

SEVENTY-THIRD DAY

THURSDAY, MAY 19, 2005

PROCEEDINGS

The Senate met at 11:00 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, Lindsay, Lucio, Madla, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Janek, Staples.

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

The Reverend Jay K. Abernathy, First Baptist Church, Palestine, offered the invocation as follows:

Dear God, I am so glad that You are already here and I do not have to invite You into this room. Instead, You are inviting us to be aware of Your divine presence and authority in this place. After You created the universe, You invited humankind to work creatively with You in Your creation. I believe Your invitation still stands. Thank You for the grace-gift of another day and the rest that we had last night. Now help us all to be good stewards of the energy we have at hand. Let Your holy spirit be the guard and guide of these next few hours of deliberations. Help everyone here see how the decisions made by a few persons today will impact millions for all eternity. So, I pray, help us not to settle today just for doing something good when something great can be done instead. Instead of just being right, let us do the right thing. Help us not to just please ourselves, or even fall into the temptation of pleasing others, when we really need to please You. As for these fellow citizens of mine in this room, I thank You. As I am here, many others are praying also for them to be the best of citizens under Your divine authority. They are the men and women in the arena who strive valiantly. May they spend themselves well on the worthy cause, following the example of Jesus the Christ, who saw the victory of knowing us worth all the suffering required of him. For his sake, I pray. 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.

LEAVES OF ABSENCE

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

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

CO-SPONSOR OF HOUSE BILL 2678

On motion of Senator Seliger, Senator Van de Putte will be shown as Co-sponsor of **HB 2678**.

CO-SPONSOR OF HOUSE BILL 3012

On motion of Senator Armbrister, Senator Shapiro will be shown as Co-sponsor of **HB 3012**.

CO-SPONSOR OF HOUSE JOINT RESOLUTION 6

On motion of Senator Staples, Senator Williams will be shown as Co-sponsor of **HJR 6**.

PHYSICIAN OF THE DAY

Senator Madla was recognized and presented Dr. Lloyd Van Winkle of Castroville as the Physician of the Day.

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

MESSAGES FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 19, 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:

SB 56, Relating to requiring notice before the amount of bail set in certain cases is reduced.

SB 121, Relating to a requestor's right of access to investment information of governmental bodies.

SB 149, Relating to the recording of certain aircraft repair and maintenance liens; providing a criminal penalty.

SB 316, Relating to information provided to parents of newborn children.
(Amended)

SB 334, Relating to the remedy provided for failure to disclose certain information in certain residential construction transactions.
(Amended)

SB 485, Relating to the regulation of underground and aboveground storage tanks.
(Amended)

SB 522, Relating to the Texas Emergency Services Retirement System; providing an administrative penalty.
(Committee Substitute)

SB 810, Relating to the regulation of the sale and inspection of real estate.
(Committee Substitute/Amended)

SB 1311, Relating to the establishment of an off-highway vehicle trail and recreational area program; providing a penalty.

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

HB 769 (non-record vote)

HB 1304 (non-record vote)

HB 1540 (non-record vote)

HB 1573 (non-record vote)

HB 1646 (non-record vote)

HB 1924 (non-record vote)

THE HOUSE HAS DISCHARGED ITS CONFEREES AND CONCURRED IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 304 (non-record vote)

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

HB 372

Motion for the House to concur in Senate Amendments fails by a record vote of 10 yeas, 125 nays, and 1 present, not voting. House Bill 372 is returned to the Senate for further action.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 923

Senator Whitmire offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to welcome the members of the Texas Press Association to the State Capitol and to honor this prestigious newspaper organization whose members have made countless contributions to the citizens, businesses, and communities of the Lone Star State; and

WHEREAS, The Texas Press Association, a voluntary association of newspapers and their publishers, employees, and industry support companies, has worked tirelessly to develop an informed electorate, promote business, advance the public good, and improve the quality of life for all Texas citizens since its establishment on May 19, 1880, when 77 newspaper publishers met in Houston to organize an association for the betterment of the industry; and

WHEREAS, The newspapers of Texas have served as watchdogs of freedom and have worked collectively to ensure openness in government; and

WHEREAS, The Texas Press Association's member publishers have been ambassadors of progress in their communities while chronicling Texas history one day at a time, reflecting and shaping the state's independent character; and

WHEREAS, The Texas Press Association is an exemplary organization, and it is appropriate that the newspapers of this state be recognized on this momentous occasion of the 125th anniversary of its founding; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby salute the Texas Press Association and declare May 19, 2005, Texas Press Association Day at the Capitol; and, be it further

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

SR 923 was read and was adopted without objection.

GUESTS PRESENTED

Senator Whitmire was recognized and introduced to the Senate Texas Press Association Executive Director Mike Hodges; Wanda Garner Cash, *The Baytown Sun*; Judy Johnson, *The Hometown Press*, Winnie; Marshall Day, *The Gatesville Messenger & Star Forum*; and Phil Majors, *Clay County Leader*; accompanied by members of the Texas Press Association.

The Senate welcomed its guests.

SENATE BILL 415 WITH HOUSE AMENDMENT

Senator Shapleigh called **SB 415** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment No. 1

Amend the proposed substitute to **SB 415** by inserting the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter G, Chapter 505, Occupations Code, is amended by adding Section 505.3575 to read as follows:

Sec. 505.3575. ISSUANCE OF LICENSES TO CERTAIN OUT-OF-STATE APPLICANTS. (a) Notwithstanding any other licensing requirement of this subchapter:

(1) the board may not require an applicant who is licensed in good standing in another state to pass a licensing examination conducted by the board under Section 505.354 if an applicant with substantially equivalent experience who resides in this state would not be required to take the licensing examination; and

(2) the board may issue a license to an applicant who is currently licensed in another state to independently practice social work if:

(A) after an assessment, the board determines that the applicant:

(i) demonstrates sufficient experience and competence;

(ii) has passed the jurisprudence examination conducted by the board under Section 505.3545; and

(iii) at the time of the application, is in good standing with the regulatory agency of the state in which the applicant is licensed; and

(B) the applicant presents to the board credentials that the applicant obtained from a national accreditation organization and the board determines that the requirements to obtain the credentials are sufficient to minimize any risk to public safety.

(b) When assessing the experience and competence of an applicant for the purposes of this section, the board may take into consideration any supervision received by the applicant in another state or jurisdiction if the board determines that the supervision would be taken into consideration for the purpose of licensing or certification in the state or jurisdiction in which the applicant received the supervision.

The amendment was read.

Senator Shapleigh moved to concur in the House amendment to **SB 415**.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Janek, Staples.

SENATE BILL 1447 WITH HOUSE AMENDMENT

Senator Averitt called **SB 1447** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 1447** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to including pension and other postemployment benefits in the computation of rates for electric utilities.

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

SECTION 1. Subchapter B, Chapter 36, Utilities Code, is amended by adding Section 36.065 to read as follows:

Sec. 36.065. PENSION AND OTHER POSTEMPLOYMENT BENEFITS. (a) The regulatory authority shall include in the rates of an electric utility expenses for pension and other postemployment benefits, as determined by actuarial or other similar studies in accordance with generally accepted accounting principles, in an amount the regulatory authority finds reasonable. Expenses for pension and other postemployment benefits include, in an amount found reasonable by the regulatory authority, the benefits attributable to the service of employees who were employed by the predecessor integrated electric utility of an electric utility before the utility's unbundling under Chapter 39 irrespective of the business activity performed by the employee or the affiliate to which the employee was transferred on or after the unbundling.

(b) Effective January 1, 2005, an electric utility may establish one or more reserve accounts for expenses for pension and other postemployment benefits. An electric utility shall periodically record in the reserve account any difference between:

(1) the annual amount of pension and other postemployment benefits approved as an operating expense in the electric utility's last general rate proceeding or, if that amount cannot be determined from the regulatory authority's order, the amount recorded for pension and other postemployment benefits under generally accepted accounting principles during the first year that rates from the electric utility's last general rate proceeding are in effect; and

(2) the annual amount of pension and other postemployment benefits as determined by actuarial or other similar studies that are chargeable to the electric utility's operating expense.

