

SEVENTY-SECOND DAY

WEDNESDAY, MAY 18, 2005

PROCEEDINGS

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by Senator Armbrister.

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, Madla, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Staples, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Lucio.

The Presiding Officer announced that a quorum of the Senate was present.

The Reverend Bill Clark, Westminster Presbyterian Church, Austin, offered the invocation as follows:

God of the universe, God of nations and provinces, God of the State of Texas, God of big city and small town, God of rich, poor, and middle class, God of the Democrats and the Republicans, You have entrusted a portion of Your kingdom to the governance of this legislative body. Equip these Senators to be faithful stewards of their duties. Grant them wisdom and courage, compassion and common sense as they carry out their responsibilities. Take the activities of this Senate, the bills, the amendments, the routine business, the heated debates, that which is discussed publicly on the floor and that which is uttered privately behind closed doors, and use them ultimately for the benefit of all Your people in this vast and great State of Texas. We ask that these things we bring and do on this day may somehow bring glory to Your holy and wonderful name in which we pray today. 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.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Lucio was granted leave of absence for today on account of important business.

CO-SPONSOR OF HOUSE BILL 544

On motion of Senator Zaffirini, Senator Van de Putte will be shown as Co-sponsor of **HB 544**.

CO-SPONSOR OF HOUSE BILL 677

On motion of Senator Wentworth, Senator Van de Putte will be shown as Co-sponsor of **HB 677**.

CO-SPONSOR OF HOUSE BILL 2080

On motion of Senator Fraser, Senator Averitt will be shown as Co-sponsor of **HB 2080**.

CO-SPONSOR OF HOUSE BILL 2463

On motion of Senator Janek, Senator Lucio will be shown as Co-sponsor of **HB 2463**.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 18, 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:

HCR 206, Congratulating the Houston Lawyers Association on their 50th Anniversary.

HCR 207, Honoring Dilly Mendoza of Austin for her outstanding tenure as captain's secretary for the Department of Public Safety Capitol Detail.

SB 46, Relating to the establishment of a method to integrate benefits issuance and recipient identification for health and human services programs.

SB 48, Relating to reporting requirements for convalescent and nursing homes and related institutions.
(Committee Substitute)

SB 310, Relating to certain diseases or illnesses suffered by firefighters and emergency medical technicians.
(Committee Substitute)

SB 495, Relating to the fee paid to the attorney general for examining the record of proceedings authorizing the issuance of a public security or related credit agreement.
(Committee Substitute)

SB 1330, Relating to the immunization of elderly persons by certain health care facilities.

(Amended)

SB 1787, Relating to the designation and duties of the state historian.

THE HOUSE HAS CONCURRED IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 282 (non-record vote)

HB 340 (136 Yeas, 0 Nays, 1 Present, not voting)

HB 404 (128 Yeas, 0 Nays, 1 Present, not voting)

HB 755 (non-record vote)

HB 951 (non-record vote)

HB 2565 (non-record vote)

HB 2892 (non-record vote)

THE HOUSE HAS REFUSED TO CONCUR IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 836 (non-record vote)

House Conferees: Gattis - Chair/Hopson/Paxton/Rose/Van Arsdale

HB 1077 (non-record vote)

House Conferees: Crabb - Chair/Cook, Robby/Deshotel/King, Phil/Talton

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 1103 (non-record vote)

House Conferees: Hughes - Chair/Crabb/Crownover/Farabee/West, George "Buddy"

SB 1670 (non-record vote)

House Conferees: Callegari - Chair/Deshotel/Escobar/Krusee/Taylor

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

HB 1528

Point of order sustained due to non-germane Senate amendments. Returned to Senate for further action.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Van de Putte was recognized and presented Dr. David Schneider of San Antonio as the Physician of the Day.

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

SENATE RESOLUTION 900

Senator Averitt offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Jeremy Wariner of Grand Prairie for earning two gold medals at the 2004 Olympic Games in Athens, Greece; and

WHEREAS, Jeremy led the United States team to its first sweep in the 400 meters since 1988 and won with a time of 44.00 seconds, the fastest time in the world in the 400 meters in 2004; he also ran the third leg of the 4x400-meter relay team that won the gold medal; and

WHEREAS, Jeremy's long list of achievements leading up to the Olympics includes winning the National Collegiate Athletic Association's indoor and outdoor championships in the individual 400 meters and as a member of the 4x400-meter relay in 2004; he is currently ranked number one in the world in the 400 meters by *Track and Field News* magazine; and

WHEREAS, Demonstrating hard work, dedication, and determination, Jeremy has brought honor and distinction to his community, his state, and his country and deserves recognition for his outstanding achievement; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend Jeremy Wariner for his many outstanding athletic achievements and congratulate him on winning two gold medals at the 2004 Olympic Games; and, be it further

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

SR 900 was read.

SENATE RESOLUTION 901

Senator Averitt offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Darold Williamson of Waco for earning a gold medal at the 2004 Olympic Games in Athens, Greece; and

WHEREAS, A member of the United States men's 4x400-meter relay team, Darold ran the anchor leg of the relay and clinched the team's gold medal with his outstanding performance; and

WHEREAS, Darold's many achievements over the years leading up to the Athens Olympics include winning the World Junior 400-meter championship, the 400-meter championship in the Big 12 Conference, and the 200-meter and 400-meter high school championships, as well as three National Collegiate Athletic Association relay titles; and

WHEREAS, Exhibiting hard work, dedication, and perseverance, Darold has brought honor to his community, his state, and his country, and he is truly worthy of legislative recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend Darold Williamson for his many outstanding athletic achievements and congratulate him on winning a gold medal at the 2004 Olympic Games; and, be it further

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

SR 901 was read.

SENATE RESOLUTION 939

Senator Averitt offered the following resolution:

WHEREAS, Head coach and assistant athletic director Clyde Hart of Baylor University has established one of the premier track and field programs in the nation; and

WHEREAS, A 1956 graduate of Baylor University, Coach Hart has coached 466 All-American athletes during his 42-year career at Baylor; his men's team consistently places in the NCAA's Top 10, and the women's squad regularly generates NCAA All-Americans as well as national and conference champions; and

WHEREAS, Known for producing multiple Olympic gold medal winners, Coach Hart trained world-renowned athlete Michael Johnson, who won gold in the individual 400-meter race at the 1996 and 2000 Summer Olympics; he was followed by Jeremy Wariner, who earned gold in the 400-meter individual race and then won the 1,600-meter relay with Baylor teammate Darold Williamson at the 2004 Summer Olympics; and

WHEREAS, Coach Hart has been named the 1996 and 2004 Coach of the Year by the U.S. Olympic Committee, the 1989 and 1996 NCAA Indoor Coach of the Year, and the 2004 Nike Coach of the Year by USA Track and Field; he has been inducted into the USA Track and Field Coaches Association Hall of Fame, the Texas Sports Hall of Fame, and the Baylor University Hall of Fame and Wall of Honor; and

WHEREAS, For his many achievements, Coach Hart became the first living person to have a facility named after him at Baylor, where the track team competes in the Hart-Patterson Track and Field Complex; a man who possesses a remarkable combination of experience, knowledge, and motivational expertise, Coach Hart brings out the best in his athletes, and he makes immeasurable contributions to their abilities to compete and win at the highest levels; now, therefore, be it

RESOLVED, That the Senate of the 79th Texas Legislature hereby commend Coach Clyde Hart for his unparalleled success as the track and field head coach at Baylor University and extend to him best wishes for the future; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Coach Hart as an expression of high regard by the Texas Senate.

