicators or factors in making first-time freshman admissions decisions:

(1) the applicant's academic record;

(2) the socioeconomic background of the applicant, including the percentage by which the applicant's family is above or below any recognized measure of poverty, the applicant's household income, and the applicant's parents' level of education;

(3) whether the applicant would be the first generation of the applicant's family to attend or graduate from an institution of higher education;

(4) whether the applicant has bilingual proficiency;

(5) the financial status of the applicant's school district;

(6) the performance level of the applicant's school as determined by the school accountability criteria used by the Texas Education Agency;

(7) the applicant's responsibilities while attending school, including whether the applicant has been employed, whether the applicant has helped to raise children, or other similar factors;

(8) the applicant's region of residence;

(9) whether the applicant is a resident of a rural or urban area or a resident of a central city or suburban area in the state;

(10) the applicant's performance on standardized tests;

(11) the applicant's performance on standardized tests in comparison with that of other students from similar socioeconomic backgrounds;

(12) whether the applicant attended any school while the school was under a court-ordered desegregation plan;

(13) the applicant's involvement in community activities;

(14) the applicant's extracurricular activities;

(15) the applicant's commitment to a particular field of study;

(16) the applicant's personal interview;

(17) the applicant's admission to a comparable accredited out-of-state institution; and

(18) any other consideration the institution considers necessary to accomplish the institution's stated mission.

SECTION _____. Section 51.806, Education Code, is amended to read as follows:

Sec. 51.806. REPORT TO COORDINATING BOARD. Each general academic teaching institution shall provide a report annually to the Texas Higher Education Coordinating Board describing the composition of the entering class of students admitted under this subchapter. The report must ~~shall~~ include a demographic breakdown, including a breakdown by race, ethnicity, and economic status, of the students admitted under this subchapter ~~[Sections 51.803, 51.804, and 51.805]~~.

SECTION _____. Section 51.842(a), Education Code, is amended to read as follows:

(a) A graduate or professional program of a general academic teaching institution or medical or dental unit may consider the following factors in making an admissions or scholarship decision for admissions into or competitive scholarships for the graduate or professional program:

(1) an applicant's academic record as a high school student and undergraduate student;

(2) the socioeconomic background of the applicant while the applicant attended elementary and secondary school and was an undergraduate student, including any change in that background;

(3) whether the applicant would be the first generation of the applicant's family to attend or graduate from an undergraduate program or from a graduate or professional program;

(4) whether the applicant has multilingual proficiency;

(5) the applicant's responsibilities while attending elementary and secondary school and as an undergraduate student, including whether the applicant was employed, whether the applicant helped to raise children, and other similar factors;

(6) to achieve geographic diversity, the applicant's region of residence at the time of application and, if the applicant graduated from a public high school in this state within the preceding 20 years, the region in which the applicant's school district is located;

(7) the applicant's involvement in community activities;

(8) the applicant's demonstrated commitment to a particular field of study;

(9) for admission into a professional program, the current comparative availability of members of that profession in the applicant's region of residence while the applicant attended elementary and secondary school;

~~[(10) whether the applicant was automatically admitted to a general academic teaching institution as an undergraduate student under Section 51.803;]~~ and

(10) [(11)] the applicant's personal interview.

SECTION ____. Sections 28.026, 51.803, 51.804, and 51.8045, Education Code, are repealed.

SECTION ____. The change in law made by this Act applies beginning with admissions to a general academic teaching institution for the 2006-2007 academic year. Admissions for an academic period preceding that academic year are covered by the law in effect immediately before the effective date of this Act, and the prior law is continued in effect for that purpose.

SECTION ____. This Act takes effect September 1, 2005.

The amendment was read.

Senator Wentworth withdrew Floor Amendment No. 4.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 5

Amend **SB 333** (Senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION ____. Section 33.007(b), Education Code, is amended to read as follows:

(b) During the first school year a student is enrolled in a high school or at the high school level in an open-enrollment charter school, and again during a student's senior year, a counselor shall provide information about higher education to the student and the student's parent or guardian. The information must include information regarding:

- (1) the importance of higher education;
- (2) the advantages of completing the recommended or advanced high school program adopted under Section 28.025(a);
- (3) the disadvantages of taking courses to prepare for a high school equivalency examination relative to the benefits of taking courses leading to a high school diploma;
- (4) financial aid eligibility;
- (5) instruction on how to apply for federal financial aid;
- (6) the center for financial aid information established under Section 61.0776;

~~[(7) the automatic admission of certain students to general academic teaching institutions as provided by Section 51.803;]~~ and

(7) [(8)] the eligibility and academic performance requirements for the TEXAS Grant as provided by Subchapter M, Chapter 56~~[, as added by Chapter 1590, Acts of the 76th Legislature, Regular Session, 1999]~~.