(c) A surplus in the reserve account exists if the amount of pension and other postemployment benefits under Subsection (b)(1) is greater than the amount determined under Subsection (b)(2). A shortage in the reserve account exists if the amount of pension and other postemployment benefits under Subsection (b)(1) is less than the amount determined under Subsection (b)(2).

(d) If a reserve account for pension and other postemployment benefits is established, the regulatory authority at a subsequent general rate proceeding shall:

(1) review the amounts recorded to the reserve account to determine whether the amounts are reasonable expenses;

(2) determine whether the reserve account has a surplus or shortage under Subsection (c); and

(3) subtract any surplus from or add any shortage to the electric utility's rate base with the surplus or shortage amortized over a reasonable time.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

The amendment was read.

Senator Averitt moved to concur in the House amendment to **SB 1447**.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Janek, Staples.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

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:

Presiding Officer, Texas Residential Construction Commission: Patrick Cordero, Midland County.

Members, Texas Residential Construction Commission: Art Cuevas, Lubbock County; Kenneth Lester Davis, Parker County; J. Paulo Flores, Dallas County; Glenda C. Mariott, Brazos County; Mickey Randall Redwine, Van Zandt County.

**SENATE RULE 14.02 SUSPENDED
(Notice Rule)**

On motion of Senator Lindsay and by unanimous consent, Senate Rule 14.02 was suspended in order to consider for confirmation those nominees reported today by the Committee on Nominations.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider executive appointments to agencies, boards, and commissions.

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

The President 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 29, Nays 0.

Absent-excused: Janek, Staples.

Presiding Officer, Texas Residential Construction Commission: Patrick Cordero, Midland County.

Members, Texas Residential Construction Commission: Art Cuevas, Lubbock County; Kenneth Lester Davis, Parker County; J. Paulo Flores, Dallas County; Glenda C. Mariott, Brazos County; Mickey Randall Redwine, Van Zandt County.

GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate students from Panola College, accompanied by their professor, Charles Taylor.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The President at 11:44 a.m. announced the conclusion of morning call.

HOUSE BILL 1316 ON SECOND READING

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1316** at this time on its second reading:

HB 1316, Relating to immunization requirements for children in regulated child-care facilities.

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: Janek, Staples.

HOUSE BILL 1316 ON THIRD READING

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1316** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Janek, Staples.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

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 46, SB 1281, SB 1473, SB 1787, HB 282, HB 720, HB 775, HB 943, HB 951, HB 2313, HB 2565, HB 3227.

GUESTS PRESENTED

Senator Armbrister was recognized and introduced to the Senate students from the advanced placement government studies class at Memorial High School in Victoria, accompanied by their teachers.

The Senate welcomed its guests.

SENATE RESOLUTION 883

Senator Ellis offered the following resolution:

WHEREAS, Legendary bull rider Willie Thomas of Booth was inducted into the Texas Rodeo Cowboy Hall of Fame at a ceremony in Temple on February 14, 2004; and

WHEREAS, A pioneer for African American cowboys across the country, Mr. Thomas, who faced years of discrimination during the segregated 1950s with grace, humility, and strength, was one of six inductees into the hall of fame and was nominated for the National Cowboy and Western Heritage Museum's Rodeo Hall of Fame in Oklahoma City in 2004; and

WHEREAS, Born on January 30, 1930, in Richmond, Willie Thomas was raised on the A. P. George Ranch and eventually became a working cowboy who paid his dues running the cattle farm with his parents, Johnny and Josephine Thomas; in 1952, he participated in his first Professional Rodeo Cowboy Association competition in San Antonio, and from there, he embarked on a 30-year career during which he won 25 saddles and more than 20 belt buckles, including the 1968 all-around title of the Southwestern National Cowboy Association, rode more than 4,000 bulls, and landed top rankings in the world; and

WHEREAS, This exceptionally talented cowboy rode with such renowned riders as Harold Cash, Jim Shoulders, Freckles Brown, and Clyde Frost, father of Lane Frost, a world-famous bull rider whose life story is featured in a film entitled *8 Seconds* and who was president of the Southwestern National Cowboy Association; and

WHEREAS, His accomplishments are especially impressive considering the great obstacles placed in his way throughout his career, including racist rodeo officials who prevented him from competing because of the color of his skin; on one occasion, Mr. Thomas pulled his hat over his eyes, concealed his face, and won a bull riding competition in Lake Charles, Louisiana, only to be stripped of his winnings and escorted from town when the judges discovered he was African American; and

WHEREAS, At the age of nine, Willie Thomas had an accident at the George Ranch that left him with a prosthetic eye; he has also broken his leg nine times and been told twice he would never walk again; despite these setbacks, Mr. Thomas persevered and pursued his dream to become one of the best bull riders in the history of the sport; and

WHEREAS, With a large and loving family that includes his wife, Ora Lee, their nine children, Sandra Pipkin, Dwight Thomas, Glen Thomas, Vicki Meriwether, Berkley Thomas, Willie Thomas, Jr., Myron Thomas, Rodney Thomas, and Sharee Thomas, and 25 grandchildren, Mr. Thomas worked for the Texas Department of Transportation for many years before retiring in August of 1991; today, he hosts popular trail rides on his farm, promoting a community spirit in Fort Bend County; in addition to being inducted into the Texas Rodeo Cowboy Hall of Fame, he was recognized by the George Ranch, which hosted a reception in his honor; and

WHEREAS, Truly a trailblazer, as well as a man of exceptional abilities, Willie Thomas opened doors for generations of African Americans by helping to get rodeos integrated in Texas and beyond; it is truly a pleasure to pay tribute to his impressive accomplishments, notable rodeo career, and unwavering strength of spirit; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby congratulate Willie Thomas on his induction into the Texas Rodeo Cowboy Hall of Fame and extend to him sincere best wishes for the future; and, be it further

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

SR 883 was again read.

The resolution was previously adopted on Thursday, May 12, 2005.

GUEST PRESENTED

Senator Ellis was recognized and introduced to the Senate Willie Thomas of Booth, Texas Rodeo Cowboy Hall of Fame inductee.

The Senate welcomed its guest.

COMMITTEE SUBSTITUTE HOUSE BILL 56 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 56** at this time on its second reading:

CSHB 56, Relating to the offense of tampering with a direct recording electronic voting machine; providing criminal penalties.

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: Janek, Staples.

COMMITTEE SUBSTITUTE HOUSE BILL 56 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 **CSHB 56** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Janek, Staples.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 468 ON SECOND READING**

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 468** at this time on its second reading:

CSHB 468, Relating to driver and traffic safety education.

The bill was read second time.

Senator Jackson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 468** (Senate committee printing) as follows:

(1) In Section 6 of the bill, in amended Subsection (a), Section 1001.055, Education Code (page 2, line 44), strike "or" and substitute "driver education school and the Texas Education Agency shall print and supply to each [or]".

(2) In Section 6 of the bill, in amended Subsection (b), Section 1001.055, Education Code (page 2, line 49), strike "[agency] by rule shall" and substitute "and the Texas Education Agency [agency] by rule shall each".

(3) In Section 6 of the bill, in amended Subsection (c), Section 1001.055, Education Code (page 2, line 53), between "department" and "[agency]", insert "or the Texas Education Agency".

(4) In Section 34 of the bill, strike amended Subdivision (2), Subsection (b), Section 1001.354, Education Code (page 11, lines 35-39), and substitute the following:

(2) the alternative method includes testing and security measures that are at least as secure as the measures available in the usual classroom setting.

