

# SIXTY-SEVENTH DAY

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MONDAY, MAY 7, 2001

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## PROCEEDINGS

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bernsen, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Harris, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief, Nelson, Ogden, Shapiro, Shapleigh, Sibley, Truan, Van de Putte, Wentworth, West, Whitmire, Zaffirini, Mr. President.

Absent-excused: Staples.

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

Father Jimmy Drennan, Saint Paul's Catholic Church, San Antonio, offered the invocation as follows:

Good and gracious God of all creation, we turn to You on this holy day and give You thanks and praise for the gift of life. We see the gift of life in all of Your creation, from the depths of the oceans, seas, lakes, and rivers that grace our landscape. Your gift of life is revealed in the air we breathe, the animals, trees, plants, and birds that grace our land. But most of all we thank You for Your diverse mosaic of human life. The culturally diverse world You have continually created has been gathered in a unique way in our great State of Texas. It is for this diversity that we Texans give You thanks and praise.

As You gather our state legislators in this 77th legislative session, inspire them to make decisions that seek to promote the welfare of all Texans. Instill in our elected officials the ability to look past the divisions that human beings have imposed: the barriers of race, culture, ethnicity, language, religion, political party, socioeconomic standing, and national origin. Help them to find simply a brother or sister who intently awaits their guidance, leadership, and service. May the decisions that are made this day challenge all in our state to rise in union, a single yet diverse people, seeking to be better tomorrow than we find ourselves this day.

Inspire our elected officials to be the role models for all of our children. Our youth seek the example of our political leaders. Let them not fail our youth this day. As decisions are made today, let them not be made for the benefit of Democrats or Republicans. Let us not shower only the rich with blessings while neglecting the needs of the poor. May we remember native-born and immigrants without distinction. We are to remember and serve all equally. May you, our elected officials, rise to what you have been elected to be: agents of justice, justice for all. This we ask, in the name of our creator, who lives and reigns forever and ever. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 4, 2001, was dispensed with and the Journal was approved.

### LEAVE OF ABSENCE

On motion of Senator Shapiro, Senator Staples was granted leave of absence for today on account of a death in the family.

### CO-AUTHOR OF SENATE BILL 427

On motion of Senator Lucio and by unanimous consent, Senator Gallegos will be shown as Co-author of **SB 427**.

### MESSAGE FROM THE HOUSE

#### HOUSE CHAMBER

Austin, Texas

May 7, 2001

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

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

#### THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HB 35**, Relating to the requirements for a meeting of certain governmental bodies held by videoconference call.

**HB 71**, Relating to the regulation of certain water well pump installers.

**HB 78**, Relating to the assignment of the judge of the 394th District Court as a visiting judge.

**HB 83**, Relating to property, facilities, and equipment of the Big Bend Regional Hospital District.

**HB 99**, Relating to the use of certain electronic media by the Texas State Board of Pharmacy and persons or entities regulated by that board.

**HB 123**, Relating to a requirement that inmates of the Texas Department of Criminal Justice participate in educational programs.

**HB 170**, Relating to the Nacogdoches County Hospital District.

**HB 249**, Relating to reports on the extent to which the computer technology and electronically stored information of a state agency or a state contractor are vulnerable to unauthorized access or harm.

**HB 253**, Relating to benefits paid to survivors of certain law enforcement officers, firefighters, and other public servants.