SR 939 was read.

SR 900, SR 901, and SR 939 were adopted without objection.

GUESTS PRESENTED

Senator Averitt was recognized and introduced to the Senate Jeremy Wariner of Grand Prairie and Darold Williamson of Waco, gold medal winners at the 2004 Olympic Games in Athens, accompanied by Coach Clyde Hart.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate third- and fourth-grade students from Mary Jane Sims Elementary School in Austin, accompanied by their teachers and sponsors.

The Senate welcomed its guests.

SENATE RESOLUTION 942

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the SolarD Team of The University of Texas at Austin for its outstanding achievement in the ongoing Solar Decathlon competition; and

WHEREAS, Finding ways to utilize alternative sources of energy is essential in a time of diminishing resources; the Solar Decathlon challenges university teams to design and build a solar-powered house to compete in ten events that will evaluate the ingenuity, energy efficiency and architecture of the house; and

WHEREAS, The SolarD Team is guided by the faculty and students of the School of Architecture of The University of Texas at Austin, and is constructing its house using energy-efficient technologies and sustainable building materials; and

WHEREAS, In a competition sponsored by BP Solar International, Incorporated, the team won free photovoltaic panels for its house because its design most successfully integrated the panels into the design of the house; and

WHEREAS, The SolarD Team and other competitors in the Solar Decathlon and companies like BP Solar International, Incorporated, are hastening the day solar energy is a viable alternative to traditional energy resources; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby congratulate the SolarD Team of The University of Texas at Austin for winning the BP Solar International, Incorporated, competition and extend to team members best wishes for success in the upcoming Solar Decathlon competition in Washington, D.C.; and, be it further

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

SR 942 was read and was adopted without objection.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate student representatives of the SolarD Team of The University of Texas at Austin, accompanied by their teachers.

The Senate welcomed its guests.

BILLS AND RESOLUTIONS SIGNED

The Presiding Officer, Senator Armbrister in Chair, announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

SB 248, SB 403, SB 1471, SB 1472, HB 25, HB 70, HB 102, HB 162, HB 340, HB 364, HB 373, HB 404, HB 417, HB 595, HB 654, HB 655, HB 749, HB 755, HB 828, HB 894, HB 912, HB 937, HB 982, HB 1007, HB 1009, HB 1011, HB 1018, HB 1088, HB 1130, HB 1174, HB 1182, HB 1229, HB 1326, HB 1501, HB 1562, HB 1686, HB 1817, HB 1935, HB 2231, HB 2892, HB 2961, HB 2962, HCR 13, HCR 71, HCR 111, HCR 124, HCR 168.

SENATE RESOLUTION 941

Senator Lindsay offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize members of the Texas National MATHCOUNTS Championship Team, who won the title at the national competition held in Detroit, Michigan, on May 6, 2005; and

WHEREAS, The winning Texas team members represented Sugar Land Schools and included eighth-grader Mark Zhang, eighth-grader Dennis Mou, and seventh-grader Jeffrey Chan, from Fort Settlement Middle School, and sixth-grader Kevin Chen, from First Colony Middle School; they were expertly coached by Jeff Boyd, who sponsors teams from both schools; and

WHEREAS, In the individual competition, Mark Zhang, who had placed first in individual rounds at the Texas state competition and achieved a perfect score on the written exam, placed second nationally; and

WHEREAS, MATHCOUNTS is a nationwide mathematics enrichment and competition program open to sixth, seventh, and eighth grade students; the top 228 competitors, or Mathletes, at the national level represent more than 500,000 middle school students around the country who used MATHCOUNTS materials to improve their mathematics skills; and

WHEREAS, Skills in mathematics are critical to success in almost every profession in today's workplace; these fine young students and their coach have demonstrated exceptional dedication and commitment in achieving their goals, and they bring great honor to themselves, their schools, and to this state; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby congratulate members of the Texas National MATHCOUNTS Championship Team for its academic achievements and extend to them best wishes for success in all their future endeavors; and, be it further

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

SR 941 was read and was adopted without objection.

GUESTS PRESENTED

Senator Lindsay was recognized and introduced to the Senate members of the 2005 Texas National MATHCOUNTS Team: Mark Zhang, Kevin Chen, Jeffrey Chan, and Dennis Mou, accompanied by their coach, Jeffrey Boyd.

The Senate welcomed its guests.

SENATE RESOLUTION 940

Senator Averitt offered the following resolution:

WHEREAS, The Texas Society of Psychiatric Physicians has been the professional organization in Texas representing psychiatry since 1956 and will celebrate its 50th Anniversary in 2006; and

WHEREAS, The Texas Society of Psychiatric Physicians is recognized for its role in defining quality psychiatric care for patients in Texas in all practice settings, including both the private and public sectors; and

WHEREAS, The Texas Society of Psychiatric Physicians has encouraged and supported the active involvement of patient and mental health advocacy organizations in the public policy arena through the establishment and nurturing of the Mental Illness Awareness Coalition; and

WHEREAS, The Texas Society of Psychiatric Physicians has taken a leadership role in educating policymakers and the general public about mental illnesses and psychiatric treatments; and

WHEREAS, The Texas Society of Psychiatric Physicians has been since 1986 the first and only medical specialty society in Texas accredited for continuing medical education by the Texas Medical Association; and

WHEREAS, The Texas Society of Psychiatric Physicians is recognized for its leadership role in providing quality continuing medical education for its members and other physicians in Texas; and

WHEREAS, The Texas Society of Psychiatric Physicians has consistently advocated for the interests of patients and the eradication of discrimination and stigma against persons with psychiatric illnesses; and

WHEREAS, The Texas Society of Psychiatric Physicians has had a long and effective participation in the legislative process and been proactive in advancing quality medical and psychiatric care for the citizens of Texas based on the latest advances in science; and

WHEREAS, The Texas Society of Psychiatric Physicians helped in the establishment of the Legislative Mental Health Awareness Group, a group of legislators with an interest in better understanding mental illness and its treatment; and

WHEREAS, The Texas Society of Psychiatric Physicians is recognized for its role in encouraging the establishment of the Federation of Texas Psychiatry, an umbrella organization that will bring together medical organizations in Texas representing some 50,000 physicians to form a united voice advocating for patients and quality psychiatric care; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend the Texas Society of Psychiatric Physicians for bringing together many diverse groups of physicians, patients, and mental health advocacy organizations in the service of the mental health of Texans of all walks of life; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of the Texas Society of Psychiatric Physicians' 50 years of service to Texas and as an expression of esteem from the Texas Senate.