(5) Add the following appropriately numbered sections to the bill and renumber the remaining sections of the bill appropriately:

SECTION ____ . Section 521.204(a), Transportation Code, is amended to read as follows:

(a) The department may issue a Class C driver's license to an applicant under 18 years of age only if the applicant:

(1) is 16 years of age or older;

(2) has submitted to the department a driver education certificate issued under Chapter 1001, Education Code [Section 9A, Texas Driver and Traffic Safety Education Act (Article 4413(29e), Vernon's Texas Civil Statutes)], that states that the person has completed and passed a driver education course approved by the department under Section 521.205 or by the Texas Education Agency or the Texas Department of Licensing and Regulation;

(3) has obtained a high school diploma or its equivalent or is a student:

(A) currently enrolled in a public school, home school, or private school who attended school and, for each class in which the student was enrolled [for at least 80 days] in the fall or spring semester preceding the date of the driver's license application, met the minimum attendance required for class credit under Section 25.092, Education Code; or

(B) who has been enrolled for at least 45 days, and is enrolled as of the date of the application, in a program to prepare persons to pass the high school equivalency exam and during that period of enrollment has met all attendance requirements for the program; and

(4) has passed the examination required by Section 521.161.

SECTION _____. Sections 521.222(a) and (c), Transportation Code, are amended to read as follows:

(a) The department or a driver education school licensed under Chapter 1001, Education Code, or a driver education school approved under Section 29.902 or 51.308, Education Code, [~~the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes)~~] may issue an instruction permit, including a Class A or Class B driver's license instruction permit, to a person who:

(1) is 15 years of age or older but under 18 years of age;

(2) has satisfactorily completed and passed the classroom phase of an approved driver education course, which may be a course approved under Section 521.205;

(3) meets the requirements imposed under Section 521.204(3); and

(4) has passed each examination required under Section 521.161 other than the driving test.

(c) A driver education school licensed under Chapter 1001, Education Code, may issue an instruction permit to a person 18 years of age or older who has successfully passed:

(1) a six-hour adult classroom driver education course approved by the Texas Department of Licensing and Regulation [~~Education Agency~~]; and

(2) each part of the driver's examination required by Section 521.161 other than the driving test.

(6) In Section 46 of the bill (page 14, line 24), between "Code," and "and Subchapter B", insert "Section 542.202(b)(3), Transportation Code,".

The amendment to **CSHB 468** 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: Janek, Staples.

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

CSHB 468 as amended 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: Janek, Staples.

COMMITTEE SUBSTITUTE HOUSE BILL 468 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 **CSHB 468** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Janek, Staples.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 1833 ON SECOND READING**

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1833** at this time on its second reading:

CSHB 1833, Relating to disclosures required for the creation of certain consumer contracts solicited by mail; providing a civil penalty.

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: Janek, Staples.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1833 ON THIRD READING**

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1833** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Janek, Staples.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 544 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 544** at this time on its second reading:

CSHB 544, Relating to the right of certain sexual assault victims to a forensic medical examination.

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: Janek, Staples.

**COMMITTEE SUBSTITUTE
HOUSE BILL 544 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 **CSHB 544** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Janek, Staples.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 1098 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1098** at this time on its second reading:

CSHB 1098, Relating to using the Internet to obtain identifying information of another person for a fraudulent purpose; providing a penalty.

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: Janek, Staples.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1098 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 **CSHB 1098** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Janek, Staples.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

HOUSE BILL 969 ON SECOND READING

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **HB 969** at this time on its second reading:

HB 969, Relating to court orders for discovery in a criminal case.

The motion prevailed.

Senators Harris and Jackson asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Carona offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 969** (engrossed version) by striking SECTIONS 1, 2, and 3 of the bill (page 1, line 4, through page 2, line 13) and substituting the following:

SECTION 1. Article 39.14, Code of Criminal Procedure, is amended to read as follows:

Art. 39.14. DISCOVERY

Sec. 1. DISCLOSURE BY STATE. (a) As soon as practicable after receiving a timely request from the defendant, the attorney representing the state shall disclose to the defendant or the defendant's counsel and permit inspection, photocopying, or photographing of the following materials and information in the possession, custody, or control of the state or any of its agencies:

(1) any exculpatory or impeachment evidence material to the defendant's guilt or punishment;

(2) any written or recorded statements that are made by the defendant or by any witness the attorney representing the state intends to call at the trial and that are related to the case charged, including offense reports by law enforcement personnel and grand jury testimony, if any;

(3) any written record containing the substance of any oral statement that is made by the defendant and that is related to the case charged, whether made before or after the defendant's arrest, in response to interrogation by any person whom the defendant believed to be a peace officer;

(4) the defendant's prior criminal record;

(5) any record of a criminal conviction admissible for impeachment under Rule 609, Texas Rules of Evidence, of a witness the attorney representing the state intends to call at the trial;

(6) any affidavit, warrant, or return pertaining to a search or seizure in connection with the case;

(7) any real evidence that was obtained from or that belongs to the defendant or that the attorney representing the state intends to use at the trial and, on a showing of materiality by the defendant, the opportunity to test that evidence;

(8) the names and addresses of all witnesses the attorney representing the state intends to call at the trial, including those called to present evidence under Rules 702, 703, and 705, Texas Rules of Evidence;

(9) any report produced by or for an expert witness the attorney representing the state intends to call at the trial; and

(10) any plea agreement, grant of immunity, or other agreement for testimony issued by the attorney representing the state in connection with the case [Upon motion of the defendant showing good cause therefor and upon notice to the other parties, the court in which an action is pending may order the State before or during trial of a criminal action therein pending or on trial to produce and permit the inspection and copying or photographing by or on behalf of the defendant of any designated documents, papers, written statement of the defendant, (except written statements of witnesses and except the work product of counsel in the case and their investigators and their notes or report), books, accounts, letters, photographs, objects or tangible things not privileged, which constitute or contain evidence material to any

~~matter involved in the action and which are in the possession, custody or control of the State or any of its agencies. The order shall specify the time, place and manner of making the inspection and taking the copies and photographs of any of the aforementioned documents or tangible evidence; provided, however, that the rights herein granted shall not extend to written communications between the State or any of its agents or representatives or employees. Nothing in this Act shall authorize the removal of such evidence from the possession of the State, and any inspection shall be in the presence of a representative of the State].~~

(b) If the defendant gives notice of a defense under Section 2(b), the attorney representing the state shall, not later than 10 days before the date the trial begins, disclose to the defendant or the defendant's counsel the names and addresses of the witnesses the state intends to use to rebut the defense or the testimony of any of the defendant's witnesses called to establish that defense [On motion of a party and on notice to the other parties, the court in which an action is pending may order one or more of the other parties to disclose to the party making the motion the name and address of each person the other party may use at trial to present evidence under Rules 702, 703, and 705, Texas Rules of Evidence. The court shall specify in the order the time and manner in which the other party must make the disclosure to the moving party, but in specifying the time in which the other party shall make disclosure the court shall require the other party to make the disclosure not later than the 20th day before the date the trial begins].

(c) This article does not authorize the removal of physical evidence from the possession of the state, and any inspection of physical evidence shall be conducted in the presence of a representative of the state.

Sec. 2. DISCLOSURE BY DEFENDANT. (a) As soon as practicable after receiving the initial disclosure under Section 1 from the attorney representing the state, the defendant shall disclose to the attorney representing the state and permit inspection, photocopying, or photographing of the following materials and information:

(1) any relevant written or recorded statements by any witnesses, other than the defendant, the defendant intends to call at the trial;

(2) any record of a criminal conviction admissible for impeachment under Rule 609, Texas Rules of Evidence, of a witness, other than the defendant, the defendant intends to call at the trial if that information is known to the defendant;

(3) any real evidence that the defendant intends to use at the trial, and on a showing of materiality by the attorney representing the state, the opportunity to test that evidence;

(4) the names and addresses of all witnesses, other than the defendant, the defendant intends to call at the trial, including those called to present evidence under Rules 702, 703, and 705, Texas Rules of Evidence; and

(5) any report produced by or for an expert witness the defendant intends to call at the trial.

(b) On a request by the state, a defendant planning to offer evidence of one or more defenses listed in Chapter 8 or 9, Penal Code, or evidence of an alibi defense, shall file a good faith notice of intent to raise the defense with the court and the attorney representing the state not later than the 30th day before the date the trial

begins. If the defendant intends to raise an alibi defense, the notice must include the place at which the defendant claims to have been at the time of the alleged offense and the names and addresses of the witnesses the defendant intends to use to establish the alibi. Any notice provided under this subsection is for purposes of discovery only and is not admissible at trial unless the court finds that the contents of the notice were not made in good faith.