**HB 280**, Relating to the efficient use of police service animals.

- HB 340**, Relating to the acquisition by a county of a public interest in certain roads.
- HB 374**, Relating to the assessment of court costs for certain offenses to finance child health and safety programs in municipalities.
- HB 393**, Relating to certain nonprofit entities that provide health or long-term care or health benefit plans; providing a penalty.
- HB 396**, Relating to information required or provided by or to an applicant for a driver's license or personal identification card.
- HB 398**, Relating to disclosure of medical billing records regarding a patient.
- HB 412**, Relating to an extension to file a request to maintain service area certification by a municipally owned utility.
- HB 434**, Relating to the procedures for handling certain defendants acquitted of an offense by reason of insanity.
- HB 451**, Relating to an employee of a personal bond office administering oaths to or taking an acknowledgment or proof of a written instrument from personal bond applicants.
- HB 456**, Relating to exemption from nursing license requirements for certain services provided to persons with disabilities.
- HB 476**, Relating to incentive programs and employment services to benefit certain recipients of financial assistance.
- HB 485**, Relating to the composition of the 83rd Judicial District and to the election of the district attorney for that district.
- HB 497**, Relating to the application of the professional prosecutors law to the district attorney for the 31st Judicial District.
- HB 553**, Relating to the admissibility in a criminal proceeding of a statement made as a result of certain custodial interrogations and obtained in compliance with the laws of another state or the United States.
- HB 567**, Relating to computation of the maximum and minimum benefit amounts for total unemployment under the unemployment compensation system.
- HB 609**, Relating to internal auditing of state agencies.
- HB 627**, Relating to sale of wine by certain holders of a winery permit.
- HB 638**, Relating to contesting a voluntary statement of paternity or acknowledgment of paternity.
- HB 660**, Relating to career and technology education and training.
- HB 709**, Relating to the maximum number of registered voters an election precinct may contain in certain counties.
- HB 776**, Relating to the implementation, operation, and maintenance of the criminal justice information system.
- HB 931**, Relating to a coordinated economic development plan for the state.

**HB 932**, Relating to requiring information from the comptroller about state and local activities relating to economic development.

**HB 936**, Relating to the application of certain laws to local workforce development boards and to the application of certain conflict of interest requirements to the members of those boards.

**HB 939**, Relating to the application of certain taxes on persons involved in television, motion picture, video, and audio productions.

**HB 1080**, Relating to insurance requirements to limit the liability of an owner, lessee, or occupant of agricultural land for damages arising from a certified prescribed burn on that land.

**HB 1088**, Relating to the placement in an alternative education program or expulsion of a public school student who makes a false alarm or report or a terroristic threat.

**HB 1183**, Relating to the regulation of surgical assistants and to the determination of whether a patient is a non-indigent patient; granting rulemaking authority; providing an administrative penalty.

**HB 1191**, Relating to the authority of the commissioners court of a county to alter speed limits on county roads.

**HB 1214**, Relating to the regulation of certain occupations by, and other powers and duties of, the Texas Department of Licensing and Regulation.

**HB 1279**, Relating to the application of certain licensing and registration requirements to activities involving resilient floor-covering material.

**HB 1309**, Relating to requirements applicable to child-care workers who receive scholarships funded by the federal Child Care Development Fund.

**HB 1310**, Relating to the Texas Teachers' Excellence Program.

**HB 1316**, Relating to the consideration of a trust as property liable for the support of clients at mental health community centers or patients at state hospitals.

**HB 1384**, Relating to the termination of agreements with certain insurance agents.

**HB 1387**, Relating to the application of the higher education uniform admission policy to graduates of certain special high school programs.

**HB 1388**, Relating to the civil service status of fire fighters in certain cities.

**HB 1394**, Relating to the creation of municipal courts of record in Bullard.

**HB 1408**, Relating to the refund of unearned premiums by an insurer.

**HB 1415**, Relating to the duty of law enforcement agencies regarding records associated with certain defendants receiving deferred adjudication.

**HB 1426**, Relating to the repeal of an obsolete provision authorizing a temporary reduction of the royalty rate on gas produced from certain state land.

**HB 1428**, Relating to the reestablishment of service credit in a public retirement system participating in the proportionate retirement program.

**HB 1495**, Relating to the transfer of tax credits among members of the Life, Accident, Health and Hospital Service Insurance Guaranty Association.

**HB 1497**, Relating to the provision of mental health and mental retardation services.

**HB 1524**, Relating to the regulation of industrial alcohol.

**HB 1544**, Relating to the release of certain personal information from motor vehicle records and information relating to motor vehicle accident reports; providing penalties.