SECTION ____. The heading to Section 51.805, Education Code, is amended to read as follows:

Sec. 51.805. UNDERGRADUATE ~~[OTHER]~~ ADMISSIONS.

SECTION ____ . Sections 51.805(a) and (b), Education Code, are amended to read as follows:

(a) ~~[A graduating student who does not qualify for admission under Section 51.803 or 51.804 may apply to any general academic teaching institution.~~

~~[(b) The general academic teaching institution, after admitting students under Sections 51.803 and 51.804, shall admit other applicants for admission as undergraduate students.]~~ It is the intent of the legislature that:

(1) all institutions of higher education pursue academic excellence by considering students' academic achievements in decisions related to admissions; and

(2) each institution of higher education exercise primary control over the admission of students to the institution and its programs.

(b) Because the uniqueness of individual applicants for admissions to institutions of higher education cannot be measured by a single factor and because [of] changing demographic trends, diversity, and population increases in the state require the use of a holistic approach to the evaluation of applications for admission to those institutions, each general academic teaching institution shall also consider all of, any of, or a combination of the following socioeconomic indicators or factors in making first-time freshman admissions decisions:

(1) the applicant's academic record;

(2) the socioeconomic background of the applicant, including the percentage by which the applicant's family is above or below any recognized measure of poverty, the applicant's household income, and the applicant's parents' level of education;

(3) whether the applicant would be the first generation of the applicant's family to attend or graduate from an institution of higher education;

(4) whether the applicant has bilingual proficiency;

(5) the financial status of the applicant's school district;

(6) the performance level of the applicant's school as determined by the school accountability criteria used by the Texas Education Agency;

(7) the applicant's responsibilities while attending school, including whether the applicant has been employed, whether the applicant has helped to raise children, or other similar factors;

(8) the applicant's region of residence;

(9) whether the applicant is a resident of a rural or urban area or a resident of a central city or suburban area in the state;

(10) the applicant's performance on standardized tests;

(11) the applicant's performance on standardized tests in comparison with that of other students from similar socioeconomic backgrounds;

(12) whether the applicant attended any school while the school was under a court-ordered desegregation plan;

(13) the applicant's involvement in community activities;

(14) the applicant's extracurricular activities;

(15) the applicant's commitment to a particular field of study;

(16) the applicant's personal interview;

(17) the applicant's admission to a comparable accredited out-of-state institution; and

(18) any other consideration the institution considers necessary to accomplish the institution's stated mission.

SECTION ____. Section 51.806, Education Code, is amended to read as follows:

Sec. 51.806. REPORT TO COORDINATING BOARD. Each general academic teaching institution shall provide a report annually to the Texas Higher Education Coordinating Board describing the composition of the entering class of students admitted under this subchapter. The report must ~~shall~~ include a demographic breakdown, including a breakdown by race, ethnicity, and economic status, of the students admitted under this subchapter ~~[Sections 51.803, 51.804, and 51.805]~~.

SECTION ____. Section 51.842(a), Education Code, is amended to read as follows:

(a) A graduate or professional program of a general academic teaching institution or medical or dental unit may consider the following factors in making an admissions or scholarship decision for admissions into or competitive scholarships for the graduate or professional program:

(1) an applicant's academic record as a high school student and undergraduate student;

(2) the socioeconomic background of the applicant while the applicant attended elementary and secondary school and was an undergraduate student, including any change in that background;

(3) whether the applicant would be the first generation of the applicant's family to attend or graduate from an undergraduate program or from a graduate or professional program;

(4) whether the applicant has multilingual proficiency;

(5) the applicant's responsibilities while attending elementary and secondary school and as an undergraduate student, including whether the applicant was employed, whether the applicant helped to raise children, and other similar factors;

(6) to achieve geographic diversity, the applicant's region of residence at the time of application and, if the applicant graduated from a public high school in this state within the preceding 20 years, the region in which the applicant's school district is located;

(7) the applicant's involvement in community activities;

(8) the applicant's demonstrated commitment to a particular field of study;

(9) for admission into a professional program, the current comparative availability of members of that profession in the applicant's region of residence while the applicant attended elementary and secondary school;

~~[(10) whether the applicant was automatically admitted to a general academic teaching institution as an undergraduate student under Section 51.803;]~~ and

(10) ~~[(11)]~~ the applicant's personal interview.