(c) After the filing of the indictment or information, the court may require the defendant to submit nontestimonial evidence to the state. This article does not limit any law enforcement or prosecuting agency from seeking or obtaining nontestimonial evidence to the extent permitted by law.

Sec. 3. EXCEPTIONS TO DISCLOSURE. (a) Neither the attorney representing the state nor the defendant is required to disclose materials or information that are:

(1) recorded proceedings of a grand jury, except as provided in Section 1(a)(2) of this article and Rule 615, Texas Rules of Evidence;

(2) a work product, including a report, memorandum, or other internal document, of the attorney representing the state, the defendant, or their investigators or other agents that is made in connection with the investigation, prosecution, or defense of the case; or

(3) privileged under an express statutory provision, the Texas Constitution, or the United States Constitution.

(b) This article does not authorize disclosure of the name, address, or telephone number of a victim in violation of the provisions of Chapter 57.

(c) A victim impact statement is subject to disclosure before the testimony of the victim is taken only if the court determines that the statement contains exculpatory material.

Sec. 4. CONTINUING DUTY TO DISCLOSE. If, before a trial begins, but subsequent to compliance with this article or a relevant court order, a party discovers additional material or information subject to disclosure, the party shall immediately notify the other party or the other party's counsel of the existence of the additional material or information.

Sec. 5. EXCISION. (a) Except as provided by Subsection (b), if a portion of material or information is subject to discovery under this article and a portion is not subject to discovery, only the portion that is subject to discovery must be disclosed. The disclosing party shall inform the other party that the portion of material or information that is not subject to discovery has been excised and withheld. On request, the court shall conduct a hearing to determine whether the reasons for excision are justifiable. Material or information excised pursuant to judicial order shall be sealed and preserved in the records of the court and shall be made available to an appellate court in the event of an appeal.

(b) Excision of a witness statement produced in accordance with Rule 615, Texas Rules of Evidence, is governed by that rule.

Sec. 6. PROTECTIVE ORDERS. (a) On a showing of good cause, the court may at any time enter an appropriate protective order that a specified disclosure be denied, restricted, or deferred. "Good cause," for purposes of this section, includes

threats, harm, intimidation, or possible danger to the safety of a victim or witness, possible loss, destruction, or fabrication of evidence, or possible compromise of other investigations by law enforcement or a defense offered by a defendant.

(b) If a protective order is granted concerning the personal information for a victim or witness, the party in possession of that information shall make the victim or witness available for an interview by the opposing party or their representative at a time, date, place, and manner specified by the court.

Sec. 7. IN CAMERA PROCEEDINGS. On request, the court may permit to be made in camera an excision hearing under Section 5(a), a showing of good cause for denial or regulation of a disclosure under Section 6, or any portion of a proceeding. A verbatim record shall be made of a proceeding in camera. If the court excises a portion of the material or information or enters an order granting relief following a showing of good cause, the entire record shall be sealed and preserved in the records of the court and shall be made available to an appellate court in the event of an appeal.

Sec. 8. CONFERENCE. On request of the attorney representing the state or the defendant, the court shall hold a discovery hearing under Section 1(8), Article 28.01, not later than the 10th day before the date the trial begins, to verify compliance by each party with this article.

Sec. 9. COMPLIANCE; SANCTIONS. (a) The disclosures required under this article may be performed in any manner that is mutually agreeable to the attorney representing the state and the defendant or that is ordered by the court in accordance with this article. The order issued by the court must specify the time, place, and manner of making the required disclosures.

(b) On a showing that a party has not complied with this article or a relevant court order, the court may make any order the court finds necessary under the circumstances, including an order related to immediate disclosure, contempt proceedings, delay or prohibition of the testimony of a witness or the presentation of real evidence, or continuance of the matter. The court may also inform the jury of any failure or refusal to disclose or any untimely disclosure under this article.

(c) The court may prohibit the use of a defense or the presentation of a witness under Subsection (b) only if all other sanctions have been exhausted or the discovery violation amounts to wilful misconduct designed to obtain a tactical advantage that would minimize the effectiveness of cross-examination and the ability to adduce rebuttal evidence. The court may not dismiss a charge under Subsection (b) unless required to do so by the Texas Constitution or the United States Constitution.

SECTION 2. Section 2, Article 46.03, Code of Criminal Procedure, is repealed.

SECTION 3. The change in law made by this Act applies to the prosecution of an offense committed on or after the effective date of this Act. The prosecution of an offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

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

The amendment was read.

Senator Carona offered the following amendment to Committee Amendment No. 1:

Floor Amendment No. 1

Amend Committee Amendment No. 1 to **HB 969** (Senate committee printing) as follows:

(1) In SECTION 1 of the amendment, in amended Subsection (a), Section 1, Article 39.14, Code of Criminal Procedure (page 1, line 16), strike "the defendant or".

(2) In SECTION 1 of the amendment, in amended Subsection (a), Section 1, Article 39.14, Code of Criminal Procedure (page 1, line 17), strike "or" and substitute "and".

(3) In SECTION 1 of the amendment, in proposed Subdivision (7), Subsection (a), Section 1, Article 39.14, Code of Criminal Procedure (page 1, line 38), strike "real" and substitute "physical or documentary".

(4) In SECTION 1 of the amendment, strike proposed Subdivision (8), Subsection (a), Section 1, Article 39.14, Code of Criminal Procedure (page 1, lines 42-45), and substitute the following:

(8) the names and addresses of the witnesses called to present evidence under Rules 702, 703, and 705, Texas Rules of Evidence, and the names of all other witnesses the attorney representing the state intends to call at the trial;

(5) In SECTION 1 of the amendment, strike amended Subsection (b), Section 1, Article 39.14, Code of Criminal Procedure (page 2, lines 7-22), and substitute the following:

(b) If the defendant gives notice of a defense under Section 2(b), the attorney representing the state shall disclose as soon as practicable to the defendant's counsel the names of the witnesses of whom the state has knowledge and whom the state intends to use to rebut the defense or the testimony of any of the defendant's witnesses called to establish that defense [On motion of a party and on notice to the other parties, the court in which an action is pending may order one or more of the other parties to disclose to the party making the motion the name and address of each person the other party may use at trial to present evidence under Rules 702, 703, and 705, Texas Rules of Evidence. The court shall specify in the order the time and manner in which the other party must make the disclosure to the moving party, but in specifying the time in which the other party shall make disclosure the court shall require the other party to make the disclosure not later than the 20th day before the date the trial begins].

(6) In SECTION 1 of the amendment, in proposed Subsection (a), Section 2, Article 39.14, Code of Criminal Procedure, between "Section 1" and "from" (page 2, lines 28 and 29), insert "of this article".

(7) In SECTION 1 of the amendment, in proposed Subsection (a), Section 2, Article 39.14, Code of Criminal Procedure (page 2, line 31), strike "or" and substitute "and".

(8) In SECTION 1 of the amendment, strike proposed Subdivision (1), Subsection (a), Section 2, Article 39.14, Code of Criminal Procedure (page 2, lines 33-35), and substitute the following:

(1) any written or recorded statement by a witness, other than the defendant, that is related to the offense charged, if the defendant intends to call the witness at the trial;

(9) In SECTION 1 of the amendment, in proposed Subdivision (2), Subsection (a), Section 2, Article 39.14, Code of Criminal Procedure, between "trial" and "if" (page 2, lines 38 and 39), insert a comma.

(10) In SECTION 1 of the amendment, in proposed Subdivision (3), Subsection (a), Section 2, Article 39.14, Code of Criminal Procedure (page 2, line 40), strike "real" and substitute "physical or documentary".

(11) In SECTION 1 of the amendment, strike proposed Subdivision (4), Subsection (a), Section 2, Article 39.14, Code of Criminal Procedure (page 2, lines 43-46), and substitute the following:

(4) the names and addresses of the witnesses called to present evidence under Rules 702, 703, and 705, Texas Rules of Evidence, and the names of all other witnesses the defendant intends to call at the trial; and

(12) In SECTION 1 of the amendment, in proposed Subsection (b), Section 2, Article 39.14, Code of Criminal Procedure, between "the trial begins" and the period (page 2, line 54), insert "or as soon as practicable after the date the defendant receives a disclosure under Section 1 of this article to which the defense is responsive, whichever is later".