SR 940 was read and was adopted without objection.

GUESTS PRESENTED

Senator Averitt was recognized and introduced to the Senate Gary Etter, President, Texas Society of Psychiatric Physicians; Clay Sawyer, Past President; and John Bush, Executive Director.

The Senate welcomed its guests.

HOUSE BILL 1733 REREFERRED

Senator Jackson submitted a Motion In Writing requesting that **HB 1733** be withdrawn from the Subcommittee on Agriculture and Coastal Resources and rereferred to the Committee on Natural Resources.

The Motion In Writing prevailed without objection.

HOUSE BILL 1767 REREFERRED

Senator Jackson submitted a Motion In Writing requesting that **HB 1767** be withdrawn from the Subcommittee on Agriculture and Coastal Resources and rereferred to the Committee on Natural Resources.

The Motion In Writing prevailed without objection.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The Presiding Officer, Senator Armbrister in Chair, announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Lindsay.

Senator Lindsay moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The Presiding Officer asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

Members, Parks and Wildlife Commission: J. Robert Brown, El Paso County; T. Dan Friedkin, Harris County; Peter M. Holt, Blanco County; John D. Parker, Angelina County.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Lindsay submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Members, Texas Department of Housing and Community Affairs Board: C. Kent Conine, Collin County; Patrick R. Gordon, El Paso County.

Members, Correctional Managed Health Care Committee: Jean M. Frazier, Bexar County; Desmar Walkes, M.D., Bastrop County.

Members, Texas Guaranteed Student Loan Corporation Board of Directors: Phil Diebel, Denton County; Sade Johnson, Harris County; Jane B. Phipps, Bexar County; Dora Ann Verde, Bexar County.

Members, Texas Historical Commission: Earl Broussard, Jr., Travis County; Diane Bumpas, Dallas County; Donna D. Carter, Travis County; Sara Armstrong "Sarita" Hixon, Harris County; Thomas R. Phillips, Bastrop County; Marcus Warren Watson, Dallas County.

Members, State Commission on Judicial Conduct: Michael R. Fields, Harris County; Monica A. Gonzalez, Bexar County; William A. "Buck" Prewitt III, Llano County.

Member, Texas Juvenile Probation Commission: Jean Boyd, Tarrant County.

Members, Motor Vehicle Board of the Texas Department of Transportation: Mike Arismendez, Jr., Lubbock County; Jana Howden, Travis County; Cynthia Tyson Jenkins, Dallas County; Victor Thomas Vandergriff, Tarrant County.

Member, State Preservation Board: Jocelyn Levi Straus, Bexar County.

Members, Private Sector Prison Industries Oversight Authority: William B. Brod, Harris County; Suzanne Carlton Hart, Fayette County; Raymond G. Henderson, Travis County.

Presiding Officer, Product Development and Small Business Incubator Board: Mae C. Jemison, M.D., Harris County.

Members, Product Development and Small Business Incubator Board: Jose M. Amador, Hidalgo County; Michael Arlen Davis, Jr., Travis County; Richard Edward Ewing, Brazos County; Daniel Andrew Hanson, Dallas County; Neil A. Iscoe, Travis County; David Russell Margrave, Bexar County; Paul C. Maxwell, El Paso County; Harvey Rosenblum, Dallas County.

Member, State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments: Sara Ann Garza, Hidalgo County.

Members, Texas State Board of Examiners of Marriage and Family Therapists: Asa Wesley Sampson, Sr., Galveston County; Beverly Walker Womack, Cherokee County.

Members, Advisory Committee to the Texas Board of Criminal Justice on Offenders with Medical or Mental Impairments: Kevin E. Haynes, Ellis County; Christopher C. Kirk, Brazos County.

Members, Task Force on Indigent Defense: Jon H. Burrows, Bell County; Knox Fitzpatrick, Dallas County; Anthony C. "Tony" Odiorne, Wichita County.

Members, Texas Board of Physical Therapy Examiners: Melinda A. Rodriguez, Bexar County; Mary Thompson, Ph.D., Collin County.

Members, Texas Southern University Board of Regents: Robert Earl Childress, Fort Bend County; Earnest Gibson III, Harris County; Belinda M. Griffin, Collin County; Harry E. Johnson, Sr., Fort Bend County.

Member, State Board of Veterinary Medical Examiners: Patrick Mike Allen, Lubbock County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Lindsay gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate a delegation of citizens from the Boerne Chamber of Commerce.

The Senate welcomed its guests.

SENATE BILL 1273 WITH HOUSE AMENDMENTS

Senator Jackson called **SB 1273** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 1273** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the establishment of the Texas farm and ranch lands conservation program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 183, Natural Resources Code, is amended by designating Sections 183.001-183.005 as Subchapter A, Chapter 183, Natural Resources Code, and by adding a heading for that subchapter to read as follows:

SUBCHAPTER A. CONSERVATION EASEMENTS GENERALLY

SECTION 2. Chapter 183, Natural Resources Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. TEXAS FARM AND RANCH LANDS CONSERVATION PROGRAM

Sec. 183.051. PURPOSE. The purpose of the program established under this subchapter is to enable and facilitate the purchase and donation of agricultural conservation easements.

Sec. 183.052. DEFINITIONS. In this subchapter:

(1) "Agricultural conservation easement" means a conservation easement in qualified land that is designed to accomplish one or more of the following additional purposes:

(A) conserving water quality or quantity;

(B) conserving native wildlife species through protection of their habitat;

(C) conserving rare or sensitive plant species; or

(D) conserving large tracts of qualified open-space land that are threatened with fragmentation or development.

(2) "Commissioner" means the commissioner of the General Land Office.

(3) "Council" means the Texas farm and ranch lands conservation advisory council established under Section 183.061.

(4) "Fund" means the Texas farm and ranch lands conservation fund established under Section 183.058.

(5) "Land office" means the General Land Office.