SECTION ____. Sections 28.026, 51.803, 51.804, and 51.8045, Education Code, are repealed.

SECTION _____. The change in law made by this Act applies beginning with admissions to a general academic teaching institution for the 2006-2007 academic year. Admissions for an academic period preceding that academic year are covered by the law in effect immediately before the effective date of this Act, and the prior law is continued in effect for that purpose.

SECTION _____. This Act takes effect September 1, 2005.

The amendment was read.

On motion of Senator West, Floor Amendment No. 5 to **SB 333** was tabled by the following vote: Yeas 16, Nays 12.

Yeas: Averitt, Barrientos, Deuell, Duncan, Ellis, Eltife, Gallegos, Lucio, Madla, Ogden, Shapleigh, Staples, Van de Putte, West, Whitmire, Zaffirini.

Nays: Armbrister, Brimer, Estes, Fraser, Jackson, Janek, Lindsay, Nelson, Seliger, Shapiro, Wentworth, Williams.

Absent: Harris, Hinojosa.

Absent-excused: Carona.

On motion of Senator West and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 333 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Carona.

SENATE BILL 333 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 333** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Armbrister, Averitt, Barrientos, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Staples, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Brimer, Wentworth.

Absent: Harris, Hinojosa.

Absent-excused: Carona.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 333**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The

suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 333** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 27, Nays 1.

Nays: Brimer.

Absent: Harris, Hinojosa.

Absent-excused: Carona.

GUEST PRESENTED

Senator Gallegos was recognized and introduced to the Senate his staff member, Meredith Thompson, who is leaving his employment today.

The Senate welcomed its guest.

SENATE RULE 11.10(a) SUSPENDED (Public Notice of Committee Meetings)

On motion of Senator Van de Putte and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Veteran Affairs and Military Installations might meet today.

IN REMEMBRANCE OF THE HONORABLE JOE MORENO

Senators Barrientos, Ellis, Gallegos, Lucio, Van de Putte, and Whitmire were recognized by the President for remarks in memory of the Honorable Joe Moreno of Houston, who died today in an automobile accident.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 799 by Brimer, Commending Tom Annunziato of Aledo for his service as an optometrist and a community leader.

SR 800 by Whitmire, Recognizing M. L. Jackson for his service to Bethlehem Missionary Baptist Church in Houston.

SR 801 by Averitt, Recognizing the Texas Society of Psychiatric Physicians on the occasion of its 50th anniversary.

SR 803 by Lucio, Congratulating Eduardo Roberto Rodriguez for being elected president of the State Bar of Texas.

SR 805 by Lucio, Recognizing all partners involved with the Careers in Justice project.

SR 806 by Barrientos, Recognizing Jimmy Williams on the occasion of his retirement.

RECESS

On motion of Senator Whitmire, the Senate at 6:28 p.m. recessed, in memory of the Honorable Joe Moreno of Houston, Henry Romo of San Antonio, and Jewelle Frances Coursey Montford, mother of Senator John Montford, until 5:00 p.m. Sunday, May 8, 2005.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 6, 2005

JURISPRUDENCE — **CSHB 202**

HEALTH AND HUMAN SERVICES — **CSSB 107, CSHB 1544**

INTERGOVERNMENTAL RELATIONS — **SB 1877** (Amended), **CSHB 214**

BUSINESS AND COMMERCE — **CSHB 1018, CSHB 1130**

INTERNATIONAL RELATIONS AND TRADE — **HCR 13, HB 775**

TRANSPORTATION AND HOMELAND SECURITY — **SB 921, CSSB 1073, SB 1762, HB 1009, HB 2453**

ADMINISTRATION — **HCR 71, HB 1011**

HEALTH AND HUMAN SERVICES — **CSSB 1869**

INTERGOVERNMENTAL RELATIONS — **CSHB 2892**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 1818, CSHB 1646, CSSB 1251**

NATURAL RESOURCES — **HB 951** (Amended)

EDUCATION — **CSSB 1452, CSSB 1780, CSSB 1809, SB 1883**

NATURAL RESOURCES — **HB 828, HB 1097, HB 1229, HB 1540, HB 2313**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 322**

FINANCE — **CSHB 3, CSSJR 38**

JURISPRUDENCE — **CSSB 1704**

STATE AFFAIRS — **CSHB 7, HB 350, HB 417, HB 654, HB 655, HB 1562**