(13) In SECTION 1 of the amendment, in proposed Subsection (b), Section 2, Article 39.14, Code of Criminal Procedure (page 2, line 57), strike "and addresses".

(14) In SECTION 1 of the amendment, in proposed Subsection (c), Section 2, Article 39.14, Code of Criminal Procedure (page 2, lines 64 and 65), strike "law enforcement or prosecuting agency" and substitute "law enforcement agency or prosecutor's office".

(15) In SECTION 1 of the amendment, strike proposed Subdivision (2), Subsection (a), Section 3, Article 39.14, Code of Criminal Procedure (page 3, lines 4-8), and substitute the following:

(2) a work product other than an offense report by law enforcement personnel, including a report, memorandum, or other internal document of the attorney representing the state, the attorney representing the defendant, or an investigator or other agent of the attorney representing the state or the attorney representing the defendant that is made in connection with the investigation, prosecution, or defense of the case; or

(16) In SECTION 1 of the amendment, in proposed Subdivision (3), Subsection (a), Section 3, Article 39.14, Code of Criminal Procedure (page 3, line 9), between "under" and "an express statutory provision", insert "a rule of evidence".

(17) In SECTION 1 of the amendment, in proposed Section 4, Article 39.14, Code of Criminal Procedure (page 3, line 21), strike "the other party or".

(18) In SECTION 1 of the amendment, in proposed Subsection (a), Section 5, Article 39.14, Code of Criminal Procedure (page 3, line 27), strike "other party" and substitute "other party's counsel".

(19) In SECTION 1 of the amendment, immediately following proposed Subsection (b), Section 5, Article 39.14, Code of Criminal Procedure (page 3, between lines 35 and 36), insert the following:

(c) Notwithstanding any other provision of this article, the attorney representing the state, without a protective court order or a hearing before the court, may excise from an offense report or other report any information related to the victim of an offense that is listed under:

(1) Section 3g, Article 42.12; or

(2) Article 62.01(5).

(20) In SECTION 1 of the amendment, in proposed Section 6, Article 39.14, Code of Criminal Procedure (page 3, line 36), strike "(a)".

(21) In SECTION 1 of the amendment, strike proposed Subsection (b), Section 6, Article 39.14, Code of Criminal Procedure (page 3, lines 44-48).

(22) In SECTION 1 of the amendment, in proposed Subsection (a), Section 9, Article 39.14, Code of Criminal Procedure (page 3, line 67), strike "must" and substitute "may".

(23) In SECTION 1 of the amendment, in proposed Subsection (b), Section 9, Article 39.14, Code of Criminal Procedure (page 4, lines 4 and 5), strike "testimony of a witness or the presentation of real evidence" and substitute "use of a defense or the introduction of evidence".

(24) In SECTION 1 of the amendment, in proposed Subsection (c), Section 9, Article 39.14, Code of Criminal Procedure (page 4, line 9), strike "presentation of a witness" and substitute "introduction of evidence".

(25) In SECTION 1 of the amendment, in proposed Subsection (c), Section 9, Article 39.14, Code of Criminal Procedure (page 4, line 12), strike "and" and substitute "or".

(26) In SECTION 1 of the amendment, immediately following proposed Subsection (c), Section 9, Article 39.14, Code of Criminal Procedure (page 3, between lines 15 and 16), insert the following:

(d) The failure of the attorney representing the state or the defendant to comply with this article is not a ground for a court to set aside the conviction or sentence of the defendant, unless the court's action is authorized by the Texas Constitution or the United States Constitution.

Sec. 10. COSTS. (a) All reasonable and necessary costs related to a disclosure required under this article, including the photocopying of materials, shall be paid by the requesting party.

(b) The commissioners court of the county in which the indictment, information, or complaint is pending may not, as a result of any payment by the defendant of the costs required by this article, reduce the amount of money provided by the county to the office of the attorney representing the state.

Sec. 11. DISCLOSURE TO THIRD PARTIES. Neither the attorney representing the state nor the attorney representing the defendant may disclose without obtaining approval of the trial court information or witness statements received from the opposing party to any third party, including the defendant, other than to an investigator, expert, or other agent for the attorney representing the state or the attorney representing the defendant, as applicable. Information or witness statements received under this article may not be made available to the public.

Sec. 12. PRO SE DEFENDANTS. This article, including the provisions regarding the nondisclosure of a witness statement or an offense report by law enforcement personnel, applies to a defendant who has elected to proceed pro se only to the extent approved by the court.

Sec. 13. CONFLICT OF LAW. To the extent of any conflict, this article prevails over Chapter 552, Government Code.

The amendment to Committee Amendment No. 1 to **HB 969** 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:

Nays: Harris, Jackson.

Absent-excused: Janek, Staples.

Question recurring on the adoption of Committee Amendment No. 1 to **HB 969**, the amendment as amended was adopted by a viva voce vote.

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

Nays: Harris, Jackson.

Absent-excused: Janek, Staples.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 969** on page 4, line 18 of the committee printing by inserting the following SECTION and renumbering subsequent SECTIONS accordingly:

SECTION 3. Article 32A.02, Code of Criminal Procedure, is repealed.

The amendment to **HB 969** 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:

Nays: Harris, Jackson.

Absent-excused: Janek, Staples.

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

HB 969 as amended 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: Harris, Jackson.

Absent-excused: Janek, Staples.

HOUSE BILL 969 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 969** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

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

Nays: Harris, Jackson.

Absent-excused: Janek, Staples.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 2. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 542 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 542** at this time on its second reading:

CSSB 542, Relating to the authority of the attorney general to bring suit on behalf of individuals injured by unlawful practices in restraint of trade.

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: Janek, Staples.

**COMMITTEE SUBSTITUTE
SENATE BILL 542 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 **CSSB 542** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Janek, Staples.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 481 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 481** at this time on its second reading:

CSHB 481, Relating to the eligibility for unemployment benefits of certain persons with disabilities.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 481** (Senate committee printing) as follows:

(1) Strike SECTION 2 of the bill, added Section 204.022(f), Labor Code (page 1, lines 27-31).

(2) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill appropriately:

SECTION _____. Section 204.022(a), Labor Code, as amended by Chapters 77, 526, and 817, Acts of the 78th Legislature, Regular Session, 2003, is reenacted and amended to read as follows:

(a) Benefits computed on benefit wage credits of an employee or former employee may not be charged to the account of an employer if the employee's last separation from the employer's employment before the employee's benefit year:

(1) was required by a federal statute;

(2) was required by a statute of this state or an ordinance of a municipality of this state;

(3) would have disqualified the employee under Section 207.044, 207.045, 207.051, or 207.053 if the employment had been the employee's last work;

(4) imposes a disqualification under Section 207.044, 207.045, 207.051, or 207.053;

(5) was caused by a medically verifiable illness of the employee or the employee's minor child;

(6) was based on a natural disaster that results in a disaster declaration by the president of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5121 et seq.), if the employee would have been entitled to unemployment assistance benefits under Section 410 of that act (42 U.S.C. Section 5177) had the employee not received state unemployment compensation benefits;

(7) was caused by a natural disaster, fire, flood, or explosion that causes employees to be separated from one employer's employment;

(8) was based on a disaster that results in a disaster declaration by the governor under Section 418.014, Government Code;

(9) resulted from the employee's resigning from partial employment to accept other employment that the employee reasonably believed would increase the employee's weekly wage; [✗]

(10) [~~(9)~~] was caused by the employer being called to active military service in any branch of the United States armed forces on or after January 1, 2003;

(11) [~~(9)~~] resulted from the employee leaving the employee's workplace to protect the employee from family violence or stalking as evidenced by:

(A) an active or recently issued protective order documenting family violence against, or the stalking of, the employee or the potential for family violence against, or the stalking of, the employee;

(B) a police record documenting family violence against, or the stalking of, the employee; and

(C) a physician's statement or other medical documentation of family violence against the employee; or

(12) was caused by the employee being unable to perform the work as a result of a disability for which the employee is receiving disability insurance benefits under 42 U.S.C. Section 423.