(6) "Program" means the Texas farm and ranch lands conservation program established under this subchapter.

(7) "Purchase of agricultural conservation easement" means the purchase from a willing seller of an agricultural conservation easement.

(8) "Qualified easement holder" means a holder that is:

(A) a state agency or a municipality; or

(B) an organization that is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c)(3) of that code and that is organized for the purpose of preserving agriculture, open space, or natural resources.

(9) "Qualified land" means qualified open-space land, as that term is defined by Section 23.51, Tax Code.

Sec. 183.053. PROGRAM. The Texas farm and ranch lands conservation program is established as a program of the land office for the purpose of administering the assistance to be provided by the fund for the purchase of agricultural conservation easements.

Sec. 183.054. TERMS OF AGRICULTURAL CONSERVATION EASEMENT.

(a) An agricultural conservation easement under this subchapter must be perpetual or for a term of 30 years.

(b) The owner of qualified land and a potential purchaser of an agricultural conservation easement should consider and negotiate easement terms, including the following considerations:

(1) whether the landowner will receive a lump sum or annual payments;

(2) whether the term of the easement shall be perpetual or for a term of 30 years;

(3) whether a term easement is renewable;

(4) whether the landowner retains limited development rights; and

(5) the purchase price of the easement.

(c) An agricultural conservation easement may not be assigned to or enforced by a third party without the express written consent of the landowner.

Sec. 183.055. TERMINATION OF EASEMENT. (a) Any time after an agricultural conservation easement is acquired with a grant awarded under this subchapter, the landowner may request that the commissioner terminate the easement as provided by Subsection (b) on the ground that the landowner is unable to meet the conservation goals as described by Section 183.052(1). The termination request must contain a verifiable statement of impossibility.

(b) On receipt of the request for termination, the commissioner shall notify the qualified easement holder and conduct an inquiry. Not later than the 180th day after the date the commissioner receives the request, the commissioner shall notify the parties of the decision to grant or deny the request for termination. Either party may appeal the decision in district court not later than the 45th day after the date of the notification.

Sec. 183.056. REPURCHASE BY LANDOWNER. (a) In this section:

(1) "Agricultural value" means the price as of the appraisal date a buyer willing, but not obligated, to buy would pay for a farm or ranch unit with land comparable in quality and composition to the subject property, but located in the nearest location where profitable farming or ranching is feasible.

(2) "Fair market value" means the price as of the appraisal date that a buyer willing, but not obligated, to buy would pay for the land at its best and most beneficial use under any obtainable development zoning category.

(b) If a request for termination of an agricultural conservation easement is granted under Section 183.055, the commissioner shall order an appraisal of the fair market value and the agricultural value of the property subject to the easement. The landowner shall bear the cost of the appraisal.

(c) Not later than the 180th day after the date of the appraisal under Subsection (b), the landowner must pay to the fund an amount equal to the difference between the fair market value and the agricultural value.

(d) Not later than the 30th day after the date of payment under Subsection (c), the qualified easement holder shall terminate the easement.

(e) If the request for termination is denied or if the landowner fails to make the payment required by Subsection (c) in the time required by that subsection, the landowner may not submit another request for termination of the easement before the fifth anniversary of the date of the last request.

Sec. 183.057. PROTECTED LAND; NOTICE OF TAKING. (a) A department or agency of this state, a county, a municipality, another political subdivision, or a public utility may not approve any program or project that requires the use or taking through eminent domain of private land encumbered by an agricultural conservation easement purchased under this subchapter unless the governmental entity or public utility acting through its governing body or officers determines that:

(1) there is no feasible and prudent alternative to the use or taking of the land; and

(2) the program or project includes all reasonable planning to minimize harm to the land resulting from the use or taking.

(b) A determination required by Subsection (a) may be made only at a properly noticed public hearing.

(c) The governing body or officers of the governmental entity or public utility may consider clearly enunciated local preferences, and the provisions of this subchapter do not constitute a mandatory prohibition against the use of the area if the determinations required by Subsection (a) are made.

(d) A department or agency of this state, a county, a municipality, another political subdivision, or a public utility exercising the power of eminent domain in accordance with the provisions of this subchapter on land encumbered by an agricultural conservation easement purchased under this subchapter shall:

(1) pay to the fund an amount equal to the amount granted from the fund for the purchase of the easement; and

(2) pay to the landowner the fair market value less an amount equal to the amount granted from the fund for the purchase of the easement.

Sec. 183.058. TEXAS FARM AND RANCH LANDS CONSERVATION FUND. (a) The Texas farm and ranch lands conservation fund is an account in the general revenue fund that may be appropriated only to the land office to be used as provided by Subsection (b). The fund may not be used for grants to purchase or acquire any right or interest in property by eminent domain. The fund consists of:

(1) money appropriated by the legislature to the fund;

(2) public or private grants, gifts, donations or contributions; and

(3) funds from any other source, including proceeds from the sale of bonds, state or federal mitigation funds, or funds from any local, state, or federal program.

(b) The fund may be used only:

(1) to award grants to qualified easement holders for the purchase of agricultural conservation easements;

(2) to pay transaction costs related to the purchase of agricultural conservation easements, which may include reimbursement of appraisal costs; and

(3) to pay associated administrative costs of the land office, not to exceed five percent of the money in the fund.

Sec. 183.059. ADMINISTRATION OF FUND. (a) The commissioner, in consultation with the council, may:

(1) adopt rules necessary to perform program duties under this subchapter;

(2) request, accept, and use gifts, loans, donations, aid, appropriations, guaranties, subsidies, grants, or contributions of any item of value for the furtherance of any purposes of this subchapter;

(3) establish, charge, and collect fees, charges, and penalties in connection with the programs, services, and activities provided for by this subchapter;

(4) make, enter into, and enforce contracts and agreements, and take other actions as may accomplish any of the purposes of this subchapter;

(5) seek ways to coordinate and leverage public and private sources of funding;

(6) adopt best practices and enforcement standards for the evaluation of easements purchased through grants from the fund;

(7) establish a protocol for the purchase of agricultural conservation easements and for the distribution of funds to approved applicants;

(8) evaluate selection and eligibility based on criteria established by this subchapter and administer grants awarded to successful applicants;

(9) ensure that agricultural conservation easements purchased under this subchapter are not inconsistent with the preservation of open space and the conservation of wildlife habitat or water; and

(10) award grants and approve the termination of easements and take any other action necessary to further the goals of the program.