**HB 1554**, Relating to the punishment of the offense of assault.

**HB 1572**, Relating to the rights of victims of crime, participation by victims and witnesses in certain criminal proceedings, and the payment of restitution to victims.

**HB 1611**, Relating to the authority of certain municipalities to collect a penalty for the failure of a contractor or subcontractor to pay the prevailing wage rate.

**HB 1612**, Relating to permitted forms of payment for permit application fees.

**HB 1613**, Relating to records retention requirements for certain manufacturers and distributors of alcoholic beverages.

**HB 1614**, Relating to requirements for the issuance of a food and beverage certificate to certain alcoholic beverage permit or license holders.

**HB 1653**, Relating to the designation of part of State Highway 90 as the Judge Starling Dean Memorial Highway.

**HB 1708**, Relating to contribution rates for cotton ginner for unemployment compensation purposes.

**HB 1712**, Relating to online public access to certain information regarding attorneys.

**HB 1716**, Relating to the establishment and operation of the San Antonio Life Sciences Institute in The University of Texas System.

**HB 1719**, Relating to prohibiting certain persons and entities from banning the use of recording devices during the delivery of a child.

**HB 1727**, Relating to the method of delivery of a copy of a proposed local or special law to certain local governments.

**HB 1757**, Relating to payment of unemployment compensation tax contributions by certain employers engaged in agriculture.

**HB 1806**, Relating to the issuance of certain alcoholic beverage licenses and permits.

**HB 1813**, Relating to the creation of the offense of theft by a caretaker.

**HB 1845**, Relating to simplified sales and use tax administration.

**HB 1880**, Relating to the creation, operation, and administration of agricultural development districts and granting the power of eminent domain and the authority to issue bonds.

**HB 1925**, Relating to the creation of an offense prohibiting certain weapons within 1,000 feet of a place of execution.

**HB 1940**, Relating to the proration of the taxes imposed on a residence homestead in a year in which a residence homestead exemption for an elderly person terminates.

**HB 1955**, Relating to the discharge from jail of a misdemeanor who is jailed to satisfy fines and costs.

**HB 1972**, Relating to the election dates for directors of the Bee Groundwater Conservation District.

**HB 1996**, Relating to the designation of a segment of Loop 375 in El Paso County as the Cesar Chavez Border Highway.

**HB 2004**, Relating to the medication a patient receives after being furloughed or discharged from inpatient mental health services.

**HB 2010**, Relating to the availability of deferred adjudication to a defendant charged with delivering certain controlled substances or marihuana to a minor.

**HB 2028**, Relating to the enforcement of a lien by the Texas Workforce Commission for unpaid wages or penalties.

**HB 2045**, Relating to the disposition of impact fees by municipal utility districts.

**HB 2046**, Relating to the ratification of the creation of and to the administration, powers, duties, operation, and financing of the Refugio Groundwater Conservation District.

**HB 2061**, Relating to establishing a historical representation advisory committee.

**HB 2122**, Relating to the administration of a statewide retirement system for volunteer firefighters and other emergency services personnel.

**HB 2143**, Relating to tuition charges by school districts for certain military dependents.

**HB 2156**, Relating to certain utility customer discounts.

**HB 2178**, Relating to the expunction of information about certain chemical dependency diagnoses in certain medical records.

**HB 2204**, Relating to the safety of bicyclists and pedestrians; providing criminal penalties.

**HB 2222**, Relating to the prosecution and punishment of injury to a child, elderly individual, or disabled individual.

**HB 2263**, Relating to a guide for historical markers along roadways in this state.

**HB 2265**, Relating to the funding of child care subsidies by the Texas Workforce Commission.

**HB 2270**, Relating to the jurisdiction of municipal courts of record over health and safety and nuisance abatement ordinances.

**HB 2287**, Relating to the authority of a hospital to share with certain attending physicians reimbursements for services provided to patients under the medical assistance program.