(3) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill appropriately:

SECTION _____. (a) The Texas Workforce Commission shall conduct a study on unemployment compensation benefits paid to persons who are eligible under Section 207.0211, Labor Code, as added by this Act. The study must include a statistical analysis of persons who are qualified for benefits under Section 207.0211, the number of persons who receive benefits under that section, the average length of time that the benefits are paid, the amounts of the benefits, and any other information relevant to an analysis of the change in law made by this Act.

(b) The Texas Workforce Commission shall report the results of the study under this section to the lieutenant governor, the speaker of the house of representatives, and the legislature not later than December 1, 2006.

The amendment to **CSHB 481** 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: Janek, Staples.

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

CSHB 481 as amended 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: Williams.

Absent-excused: Janek, Staples.

COMMITTEE SUBSTITUTE HOUSE BILL 481 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 **CSHB 481** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Janek, Staples.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1.

Nays: Williams.

Absent-excused: Janek, Staples.

MESSAGE FROM THE HOUSE**HOUSE CHAMBER**

Austin, Texas

May 19, 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:

SB 164, Relating to the statutory requirements for the term and residency of the Commissioner of the General Land Office.

SB 166, Relating to the effect of an expunction.
(Amended)

SB 363, Relating to the general powers, authority, and boundaries and to the directors of the West Harris County Regional Water Authority; providing penalties.

SB 396, Relating to the interagency exchange of information regarding certain offenders with special needs.
(Committee Substitute)

SB 509, Relating to the repeal of the restriction on the amount of money in the water infrastructure fund that may be used for certain purposes in a fiscal year.

SB 517, Relating to studies or projects concerning coastal erosion that may be undertaken by the General Land Office in conjunction with qualified project partners.

SB 637, Relating to the precedence of certain county highway access rules and ordinances over highway access management orders of the Texas Transportation Commission.

SB 651, Relating to the University of North Texas Health Science Center at Fort Worth missing persons DNA database.

SB 679, Relating to the procedure for determining the incompetency of a defendant to stand trial.
(Committee Substitute)

SB 736, Relating to the authority of certain counties to apply a county fire code to certain buildings.
(Amended)

SB 907, Relating to authority of a peace officer to make an arrest outside of the officer's jurisdiction or to seize property while making the arrest.
(Committee Substitute)

SB 910, Relating to the repeal of certain obsolete laws defining and regulating nitrous oxide as a volatile chemical.

SB 912, Relating to the civil commitment of sexually violent predators.
(Committee Substitute/Amended)

SB 1137, Relating to the development of the wine industry and other businesses related to agriculture or tourism in this state.
(Amended)

SB 1186, Relating to the effect that certain orders relating to family violence and certain decisions regarding military service have on residential leases; providing civil penalties.

SB 1257, Relating to the operation of a motor vehicle by a person who holds a driver's license or a commercial driver's license.
(Amended)

SB 1331, Relating to certain temporary wine and beer retailer's permits.

SB 1339, Relating to the limitation on the sales and use tax rate of a political subdivision in an advanced transportation district.
(Amended)

SB 1354, Relating to the protection of water quality in watersheds threatened by quarry activities; establishing a pilot program in a certain portion of the Brazos River watershed; providing penalties.
(Committee Substitute/Amended)

SB 1465, Relating to the use of certain electronically readable information on a driver's license or identification certificate to comply with certain alcohol and tobacco related laws; providing a penalty.
(Amended)

SB 1791, Relating to the prosecution of the offense of capital murder.

SB 1850, Relating to the regulation of certain businesses that sell beer or beer and wine in certain counties; providing an administrative penalty.
(Amended)

THE HOUSE HAS DISCHARGED ITS CONFEREES AND CONCURRED IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 1239 (non-record vote)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 859 ON SECOND READING**

Senator Ellis moved to suspend the regular order of business to take up for consideration **CSSB 859** at this time on its second reading:

CSSB 859, Relating to a motor vehicle passing a bicyclist; providing penalties.

The motion was lost by the following vote: Yeas 17, Nays 11. (Not receiving two-thirds vote of Members present)

Yeas: Averitt, Barrientos, Carona, Deuell, Duncan, Ellis, Gallegos, Hinojosa, Lindsay, Lucio, Nelson, Shapleigh, Van de Putte, Wentworth, West, Whitmire, Zaffirini.

Nays: Armbrister, Brimer, Eltife, Estes, Fraser, Harris, Jackson, Madla, Seliger, Shapiro, Williams.

Absent: Ogden.

Absent-excused: Janek, Staples.

HOUSE BILL 872 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 872** at this time on its second reading:

HB 872, Relating to the imposition of the pipeline safety annual inspection fee by the Railroad Commission of Texas.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 872** as follows:

Add a new SECTION 2 to HB 872 which reads as follows, and renumber the remaining SECTIONS accordingly:

SECTION 2. Subsection (a), Section 104.301, Utilities Code, is amended to read as follows:

(a) A gas utility that has filed a rate case under Subchapter C within the preceding two years may file with the regulatory authority a tariff or rate schedule that provides for an interim adjustment in the utility's monthly customer charge or initial block rate to recover the cost of changes in the investment in service for gas utility services. The adjustment shall be allocated among the gas utility's classes of customers in the same manner as the cost of service was allocated among classes of customers in the utility's latest effective rates for the area in which the tariff or rate schedule is implemented. The gas utility shall file the tariff or rate schedule, or the annual adjustment under Subsection (c), with the regulatory authority at least 60 days before the proposed implementation date of the tariff, rate schedule, or annual adjustment. The gas utility shall provide notice of the tariff, rate schedule, or annual adjustment to affected customers by bill insert of direct mail not later than the 45th day after the date the utility files the tariff, rate schedule, or annual adjustment with the regulatory authority. During the 60-day period, the regulatory authority may act to suspend the implementation of the tariff, rate schedule, or annual adjustment for up to 45 days. After the issuance of a final order or decision by a regulatory authority in a rate case that is filed after the implementation of a tariff or rate schedule under this section, any change in investment that has been included in an interim adjustment in accordance with the tariff or rate schedule under this section shall no longer be subject

to subsequent review for reasonableness or prudence. Until the issuance of a final order or decision by a regulatory authority in a rate case that is filed after the implementation of a tariff or rate schedule under this section, all amounts collected under the tariff or rate schedule before the filing of the rate case are subject to refund.

The amendment to **HB 872** 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: Janek, Staples.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 872** by inserting the following appropriately numbered sections and renumbering the subsequent sections of the bill accordingly:

SECTION _____. Subchapter C, Chapter 81, Natural Resources Code, is amended by adding Section 81.056 to read as follows:

Sec. 81.056. CONTAMINATION REPORT. (a) In this section:

(1) "Common carrier" has the meaning assigned by Section 111.002.

(2) "Owner of the land" or "landowner" means the first person who is shown on the appraisal roll of the appraisal district established for the county in which a tract of land is located as owning an interest in the surface estate of the land at the time a contamination report is required to be made under this section.

(b) If in the process of placing, repairing, replacing, or maintaining a pipeline a common carrier or an owner or operator of a pipeline observes or detects any petroleum-based contamination of soil or water in proximity to the pipeline, the common carrier or pipeline owner or operator shall report the contamination to the commission and the owner of the land on which the pipeline is located. Petroleum-based contamination of soil or water that is observed or detected is required to be reported under this subsection if:

(1) hydrocarbons are present on the surface of the water;

(2) at least five linear yards of soil have been affected by hydrocarbons; or

(3) soil affected by hydrocarbons extends beyond the face of the excavation in which the contamination is observed or detected.

(c) The contamination report:

(1) must be made not later than 24 hours after the common carrier or pipeline owner or operator observes or detects the contamination;

(2) must include the global positioning satellite coordinates of the location of the contamination; and

(3) may be made by telephone, facsimile, or electronic mail.