(b) To receive a grant from the fund under this subchapter, an applicant who is qualified to be an easement holder under this subchapter must submit an application to the commissioner. The application must:

(1) set out the parties' clear conservation goals consistent with the program;

(2) include a site-specific estimate-of-value appraisal by a licensed appraiser qualified to determine the market value of the easement;

(3) demonstrate that the applicant is able to match 50 percent of the amount of the grant being sought, considering that the council may choose to allow a donation of part of the appraised value of the easement to be considered as in-kind matching funds; and

(4) include a memorandum of understanding signed by the landowner and the applicant indicating intent to sell an agricultural conservation easement and containing the terms of the contract for the sale of the easement.

(c) For the purposes of determining the amount of a grant under this subchapter, the value of an agricultural conservation easement shall be determined by a site-specific estimate-of-value appraisal performed by a licensed, qualified appraiser.

Sec. 183.060. CRITERIA FOR AWARDED GRANTS. The commissioner shall adopt a scoring process that considers the following:

(1) maintenance of landscape and watershed integrity to conserve water and natural resources;

(2) protection of highly productive agricultural lands;

(3) protection of habitats for native plant and animal species, including habitats for endangered, threatened, rare, or sensitive species;

(4) susceptibility of the subject property to subdivision, fragmentation, or other development;

(5) potential for leveraging state money allocated to the program with additional public or private money;

(6) proximity of the subject property to other protected lands;

(7) the term of the proposed easement, whether perpetual or for a term of 30 years; and

(8) a resource management plan agreed to by both parties and approved by the commissioner.

Sec. 183.061. TEXAS FARM AND RANCH LANDS CONSERVATION ADVISORY COUNCIL. (a) The Texas farm and ranch lands conservation advisory council is established to advise and assist the commissioner with administration of the program. The council consists of:

(1) seven members appointed by the governor as follows:

(A) one member who operates a family farm or ranch in this state;

(B) one member who is the designated representative of an agricultural banking or lending organization and who has significant experience lending for farms and ranches and lands encumbered by conservation easements;

(C) one member who is a certified real estate appraiser in good standing and who has significant experience appraising farms and ranches;

(D) two members who are the designated representatives of statewide agricultural organizations in existence in this state for not less than 10 years;

(E) one member who is a designated representative of a statewide nonprofit organization that represents land trusts operating in this state; and

(F) one member from a state institution of higher education who has significant experience with natural resources issues; and

(2) two ex-officio members as follows:

(A) the presiding officer of the Parks and Wildlife Commission or the presiding officer's designee; and

(B) the state conservationist of the Natural Resource Conservation Service of the United States Department of Agriculture or a designee of that person.

(b) Appointed members of the council serve staggered terms of six years, with two or three of the members' terms expiring February 1 of each odd-numbered year.

(c) Appointments to and removal from the council shall be made by the governor without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(d) The commissioner or the commissioner's designee shall serve as the presiding officer of the council and shall designate an assistant presiding officer to serve in that capacity at the will of the commissioner. The council may choose from its members other officers as the council considers necessary.

(e) A member of the council is not entitled to compensation for service on the council but is entitled to reimbursement of the necessary and reasonable travel expenses incurred by the member while conducting the business of the council, as provided for state employees by the General Appropriations Act.

(f) The council shall meet not less than twice each year.

(g) A person may not be appointed as a council member if the person or the person's spouse:

(1) is employed by or participates in the management of a business entity or other organization receiving money under the program;

(2) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization receiving money under the program; or

(3) uses or receives a substantial amount of tangible goods, services, or money under the program other than reimbursement authorized by law for travel expenses as described by Subsection (e).

(h) In this subsection, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest. A person may not be an appointed member of the council if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association for an occupation or profession with an interest in land conservation that is related to the occupation or profession; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association for an occupation or profession with an interest in land conservation that is related to that occupation or profession.

(i) A person may not be an appointed member of the council or act as the general counsel to the council if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of an occupation or profession with an interest in land conservation that is related to that occupation or profession.

(j) It is a ground for removal from the council if a member:

(1) is ineligible for membership under this section;

(2) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or

(3) is absent from more than half of the regularly scheduled council meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the council.

(k) The validity of an action of the council is not affected by the fact that it is taken when a ground for removal of a participating council member exists.

(l) If the presiding officer has knowledge that a potential ground for removal exists, the presiding officer shall notify the commissioner and the governor that a potential ground for removal exists.

(m) The presiding officer or the presiding officer's designee, with the assistance of staff of the land office, shall provide to members of the council information regarding a member's responsibilities under applicable laws relating to standards of conduct for state officers.

(n) A person who is appointed to and qualifies for office as a member of the council may not vote, deliberate, or be counted as a member in attendance at a meeting of the council until the person completes a training program that complies with this section. The training program must provide the person with information regarding:

(1) the legislation that created the council;

(2) the program to be administered under this subchapter;

(3) the role and functions of the council;

(4) the rules of the council, with an emphasis on the rules that relate to disciplinary and investigatory authority;

(5) the current budget for the council;

(6) the results of the most recent formal audit of the council;

(7) the requirements of:

(A) the open meetings law, Chapter 551, Government Code;

(B) the public information law, Chapter 552, Government Code;

(C) the administrative procedure law, Chapter 2001, Government Code;

and

(D) other laws relating to public officials, including conflict-of-interest laws; and

(8) any applicable policies adopted by the council or the Texas Ethics Commission.

(o) A person appointed to the council is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

Sec. 183.062. PROPOSED RULES. The council shall develop proposed rules governing the program and shall recommend the proposed rules to the commissioner.

Sec. 183.063. EFFECT ON TAX APPRAISAL. An agricultural conservation easement under this subchapter does not affect the eligibility of the property subject to the easement for appraisal for ad valorem tax purposes under Subchapter D, Chapter 23, Tax Code.

Sec. 183.064. REPORT TO TEXAS DEPARTMENT OF TRANSPORTATION. The land office shall provide the Texas Department of Transportation a legal description of each property subject to an easement under this subchapter and shall include with the description the date of the closing of the purchase of the easement.

SECTION 3. As soon as practicable after the effective date of this Act, the governor shall appoint the members of the Texas farm and ranch lands conservation advisory council, as required under Section 183.061, Natural Resources Code, as added by this Act. In appointing the initial members of the council under this section, the governor shall appoint:

- (1) two members for terms expiring February 1, 2007;
- (2) two members for terms expiring February 1, 2009; and
- (3) three members for terms expiring February 1, 2011.

SECTION 4. This Act takes effect September 1, 2005.

Floor Amendment No. 1

Amend **CSSB 1273** (House committee printing) as follows:

(1) In SECTION 2 of the bill, in added Section 183.056(c), Natural Resources Code (page 4, line 25), strike "fund" and substitute "qualified easement holder".