**HB 2334**, Relating to the designation of a portion of U.S. Highway 69 as the Big Thicket National Preserve Parkway.

**HB 2367**, Relating to the liability of certain nonprofit organizations and their employees and volunteers.

**HB 2379**, Relating to the authority of certain development corporations to undertake water supply or conservation projects.

**HB 2400**, Relating to liability of sponsors of and participants in certain activities involving animals.

**HB 2403**, Relating to reporting requirements regarding certain clothes-washing machines.

**HB 2404**, Relating to the submetering and allocation of water service in apartment houses, manufactured home rental communities, condominiums, and other multiple use facilities.

**HB 2405**, Relating to regulating mass gatherings on public beaches in coastal counties; providing a penalty.

**HB 2408**, Relating to a study by the Health Professions Council relating to the complaint procedures of certain health care regulatory entities.

**HB 2413**, Relating to the tax on cigarettes, cigars, and other tobacco products.

**HB 2415**, Relating to an interim study of the marketplace in the state for life insurance issued with a small face amount.

**HB 2419**, Relating to charity care requirements for certain hospitals.

**HB 2421**, Relating to establishing a program to recruit rural medical students for service in rural communities.

**HB 2423**, Relating to the designation of a hospital as a rural hospital.

**HB 2436**, Relating to a requirement that the Bureau of Economic Geology of The University of Texas at Austin conduct a study of the East Texas Oil Field.

**HB 2482**, Relating to stabilization of long-term care insurance premium rates.

**HB 2492**, Relating to the state employee incentive and productivity program.

**HB 2498**, Relating to certain cross-border health care plans offered by health maintenance organizations.

**HB 2558**, Relating to the amount of the fees established by the Texas State Board of Medical Examiners.

**HB 2574**, Relating to the establishment of a community health center revolving loan fund program.

**HB 2588**, Relating to the consideration of potential water savings under a water conservation plan in determining the manner of distributing water during a shortage from a water supply covered by a plan.

**HB 2593**, Relating to the establishment of a pilot program by the Texas Workforce Commission for technology training for certain persons.

**HB 2613**, Relating to the payment and funding of workers' compensation benefits for certain claimants who work part-time or have multiple employment.

**HB 2618**, Relating to the funding and operation of certain emergency management and disaster relief programs.

**HB 2643**, Relating to the ratification of the creation of and to the administration, powers, duties, operation, and financing of the Crossroads Groundwater Conservation District.

**HB 2648**, Relating to the administration of epinephrine by certain emergency medical services personnel.

**HB 2665**, Relating to the duties and powers of the Southmost Regional Water Authority.

**HB 2679**, Relating to the authority of the judges of the county courts at law in Nueces County to impanel general jury panels for service in certain courts.

**HB 2681**, Relating to the authority of certain municipalities to use hotel occupancy tax revenue for certain venue projects.

**HB 2683**, Relating to public improvement projects to enforce deed restrictions and perform architectural control.

**HB 2686**, Relating to tax incentives for certain businesses located in enterprise zones, defense readjustment zones, or strategic investment areas.

**HB 2696**, Relating to the duties of peace officers, law enforcement agencies, and attorneys representing the state in asset forfeiture proceedings.

**HB 2718**, Relating to the recovery of certain relocation costs by a gas utility.

**HB 2728**, Relating to regulation of the issuance of a security under a certain compensation plan established by the issuer of the security or a participating subsidiary of the issuer.

**HB 2729**, Relating to allowing the donation of certain unused prescription drugs to charitable medical clinics.

**HB 2731**, Relating to a proceeding to declare heirship.

**HB 2757**, Relating to the designation of certain land that includes a greenhouse as agricultural land for ad valorem tax appraisal purposes.

**HB 2760**, Relating to the resolution of disputes arising under interlocal cooperation contracts.

**HB 2766**, Relating to repayment assistance for certain education loans owed by certain state attorneys.

**HB 2767**, Relating to the notice regarding sales of cigarettes and tobacco products given by a retailer to its employees.