(d) Not later than the third business day after the date the commission receives the contamination report, a person authorized by the commission shall withdraw a soil sample from the contaminated land. The person is entitled to enter the land for the purpose of withdrawing the sample.

(e) A common carrier or pipeline owner or operator that makes a contamination report under this section is released from all liability for the contamination or the cleanup of the contamination covered by the report, except for any contamination caused by the common carrier or pipeline owner or operator.

(f) The commission shall adopt rules to implement this section.

SECTION ____. Subsection (e), Section 81.056, Natural Resources Code, as added by this Act, is an exercise of authority under Subsection (c), Section 66, Article III, Texas Constitution, and takes effect only if this Act receives a vote of three-fifths of all the members elected to each house, as provided by Subsection (e) of that section.

The amendment was read.

Senator Hinojosa offered the following amendment to Floor Amendment No. 2:

Floor Amendment No. 3

Amend Floor Amendment No. 2 to **HB 872** at end of the first SECTION __ of the amendment by adding the following to proposed Section 81.056, Natural Resources Code, to read as follows:

(g) The commission may not use money in the oil-field cleanup fund to implement this section.

The amendment to Floor Amendment No. 2 to **HB 872** 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. 3 except as follows:

Absent-excused: Janek, Staples.

Question recurring on the adoption of Floor Amendment No. 2 to **HB 872**, 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. 2 as amended except as follows:

Absent-excused: Janek, Staples.

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

HB 872 as amended 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: Janek, Staples.

HOUSE BILL 872 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 872** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Janek, Staples.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1778 ON SECOND READING**

Senator Van de Putte moved to suspend the regular order of business to take up for consideration **CSSB 1778** at this time on its second reading:

CSSB 1778, Relating to reporting of personal financial information by trustees of certain junior college districts and to candidates for office of certain political subdivisions; providing civil and criminal penalties.

The motion prevailed.

Senators Jackson and Whitmire asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Brimer offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1778** as follows:

- (1) On page 1, line 22, strike "and"
- (2) On page 1, line 23, strike ":" and insert "; and"
- (3) On page 1, between lines 23 and 24, add the following:
"(3) has more than seven trustees."

The amendment to **CSSB 1778** 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: Janek, Staples.

Senator Lindsay offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1778** as follows:

1. In SECTION 1 (committee printing page 1, between lines 23-24) redesignate Subsection (b) to read as follows:

(b) This section does not apply to a junior college district which has 10 or more school districts in two counties in its taxing district.

2. Reletter subsequent Subsections in SECTION 1 accordingly.

The amendment to **CSSB 1778** 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:

Nays: Williams.

Absent-excused: Janek, Staples.

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

CSSB 1778 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: Jackson, Whitmire.

Absent-excused: Janek, Staples.

**COMMITTEE SUBSTITUTE
SENATE BILL 1778 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1778** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

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

Nays: Jackson, Whitmire.

Absent-excused: Janek, Staples.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 2. (Same as previous roll call)

HOUSE BILL 1225 ON SECOND READING

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1225** at this time on its second reading:

HB 1225, Relating to the grounds for an exemption from cancellation of a water right for nonuse.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1225** by adding the following sections as follows:

SECTION ____ . Chapter 11, Water Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. CONCHO RIVER WATERMASTER PROGRAM

Sec. 11.551. DEFINITIONS. In this subchapter:

(1) "Advisory committee" means the Concho River Watermaster Advisory Committee appointed under Section 11.557.

(2) "Executive director" means the executive director of the Texas Commission on Environmental Quality.

(3) "Program" means the Concho River Watermaster Program, a division of the South Texas Watermaster established by the Texas Commission on Environmental Quality and operating pursuant to Rules and Regulations promulgated by the Texas Commission on Environmental Quality.

(4) "Water right holder" means a person who holds a certificated right in water under the jurisdiction of the watermaster acting under this subchapter.

(5) "Water user" means a person, including a water right holder, who uses water under the jurisdiction of the watermaster acting under this subchapter.

Sec. 11.552. CONCHO RIVER WATERMASTER PROGRAM. The Concho River Watermaster Program is established to ensure compliance with water rights in the area described by Section 11.553.

Sec. 11.553. JURISDICTION OF WATERMASTER. The geographical and jurisdictional boundaries of a watermaster acting under this subchapter shall be the Concho River segment of the Colorado River Basin that includes the Concho River and all of its tributaries, downstream on the main stem of the Concho River to a point on the Concho River prior to reaching, and upstream of the O. H. Ivie Reservoir located at and including the diversion point of Certificate of Adjudication No. 14-1393 (River Order No. 4954450000) in Concho County.

Sec. 11.554. WATERMASTER; APPOINTMENT OF DEPUTY WATERMASTER. (a) The watermaster for the South Texas Watermaster Program shall serve as the watermaster for the program.

(b) The watermaster shall appoint a deputy watermaster, who must reside in the area described by Section 11.553.

(c) The watermaster or deputy watermaster may not be:

(1) a water right holder in the river basin or segment of the river basin under the program's jurisdiction;

(2) a purchaser of water from a water right holder in the river basin or segment of the river basin under the program's jurisdiction; or

(3) a landowner of any land adjacent to the river or segment of the river under the program's jurisdiction.

Sec. 11.555. DUTIES AND AUTHORITY OF WATERMASTER. The watermaster has the same duties and authority under the Concho River Watermaster Program as the watermaster has under the South Texas Watermaster Program.

Sec. 11.556. APPOINTMENT OF NONVOTING MEMBER OF SOUTH TEXAS WATERMASTER ADVISORY COMMITTEE. (a) The executive director shall appoint a person who resides in the area described by Section 11.553 to the South Texas Watermaster Advisory Committee.

(b) Except as otherwise provided by this section, Section 11.3261 applies to a member of the South Texas Watermaster Advisory Committee appointed under this section.

(c) A member of the South Texas Watermaster Advisory Committee appointed under this section may attend all meetings of that committee and enter into discussions at the meetings, but the person may not vote at the meetings.

Sec. 11.557. CONCHO RIVER WATERMASTER ADVISORY COMMITTEE. (a) The Concho River Watermaster Advisory Committee consists of 13 members appointed by the executive director as follows:

(1) six members selected from nominations received, one representing the City of Paint Rock and one representing each of the following stream segments or tributaries of the Concho River: Spring Creek, Dove Creek, South Concho, Middle Concho and main stem of the Concho below Certificate of Adjudication No. 14-1337 (River Order No. 5460010000);

(2) six members selected from a list of candidates submitted by the City of San Angelo; and

(3) one member selected at the executive director's discretion.

(b) If the executive director does not receive nominations or a list of candidates as specified under Subsection (a), after reasonable notice the executive director may appoint to the advisory committee the appropriate number of members selected at the executive director's discretion.

(c) If a vacancy occurs on the advisory committee, the executive director shall fill the vacancy for the unexpired term by appointing a person selected in the same manner as the person being replaced.

(d) An advisory committee member shall serve for a term of two years.

(e) An advisory committee member serves without compensation.

(f) The advisory committee shall:

(1) provide recommendations to the watermaster and deputy watermaster regarding activities of benefit to the water right holders in the administration and distribution of water;

(2) advise the watermaster and deputy watermaster on complaints and enforcement matters;

(3) review, hold a public hearing on, and make recommendations on the annual budget proposed by the watermaster so as to cover all costs of the Concho River Watermaster Program; and

(4) provide assistance as requested by the watermaster, deputy watermaster, or water right holders.

(g) Actions of the advisory committee in which a vote is taken must receive a two-thirds affirmative vote of the members present to be approved.

Sec. 11.558. FEES. Fees assessed under the Concho River Watermaster Program shall be of the same type and rate as those assessed under the South Texas Watermaster Program but may be adjusted as necessary to pay all expenses of the Concho River Watermaster Program. The costs of the Concho River Watermaster Program shall be assessed solely upon the water rights holders subject to the Concho River Watermaster Program.

Sec. 11.559. REFERENDUM. (a) On or after September 1, 2009, a water right holder may petition the advisory committee to conduct a referendum on the continuation of the program.