(2) In SECTION 2 of the bill, at the end of added Section 183.056(c), Natural Resources Code (page 4, line 27), add:

The qualified easement holder shall pay to the fund any amounts received under this subsection, not to exceed the amount paid by the fund for the purchase of the easement.

(3) In SECTION 2 of the bill, strike added Section 183.057(d), Natural Resources Code (page 6, lines 2-11), and substitute:

(d) If, after making the determination required by Subsection (a), a department or agency of this state, a county, a municipality, another political subdivision, or a public utility acquires by eminent domain a fee simple interest in land encumbered by an agricultural conservation easement purchased under this subchapter:

(1) the easement on the condemned property terminates; and

(2) the entity exercising the power of eminent domain shall:

(A) pay for an appraisal of the fair market value, as that term is defined by Section 183.056, of the property subject to condemnation;

(B) pay to the qualified easement holder an amount equal to the amount paid by the holder for the portion of the easement affecting the property to be condemned;

(C) pay to the landowner an amount equal to the fair market value of the condemned property less the amount paid to the qualified easement holder under Paragraph (B); and

(D) pay to the landowner and the qualified easement holder any additional damages to their interests in the remaining property, as determined by the special commissioners under Section 21.042, Property Code.

(e) If, after making the determination required by Subsection (a), a department or agency of this state, a county, a municipality, another political subdivision, or a public utility acquires by eminent domain an interest other than a fee simple interest in land encumbered by an agricultural conservation easement purchased under this subchapter:

(1) the entity exercising the power of eminent domain shall pay for an appraisal of the fair market value, as that term is defined by Section 183.056, of the property subject to condemnation; and

(2) the special commissioners shall consider the fair market value as the value of the property for purposes of assessing damages under Section 21.042, Property Code.

(f) The qualified easement holder shall pay to the fund any amounts received under Subsections (d) and (e), not to exceed the amount paid by the fund for the purchase of the easement.

(4) In SECTION 2 of the bill, strike added Section 183.061(a)(2), Natural Resources Code (page 10, lines 22-27), and substitute:

(2) three ex officio members as follows:

(A) the commissioner;

(B) the presiding officer of the Parks and Wildlife Commission or the presiding officer's designee; and

(C) the state conservationist of the Natural Resource Conservation Service of the United States Department of Agriculture or a designee of that person, who serves as a nonvoting member.

(5) In SECTION 2 of the bill, in added Section 183.061(d), Natural Resources Code, between "designate" and "an" (page 11, line 8), insert "from among the members of the council".

(6) In SECTION 2 of the bill, strike added Section 183.064, Natural Resources Code (page 15, lines 3-7), and substitute:

Sec. 183.064. REPORT TO TEXAS DEPARTMENT OF TRANSPORTATION. Not later than the 10th day after the date of a closing of a purchase of an easement under this subchapter, the land office shall provide the Texas Department of Transportation a legal description of the property subject to the easement and shall include with the description the date the closing occurred.

The amendments were read.

Senator Jackson moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1273** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Jackson, Chair; Staples, Armbrister, Harris, and Madla.

SENATE BILL 1473 WITH HOUSE AMENDMENT

Senator Lindsay called **SB 1473** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 1473** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the provision of education and training programs for law enforcement officers regarding persons with mental impairments.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act shall be known as the "Bob Meadours Act."

SECTION 2. Section 96.641, Education Code, is amended by adding Subsections (l) and (m) to read as follows:

(l) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments. The program must include an examination of the best practices for:

(1) monitoring peace officers' compliance with internal agency policies relating to de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; and

(2) implementing internal agency policies relating to those techniques.

(m) A police chief may not satisfy the requirements of Subsection (l) by taking an online course on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

SECTION 3. Section 1701.253, Occupations Code, is amended by adding Subsection (j) to read as follows:

(j) As part of the minimum curriculum requirements, the commission shall require an officer to complete a statewide education and training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments. An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. An officer may not satisfy the requirements of this section or Section 1701.402(g) by taking an online course on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

SECTION 4. Section 1701.402, Occupations Code, is amended by adding Subsection (g) to read as follows:

(g) As a requirement for an intermediate proficiency certificate or an advanced proficiency certificate, an officer must complete the education and training program described by Section 1701.253 regarding de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

SECTION 5. Not later than January 1, 2006, the Bill Blackwood Law Enforcement Management Institute of Texas shall establish a program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments as required by Subsection (l), Section 96.641, Education Code, as added by this Act.

SECTION 6. (a) An individual appointed or elected as a police chief before the effective date of this Act shall complete a program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments established under Subsection (l), Section 96.641, Education Code, as added by this Act, not later than September 1, 2009.

(b) A person who, on September 1, 2005, holds an intermediate proficiency certificate or an advanced proficiency certificate issued under Section 1701.402, Occupations Code, or has held a peace officer license issued by the Commission on Law Enforcement Officer Standards and Education for more than two years shall complete an educational training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments as required by Sections 1701.253 and 1701.402, Occupations Code, as amended by this Act, not later than September 1, 2009.

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

The amendment was read.

Senator Lindsay moved to concur in the House amendment to **SB 1473**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

CONFERENCE COMMITTEE ON HOUSE BILL 225

Senator Deuell called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 225** and moved that the request be granted.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 225** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Deuell, Chair; Hinojosa, Seliger, Williams, and Staples.

CONFERENCE COMMITTEE ON HOUSE BILL 304

Senator Deuell called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 304** and moved that the request be granted.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 304** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Deuell, Chair; Madla, Gallegos, Eltife, and Estes.

CONFERENCE COMMITTEE ON HOUSE BILL 1503

Senator Deuell called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1503** and moved that the request be granted.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 1503** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Deuell, Chair; Armbrister, West, Eltife, and Carona.

SENATE BILL 1050 WITH HOUSE AMENDMENTS

Senator Van de Putte again called **SB 1050** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 1050** (House committee report) as follows:

(1) In SECTION 3 of the bill, in amended Section 143.036(f), Local Government Code (page 4, line 9), strike "if the person being bypassed is a fire fighter".

(2) In SECTION 4 of the bill, in amended Section 143.057(a), Local Government Code (page 4, lines 19 and 20), strike "of a fire fighter".

(3) In SECTION 5(a) of the bill (page 5, line 4), strike "to a fire fighter".

(4) In SECTION 5(b) of the bill (page 5, line 12), strike "of a fire fighter".