**HB 2778**, Relating to the membership of the interagency work group on unfunded mandates on political subdivisions.

**HB 2782**, Relating to the authority of the commissioners court of a county to impose an application fee to be paid in connection with an application or request for county ad valorem tax abatement.

**HB 2798**, Relating to certain civil and criminal consequences of using a vehicle while evading arrest or detention.



**HB 2804**, Relating to certain instruments recorded to create liens on property or to show satisfaction of a judgment.

**HB 2818**, Relating to the maximum inmate population of facilities operated by municipalities.

**HB 2830**, Relating to unauthorized insurance.

**HB 2831**, Relating to notification to certain health care providers of the factors considered by a managed care entity in determining the amount of reimbursement for an out-of-network provider.

**HB 2832**, Relating to requiring tax collectors to notify taxpayers of certain overpayments of ad valorem taxes and to issue refunds of certain duplicate payments of ad valorem taxes.

**HB 2833**, Relating to the application of the sales tax to services provided in connection with certain foreclosure sales.

**HB 2839**, Relating to energy efficiency programs developed by the energy office.

**HB 2844**, Relating to authorizing the Texas Department of Health to exempt certain projects from rules relating to asbestos abatement.

**HB 2845**, Relating to the creation of an initiative to promote the commercialization of fuel cell technologies, including tax exemptions and reductions for certain corporations.

**HB 2855**, Relating to the ratification of the creation of and to the administration, powers, duties, operation, taxing authority, and financing of the Southeast Trinity Groundwater Conservation District.

**HB 2856**, Relating to certain criminal offenses involving bail bond activity; increasing a penalty.

**HB 2859**, Relating to authorizing the Texas Board of Criminal Justice to grant a conservation easement covering certain state property.

**HB 2863**, Relating to the threshold contract amount at which a county and certain municipalities are required to engage in a competitive purchasing procedure for certain purchases.

**HB 2879**, Relating to public school finance.

**HB 2890**, Relating to the creation of an offense prohibiting certain persons in custody from contacting their victims.

**HB 2914**, Relating to state fiscal matters.

**HB 2932**, Relating to a discount on the premium surcharge for a motor vehicle equipped with a breath alcohol detection device.

**HB 2957**, Relating to authorized investments for certain public money.

**HB 2976**, Relating to the funding of the State Office of Risk Management.

**HB 2982**, Relating to disclosure on hotel bills of the governmental entities imposing the hotel occupancy tax.

**HB 3000**, Relating to the authority of a criminal law magistrate in Bexar County to rule on an issue of law or fact.

**HB 3006**, Relating to composition of the board of directors of a tax increment reinvestment zone.

**HB 3019**, Relating to the eligibility for ad valorem tax abatement of property that is the subject of a voluntary cleanup agreement.

**HB 3023**, Relating to water quality permit applications for certain facilities located near a sole-source drinking water supply.

**HB 3043**, Relating to prevention and detection of fraud in hospital district funded indigent health care programs.

**HB 3071**, Relating to matters regarding the regulation of motor vehicle inspection stations and inspectors.

**HB 3076**, Relating to the designation of a portion of Business United States Highway 287 as the L. P. "Pete" Gilvin Memorial Highway.

**HB 3095**, Relating to the governing body and powers of the Salt Fork Water Quality District.

**HB 3111**, Relating to occupational licenses and registrations issued by the Texas Natural Resource Conservation Commission.

**HB 3123**, Relating to the standards for determining whether land qualifies for appraisal for ad valorem tax purposes as open-space land based on its use for wildlife management.

**HB 3178**, Relating to the requirement that certain persons associated with development corporations complete a training seminar on the operation and administration of development corporations; providing an administrative penalty.

**HB 3194**, Relating to the creation, administration, powers, duties, operation, and financing of the Fort Bend County Levee Improvement District Number 16 and to the authorization of bonds and the levy of taxes; providing civil penalties.

**HB 3195**, Relating to the creation, administration, powers, duties, operation, and financing of the Fort Bend County Municipal Utility District Number 134 and to the authorization of bonds and the levy of taxes; providing civil penalties.