(b) The advisory committee shall conduct a referendum if it receives a petition signed by at least 50 percent of the water right holders.

(c) A referendum under this section must be held on a uniform election date, as provided by Section 41.001, Election Code.

(d) Only current water right holders are eligible to vote in the referendum.

(e) If at least 60 percent of the votes in the referendum favor discontinuing the program, the program shall be discontinued.

(f) A referendum under this section cannot be held more than once every four years.

(g) For purposes of this section, a water right holder shall be considered as one water rights holder regardless of the number or amount of water rights held under a permit or Certificate of Adjudication.

Sec. 11.560. COLORADO RIVER BASIN WATERMASTER PROGRAM. If a watermaster program is established for the entire Colorado River basin, the Concho River Watermaster Program is discontinued, and the area described by Section 11.553 is under the jurisdiction of the watermaster for the Colorado River Basin Watermaster Program.

Sec. 11.561. APPLICABILITY OF OTHER LAW AND COMMISSION RULES. A provision of this code or a rule adopted by the commission that relates to watermasters and does not conflict with the provisions of this subchapter applies to the program established under this subchapter.

SECTION _____. On the effective date of this Subchapter, the provisions of this Subchapter supersede any conflicting orders issued by the Texas Commission on Environmental Quality regarding a watermaster program for the Concho River segment described by Section 11.553, Water Code, as added by this Subchapter.

SECTION _____. The provisions added by this Subchapter take effect September 1, 2005.

SECTION _____. Section 9.017, Water Code, is repealed.

The amendment to **HB 1225** 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: Janek, Staples.

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

HB 1225 as amended 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: Janek, Staples.

HOUSE BILL 1225 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 **HB 1225** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Janek, Staples.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

SENATOR ANNOUNCED PRESENT

Senator Janek, who had previously been recorded as "Absent-excused," was announced "Present."

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

HB 533 to Committee on Business and Commerce.

HB 2544 to Committee on Government Organization.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator West and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Subcommittee on Higher Education might meet and consider **HB 2806** today.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Madla and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Intergovernmental Relations might meet and consider the following bills today:

HB 1648, HB 3164, HB 3461, HB 3476, HB 3479, HB 3487, HB 3525, HB 3550, HB 3560.

**SENATE RULES SUSPENDED
(Posting Rules)**

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

HB 34, HB 1475, HB 1610.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Harris and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Administration might meet and consider the following resolutions today:

HCR 35, HCR 105.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Fraser and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet and consider the following bills today:

HB 363, HB 637, HB 853, HB 1234, HB 1399, HB 1572, HB 1892, HB 2421, HB 2437, HB 2879, HB 2941, HB 3221, HB 3428.

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 today:

HB 908, HB 933, HB 1434, HB 1116, HB 1413, HB 1516, HB 2525, HB 2593, HB 2819, HB 3047, HB 3112.

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 the following bills today: **HB 1659, HB 2928.**

SENATE RULES SUSPENDED
(Posting Rules)

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

HB 201, HB 1449, HB 2120, HB 2795, HB 3485.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Barrientos 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 tomorrow:

HB 599, HB 600, HB 988, HB 2139, HB 2239, HB 2300, HB 2495, HB 3115.

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 and resolutions today:

HB 584, HB 616, HB 873, HB 888, HB 1030, HB 1294, HB 1414, HB 1428, HB 1485, HB 1580, HB 1664, HB 1775, HB 1795, HB 1940, HB 1945, HB 2309, HB 2339, HB 2371, HB 2381, HB 2810, HB 2826, HB 2988, HB 2999, HB 3125, HJR 6, HCR 49.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Criminal Justice might meet and consider the following bills today:

HB 157, HB 164, HB 480, HB 582, HB 615, HB 1012, HB 1357, HB 1634, HB 2751, HB 2791, HB 2837, HB 3093.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Armbrister and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Natural Resources might meet and consider the following bills today:

HB 1900, HB 2140.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Lucio and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on International Relations and Trade might meet and consider **HB 3426** today.

**SENATE RULES SUSPENDED
(Posting Rules)**

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

HB 726, HB 1655, HB 1867, HJR 32.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 950 by Armbrister, In memory of Michael Ryan Davis of La Grange.

Congratulatory Resolutions

SR 944 by Jackson, Recognizing Stephan Eveland of Austin on the occasion of his graduation from the Texas School for the Deaf.

SR 945 by Jackson, Recognizing Joe Wiseman on the occasion of his retirement.

SR 946 by Jackson, Recognizing Raquel Salazar of Seabrook on the occasion of her graduation from the Texas School for the Deaf.

SR 947 by Jackson, Recognizing Carrie Holley of Dickinson on the occasion of her graduation from the Texas School for the Deaf.

SR 948 by Jackson, Recognizing Robin Gonzales of Seabrook on the occasion of her graduation from the Texas School for the Deaf.

SR 949 by Jackson, Recognizing Chris Sanders of Texas City on the occasion of his graduation from the Texas School for the Deaf.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 1:28 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

May 19, 2005

CRIMINAL JUSTICE — **HB 975** (Amended), **CSHB 1038**, **CSHB 1095**, **CSHB 2104**

INTERGOVERNMENTAL RELATIONS — **SJR 12**, **HB 1919**, **HB 1977**, **HB 1346**, **HB 2382**, **HB 2509**, **HB 2589**, **HB 2619**, **HB 2626**, **HB 2661**, **HB 2926**, **HB 3101**, **HB 3195**

HEALTH AND HUMAN SERVICES — **HB 1718** (Amended), **CSHB 2145**

GOVERNMENT ORGANIZATION — **CSHB 2902**

BUSINESS AND COMMERCE — **CSHB 1799**, **CSHB 1939**

JURISPRUDENCE — **HCR 88**, **HB 75**, **HB 270**, **HB 1181**, **HB 1186**, **HB 1934**, **HB 1997**, **HB 2408**, **HB 2414**, **HB 2569**, **HB 3541**, **HB 3570**

BUSINESS AND COMMERCE — **HB 3149**, **HB 2590**, **HB 3384**, **HB 1132**, **HB 2065**, **HB 2388**, **HB 1744**, **HB 3048**, **HB 3140**, **HB 3300**, **HB 2064**

INTERGOVERNMENTAL RELATIONS — **CSHB 731**

HEALTH AND HUMAN SERVICES — **HB 2344** (Amended), **CSHB 790**

BUSINESS AND COMMERCE — **CSHB 833**

JURISPRUDENCE — **HB 3519**

TRANSPORTATION AND HOMELAND SECURITY — **HB 1107**, **HB 1480**, **HB 1244**, **HB 1596**, **HB 2134**, **HB 2257**, **HB 2337**, **HB 2348**, **HB 2650**, **HB 2656**

INTERNATIONAL RELATIONS AND TRADE — **HB 2420**, **HB 2463** (Amended)

STATE AFFAIRS — **CSHB 2883**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **HB 1318**, **HB 2931**

NATURAL RESOURCES — **HB 1763**, **HB 1996**

STATE AFFAIRS — **HB 251**, **HB 345**, **HB 535**, **HB 541**, **HB 659**, **HB 719**, **CSHB 831**, **CSHB 1114**, **HB 1209**, **HB 1474**, **HB 1571**, **HB 1863**, **HB 2059**, **HB 2390**, **HB 2454**, **HB 2476**, **HB 2868**, **HB 2918**, **HB 3169**

SIGNED BY GOVERNOR

May 11, 2005

SCR 20, SCR 26, SCR 28

May 13, 2005

SB 461, SB 481, SB 1298

May 17, 2005

**SB 182, SB 262, SB 321, SB 359, SB 374, SB 376, SB 424, SB 441, SB 446,
SB 449, SB 550, SB 571, SB 580, SB 644, SB 718, SB 895, SB 896, SB 1005,
SB 1006, SB 1011, SB 1126, SB 1217, SB 1563, SB 1680**

SENT TO GOVERNOR

May 19, 2005

SB 46, SB 1281, SB 1473, SB 1787

SIGNED BY GOVERNOR

May 19, 2005

SB 15