Floor Amendment No. 1 on Third Reading

Amend **SB 1050** on third reading by adding an appropriately numbered SECTIONS to read as follows:

SECTION _____. Section 143.027(a), Local Government Code, is amended to read as follows:

(a) A person appointed to a beginning position in the fire or police department must serve a probationary period of one year beginning on that person's date of employment as a fire fighter, police officer, or academy trainee. In a municipality with a population less than 1.9 million, the commission by rule may extend the probationary period by not longer than six months for persons who:

(1) are not employed by a department in which a collective bargaining agreement or meet-and-confer agreement currently exists or previously existed; and

(2) must attend a basic training academy necessary for initial certification by the Texas Commission on Fire Protection or the Commission on Law Enforcement Officer Standards and Education.

SECTION _____. Section 143.041(c), Local Government Code, is amended to read as follows:

(c) In addition to the base salary, each fire fighter or police officer is entitled to each of the following types of pay, if applicable:

(1) longevity or seniority pay;

(2) educational incentive pay as authorized by Section 143.044;

(3) assignment pay as authorized by Sections 143.042 and 143.043;

(4) certification pay as authorized by Section 143.044; ~~and~~

(5) shift differential pay as authorized by Section 143.047; and

(6) fitness incentive pay as authorized by Section 143.044.

SECTION _____. The heading to Section 143.044, Local Government Code, is amended to read as follows:

Sec. 143.044. CERTIFICATION, ~~AND~~ EDUCATIONAL INCENTIVE, AND FITNESS INCENTIVE PAY.

SECTION _____. Section 143.044, Local Government Code, is amended by amending Subsection (d) and adding Subsection (e) to read as follows:

(d) If the criteria for fitness incentive pay are clearly established, are in writing, and are applied equally to each fire fighter or police officer in a municipality who meets the criteria, the municipality's governing body may authorize fitness incentive pay for each fire fighter or police officer who successfully meets the criteria.

(e) The certification pay, ~~and~~ educational incentive pay, and fitness incentive pay are in addition to a fire fighter's or police officer's regular pay.

SECTION _____. The change in law made by this Act to Section 143.027(a), Local Government Code, applies only in relation to a person whose date of employment for purposes of that law is on or after the effective date of this Act. A person whose date of employment for purposes of that law is before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

The amendments were again read.

Senator Van de Putte moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1050** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Van de Putte, Chair; Gallegos, Jackson, Fraser, and Brimer.

SENATE BILL 1281 WITH HOUSE AMENDMENT

Senator Seliger, on behalf of Senator Armbrister, called **SB 1281** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1 on Third Reading

Amend **SB 1281** on third reading in SECTION 1 of the bill, in added Section 361.0901(c), Health and Safety Code (page 2, line 9), by striking "to receive".

The amendment was read.

Senator Seliger, on behalf of Senator Armbrister, moved to concur in the House amendment to **SB 1281**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

GUEST PRESENTED

Senator Gallegos was recognized and introduced to the Senate San Antonio Mayor Ed Garza.

The Senate welcomed its guest.

VOTE RECONSIDERED ON HOUSE BILL 1528

On motion of Senator Madla and by unanimous consent, the vote by which **HB 1528** was finally passed was reconsidered:

HB 1528, Relating to the other events trust fund established to support local efforts to recruit or retain certain sports events.

Question — Shall **HB 1528** be finally passed?

Senator Madla offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **HB 1528** (Senate committee printing) on third reading as follows:

(1) Strike the relating to clause and substitute the following:

relating to the expiration of the other events trust fund established to support local efforts to recruit or retain certain sports events.

(2) Strike all below the enacting clause and substitute the following:

SECTION 1. Section 5A(q), Chapter 1507, Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), is repealed.

SECTION 2. This Act takes effect September 1, 2005.

The amendment to **HB 1528** 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 except as follows:

Absent-excused: Lucio.

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

HB 1528 as amended was again finally passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate San Antonio Councilmembers Richard Perez and Christopher Haass.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The Presiding Officer, Senator Armbrister in Chair, at 12:10 p.m. announced the conclusion of morning call.

HOUSE BILL 758 ON SECOND READING

Senator Harris moved to suspend the regular order of business to take up for consideration **HB 758** at this time on its second reading:

HB 758, Relating to a pilot program allowing for countywide voting locations in certain elections.

The motion prevailed.

Senator West 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 third reading by a viva voce vote.

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

Nays: West.

Absent-excused: Lucio.

HOUSE BILL 758 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 758** be placed on its third reading and final passage.

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

Nays: West.

Absent-excused: Lucio.

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

HOUSE BILL 2645 ON SECOND READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2645** at this time on its second reading:

HB 2645, Relating to service of expert reports in health care liability claims.

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

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

Absent-excused: Lucio.

HOUSE BILL 2645 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2645** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 1058 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1058** at this time on its second reading:

HB 1058, Relating to high school diplomas for certain veterans.

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

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

Absent-excused: Lucio.

HOUSE BILL 1058 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1058** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 55 ON SECOND READING**

Senator Harris moved to suspend the regular order of business to take up for consideration **CSHB 55** at this time on its second reading:

CSHB 55, Relating to the designation of portions of Interstate Highway 20 inside Dallas and Tarrant Counties as the Ronald Reagan Memorial Highway.

The motion prevailed by the following vote: Yeas 28, Nays 2.

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

Nays: Shapleigh, West.

Absent-excused: Lucio.

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

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

Nays: Shapleigh, West.

Absent-excused: Lucio.

**COMMITTEE SUBSTITUTE
HOUSE BILL 55 ON THIRD READING**

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 55** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

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

Nays: Shapleigh, West.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2. (Same as previous roll call)

HOUSE BILL 1163 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1163** at this time on its second reading:

HB 1163, Relating to the filing fee for a candidate for certain offices on the general primary election ballot.

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

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

Absent-excused: Lucio.

HOUSE BILL 1163 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1163** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 1691 ON THIRD READING

Senator Duncan moved to suspend the regular order of business to take up for consideration **CSSB 1691** at this time on its third reading and final passage:

CSSB 1691, Relating to certain retired school employees and the powers and duties of the Teacher Retirement System of Texas; providing a penalty.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Armbrister, Averitt, Brimer, Carona, Deuell, Duncan, Estes, Fraser, Harris, Jackson, Janek, Lindsay, Madla, Nelson, Ogden, Seliger, Shapiro, Staples, Wentworth, Williams.

Nays: Barrientos, Ellis, Eltife, Gallegos, Hinojosa, Shapleigh, Van de Putte, West, Whitmire, Zaffirini.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 10. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 548 ON THIRD READING

Senator Ellis moved to suspend the regular order of business to take up for consideration **CSSB 548** at this time on its third reading and final passage:

CSSB 548, Relating to considerations by the Board of Pardons and Paroles regarding clemency matters.

The motion prevailed.