**HB 3231**, Relating to the creation, administration, powers, duties, operation, and financing of the DeWitt County Groundwater Conservation District.

**HB 3254**, Relating to limitations on certain disciplinary actions by the commissioner of insurance or the Texas Department of Insurance.

**HB 3258**, Relating to the service areas of certain public junior colleges.

**HB 3323**, Relating to the creation, organization, and powers of a coordinated county transportation authority; authorizing the imposition of a tax, the issuance of bonds and notes, and the exercise of the power of eminent domain.

**HB 3338**, Relating to the number of sets of special license plates that may be issued to a person with a disability.

**HB 3359**, Relating to the designation of a part of U.S. Highway 90 in Bexar County as the 90th Infantry Division Memorial Highway.

**HB 3378**, Relating to composition of the Texas Department of Mental Health and Mental Retardation.

**HB 3387**, Relating to the disposition of public property in a defense economic readjustment zone.

**HB 3393**, Relating to the adoption and use of certain consumer information materials in Spanish regarding personal automobile insurance coverage.

**HB 3463**, Relating to a school district's release of certain records.

**HB 3465**, Relating to certain fees prescribed by the Texas Board of Health for the regulation of opticians.

**HB 3467**, Relating to a proceeding concerning a decedent's estate.

**HB 3473**, Relating to prohibiting employer retaliation against certain employees who report child abuse or neglect.

**HB 3526**, Relating to the use of estimated property values in preparing the public notice provided by school districts before adopting a proposed budget and tax rate.

**HB 3543**, Relating to the name, elections, duties, powers, operation, and financing of the Headwaters Underground Water Conservation District.

**HB 3600**, Relating to the confidentiality of records regarding the compliance monitoring of physicians by the Texas State Board of Medical Examiners.

**HB 3604**, Relating to the requirements for the connection of land to utility service in certain subdivisions in certain counties.

**HB 3628**, Relating to the validation of the creation and to the administration, powers, duties, operation, and financing of the Hays County Water Control and Improvement District No. 1 and the provision of certain services in the district.

**HB 3629**, Relating to the validation of the creation and to the administration, powers, duties, operation, and financing of the Hays County Water Control and Improvement District No. 2 and the provision of certain services in the district.

**HB 3630**, Relating to the Health Insurance Risk Pool.

**HB 3632**, Relating to the jurisdiction of a county court at law in Wichita County.

**HB 3633**, Relating to the operation of the East Montgomery County Improvement District.

**HB 3637**, Relating to the County Court at Law of Burnet County.

**HB 3643**, Relating to the creation of the County Court at Law of Aransas County and to the jurisdiction of the County Court of Aransas County.

**HB 3648**, Relating to the creation, administration, powers, duties, operation, and financing of the East Montgomery County Municipal Utility District No. 3.

**HB 3649**, Relating to the jurisdiction of and composition of juries in the County Court at Law of Gregg County.

**HB 3653**, Relating to the creation, administration, powers, duties, operation, and financing of the Jefferson County Waterway and Navigation District and the merger of the Jefferson County Navigation District with that district.

**HB 3659**, Relating to the creation, administration, powers, duties, operation, and financing of the Wes-Tex Groundwater Conservation District.

**HB 3663**, Relating to the jurisdiction of a county criminal court at law in Harris County.

**HB 3665**, Relating to the creation, administration, powers, duties, operation, and financing of the Cross Timbers Groundwater Conservation District.

**HB 3666**, Relating to the jurisdiction of the County Court at Law of Erath County.

**HB 3670**, Relating to the election and qualifications of directors of the Lubbock County Water Control and Improvement District No. 1.

**HB 3675**, Relating to the creation, administration, powers, duties, operation, and financing of the Brazoria County Groundwater Conservation District.

**HB 3676**, Relating to the board of directors and the taxing authority of the Collingsworth County Underground Water Conservation District.

**HB 3677**, Relating to the composition of the Nacogdoches County Juvenile Board.

**HB 3678**, Relating to the creation of an additional statutory county court in Galveston County and to the administration, operation, and jurisdiction of the statutory courts in that county.