Senators Estes, Harris, Nelson, and Ogden asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read third time.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **CSSB 548** on third reading as follows:

Amend Senate committee printing for the committee substitute for Senate Bill 548 on page 2, lines 2-3, by striking "that occurs on or after the effective date of this Act." and inserting, "filed after June 1, 2006."

The amendment to **CSSB 548** 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 except as follows:

Absent-excused: Lucio.

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

CSSB 548 as again amended was finally passed by the following vote: Yeas 15, Nays 14.

Yeas: Armbrister, Averitt, Barrientos, Brimer, Deuell, Ellis, Gallegos, Hinojosa, Madla, Shapleigh, Van de Putte, Wentworth, West, Whitmire, Zaffirini.

Nays: Carona, Duncan, Eltife, Estes, Harris, Jackson, Janek, Lindsay, Nelson, Ogden, Seliger, Shapiro, Staples, Williams.

Absent: Fraser.

Absent-excused: Lucio.

HOUSE BILL 2511 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2511** at this time on its second reading:

HB 2511, Relating to the filing of a personal financial statement by a former state officer whose successor has not qualified for office.

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

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

Absent-excused: Lucio.

HOUSE BILL 2511 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2511** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1150 ON SECOND READING**

Senator Harris moved to suspend the regular order of business to take up for consideration **CSSB 1150** at this time on its second reading:

CSSB 1150, Relating to parental consent for the performance of an abortion; providing penalties.

The motion prevailed.

Senators Ellis, Hinojosa, Shapleigh, Wentworth, and Whitmire asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Shapleigh offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1150** in SECTION 2 of the bill, following proposed Subsection (d), Section 34.051, Family Code (Senate committee printing, page 2, between lines 25 and 26), by inserting the following new Subsection (e) to read as follows:

(e) Any form affidavit provided by or on behalf of a physician to an unemancipated minor's parent, managing conservator, or court-appointed guardian for purposes of the consent required under Subsection (a)(1) must include a notice that if an abortion is not performed on the minor, the minor's baby may be eligible for the children's health insurance program or the state Medicaid program, provided the eligibility requirements of the programs are met.

The amendment was read.

Senator Shapleigh withdrew Floor Amendment No. 1.

CSSB 1150 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, Hinojosa, Shapleigh, Wentworth, Whitmire.

Absent-excused: Lucio.

**COMMITTEE SUBSTITUTE
SENATE BILL 1150 ON THIRD READING**

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1150** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

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

Nays: Ellis, Hinojosa, Shapleigh, Wentworth, Whitmire.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 5. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1863 ON SECOND READING**

Senator Ogden moved to suspend the regular order of business to take up for consideration **CSSB 1863** at this time on its second reading:

CSSB 1863, Relating to certain fiscal matters affecting governmental entities.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Armbrister, Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Harris, Hinojosa, Jackson, Janek, Lindsay, Madla, Nelson, Ogden, Seliger, Shapiro, Staples, Wentworth, West, Williams.

Nays: Barrientos, Gallegos, Shapleigh, Van de Putte, Whitmire, Zaffirini.

Absent-excused: Lucio.

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: Barrientos, Gallegos, Shapleigh, Van de Putte, Whitmire, Zaffirini.

Absent-excused: Lucio.

**COMMITTEE SUBSTITUTE
SENATE BILL 1863 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1863** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Armbrister, Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Harris, Hinojosa, Jackson, Janek, Lindsay, Madla, Nelson, Ogden, Seliger, Shapiro, Staples, Wentworth, West, Williams.

Nays: Barrientos, Gallegos, Shapleigh, Van de Putte, Whitmire, Zaffirini.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 6. (Same as previous roll call)

HOUSE BILL 2828 REREFERRED

Senator Gallegos submitted a Motion In Writing requesting that **HB 2828** be withdrawn from the Subcommittee on Agriculture and Coastal Resources and rereferred to the Committee on Intergovernmental Relations.

The Motion In Writing prevailed without objection.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Shapiro and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider the following bills today: **HB 3468, HB 2221.**

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 Staples and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Transportation and Homeland Security might meet and consider the following bills today: **HB 137, HB 1044, HB 1986, HB 2799, HB 2958.**

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

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

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)

On motion of Senator Harris and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate is meeting tomorrow.

NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR

Senator Harris announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Carona and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Subcommittee on Emerging Technologies and Economic Development might meet and consider **HB 1659** today.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Ellis and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Government Organization might meet and consider the following bills tomorrow:

HB 908, HB 3112.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 1:12 p.m. agreed to adjourn, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 935 by Van de Putte and Hinojosa, In memory of Aaron N. Cepeda, Sr., of San Antonio.

SR 943 by Van de Putte, In memory of José Mendoza Lopez of San Antonio.

Congratulatory Resolutions

SR 936 by Brimer, Recognizing Mike Branch for his accomplishments in the field of publishing.

SR 937 by Ellis, Recognizing Janet Susan Butel Graham for her contributions to medical research.

SR 938 by Williams, Recognizing Doris and Charles S. Kelley, Sr., for their service to the Southeast Texas community.

RECESS

On motion of Senator Whitmire, the Senate at 1:13 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

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

May 18, 2005

TRANSPORTATION AND HOMELAND SECURITY — **CSHB 2702**

CRIMINAL JUSTICE — **HB 2195, HB 2197, HB 1048, HB 1262, HB 839, HB 825, HB 705, HB 550, HB 2194, HB 703, HB 699, HB 970, HB 43, HB 967, HB 915, HB 904**

GOVERNMENT ORGANIZATION — **CSHB 2048**

BUSINESS AND COMMERCE — **HB 135, HB 511, HB 628, HB 1855, HB 2223, HB 2451, HB 2526, HB 2581, HB 2273, HB 3250, HB 3460**

HEALTH AND HUMAN SERVICES — **HB 2100, HB 2594, HB 2470, HB 2158**

GOVERNMENT ORGANIZATION — **CSHB 972**

NATURAL RESOURCES — **HB 2942**

FINANCE — **HB 26, HB 312, HB 860, HB 905, HB 1901**

CRIMINAL JUSTICE — **HB 93** (Amended), **CSHB 269**

NATURAL RESOURCES — **HB 473, HB 474, HB 1162, HB 1358, HB 1609, HB 1644, HB 1981, HB 2037, HB 3144, HB 1161, SB 1897**

INTERGOVERNMENTAL RELATIONS — **HB 1165, HB 1054, HB 1055, HB 1036, HB 1403, HB 960, HB 1287, HB 1708**

STATE AFFAIRS — **CSSB 1511, HB 57** (Amended), **CSHB 1690, CSHB 2039, HB 1353** (Amended)

SENT TO GOVERNOR

May 18, 2005

SB 248, SB 403, SB 1471, SB 1472