**HB 3680**, Relating to the dissolution of the DeLeon Hospital District and the Comanche County Hospital District and the creation of the Comanche County Consolidated Hospital District.

**HB 3682**, Relating to the creation, administration, powers and duties of the NTM Improvement District; providing authority to impose taxes and issue bonds.

**HB 3687**, Relating to the operation of the Nixon Hospital District of Gonzales and Wilson Counties, Texas, and the DeWitt Medical District.

**HB 3692**, Relating to the creation of the Greater Southeast Management District; providing authority to impose a tax and issue bonds.

**HB 3694**, Relating to an annual salary supplement paid by Cameron County to the local administrative district judge in Cameron County.

**HB 3699**, Relating to the allocation of certain funds for institutions within the Texas State University System.

**HCR 41**, Designating the city of Kenedy as the Texas Horned Lizard Capital of the World.

**HCR 102**, Designating the week of May 20-26, 2001, as Make an Impact Week.

**HCR 138**, Urging congress to provide Medicaid funds to Texas in the form of a block grant.

**HCR 177**, Designating March 2001 as Dolphin Awareness Month and commending the work of the Texas Marine Mammal Stranding Network.

**HCR 200**, Commending the Texas Legislative Council for its excellent work on the revised Texas Penal Code, recently selected as the best-written penal code in the United States.

**HCR 202**, Directing the Health and Human Services Commission to redesignate the Doctors Hospital of Groves from an urban hospital to a rural hospital.

**HCR 209**, Honoring the 49th Armored Division of the Texas National Guard for its impressive peacekeeping efforts in Bosnia.

**HCR 214**, Memorializing Congress to establish a separate Federal Medical Assistance Percentage for the Texas-Mexico border region.

**HCR 217**, Recognizing children born outside of Texas to native Texans serving in the United States Armed Forces as honorary Texans.

**HCR 223**, Directing the Texas Department of Health to prepare a list of foods and beverages fortified with calcium for use by each primary and secondary school in Texas.

**HCR 226**, Memorializing congress to modify the tax code to allow for the issuance of tax-exempt industrial revenue bonds for air pollution control facilities in nonattainment areas.

**HCR 227**, Commending Tarrant County Judge Tom Vandergriff on his exemplary public service.

**HCR 235**, Commending the Women in Government organization and encouraging each state agency and state education institution to take action to achieve improved and equal access for women to health care.

**HCR 236**, Honoring Shelton Smith of Houston for his professional contributions.

**HCR 241**, Designating El Paso as the International Gateway City of the Americas.

**HCR 245**, Honoring Naomi Carrier Grundy and Allen Grundy for their efforts to document the Texas Underground Railroad and directing the Texas Historical Commission and the Texas Parks and Wildlife Department to support continued research on the Underground Railroad.

**HCR 249**, Encouraging Boeing to move its new corporate headquarters to the Dallas/Fort Worth area.

**HCR 254**, Directing the Department of Protective and Regulatory Services in conjunction with the United Ways of Texas to develop a multiagency and local effort to study issues relating to at-risk youth in nonurban areas.

**HCR 255**, In memory of Tillman Bascome McHenry, Sr., of Deer Park.

**HCR 256**, Memorializing Congress to relocate the U.S. Border Patrol training academy to the southwest Texas border region.

**HJR 67**, Proposing a constitutional amendment to extend residence homestead ad valorem tax exemptions and protection from forced sale to a homestead owned by a family-owned business.

**SB 31**, Relating to providing information about bacterial meningitis to students of public schools and students of institutions of higher education.  
(Amended)

**SB 36**, Relating to training for certain caseworkers employed by health and human services agencies or local mental health or mental retardation authorities.

**SB 55**, Relating to a statewide education program to prevent infant mortality.

**SB 72**, Relating to the titles of the presiding officers of the board of regents of Texas Woman's University.

**SB 76**, Relating to meetings of the board of regents of Midwestern State University.

**SB 83**, Relating to the regulation of intermediate care facilities for persons with mental retardation.

**SB 116**, Relating to authorizing the board of trustees of an independent school district to donate certain surplus district property to a municipality, county, or nonprofit organization in order to preserve the property.

**SB 134**, Relating to the authority of a commissioners court of a county to make payroll deductions at the request of a county employee.

**SB 154**, Relating to a requirement that information about anatomical gifts be included in the curriculum of certain driver education and driving safety courses.

**SB 183**, Relating to the designation of Farm-to-Market Road 604 as the Atlas ICBM Highway.

**SB 203**, Relating to the summoning of potential grand jurors.  
(Committee Substitute/Amended)

**SB 274**, Relating to the contracting authority of, authorized uses for tax proceeds by, and eligibility for participation in tax increment financing of Bexar County Hospital District and Harris County Hospital District.  
(Amended)

**SB 289**, Relating to the exemption of small hydroelectric facilities from water quality management and watermaster fees.  
(Amended)

**SB 379**, Relating to conditions of employment for peace officers employed by certain rapid transit authorities.

**SB 406**, Relating to the preservation of rail facilities by the Texas Department of Transportation.  
(Committee Substitute/Amended)

**SB 575**, Relating to applicability of the Texas Youth Camp Safety and Health Act to a private or independent institution of higher education.  
(Committee Substitute)

**SB 634**, Relating to the authority of certain counties to prohibit glass products on public beaches.

**SB 644**, Relating to continuity of care for offenders with mental impairments.

**SB 660**, Relating to the regulation of the practice of barbering.  
(Amended)

**SB 661**, Relating to certain entities and individuals permitted to exchange information regarding special needs offenders.  
(Amended)

**SB 685**, Relating to transfer of the regulation of riding stables to the Texas Animal Health Commission from the Texas Department of Health.  
(Amended)

**SB 692**, Relating to the evaluation and approval of continuing education courses for occupational therapists.

**SB 708**, Relating to the retirement system for firefighters and police officers in certain municipalities.

**SB 717**, Relating to the boll weevil eradication program.

**SB 732**, Relating to the certification of certain revenue received by a county after the fiscal year begins.

(Amended)

**SB 753**, Relating to the regulation of controlled substances under the Texas Controlled Substances Act, to the accessibility of certain information collected under that Act, and to the punishment for certain offenses under that Act.

(Amended)

**SB 833**, Relating to child-care services.

**SB 834**, Relating to electronic access to health and human services information.

(Committee Substitute)

**SB 874**, Relating to the authority of certain political subdivisions to require bidders to attend pre-bid conferences as a condition for accepting a bid.

(Committee Substitute)

**SB 908**, Relating to the establishment of a program of all-inclusive care for the elderly (PACE).

**SB 926**, Relating to the abolition of the Collin County Water Authority.

**SB 994**, Relating to loss control programs for insurance companies.

**SB 1014**, Relating to the service areas of certain junior college districts.

**SB 1095**, Relating to ad valorem taxation.

(Amended)

**SB 1113**, Relating to the application of the professional prosecutors law to and the compensation of the county attorney of Rains County.

**SB 1154**, Relating to information included on the Internet website of the Texas Department of Transportation.

(Committee Substitute)

**SB 1159**, Relating to improving the provision of state veteran services.

**SB 1162**, Relating to prohibiting the operation of a vehicle on dunes; providing a criminal penalty.

**SB 1202**, Relating to the limits on compensation paid by the state to certain victims of crime.

(Committee Substitute)

**SB 1206**, Relating to risk assessment procedures used in the sex offender registration program and to duties and immunities for officers and employees who administer the program.

**SB 1230**, Relating to certain state agency operating plans and strategic plans for information resources management.

**SB 1264**, Relating to the scope of practice of a physician assistant acting in a delegated practice.

**SB 1355**, Relating to certain personal property that is presumed abandoned.

**SB 1454**, Relating to the Texas Food for Health Advisory Council.

**SB 1498**, Relating to authorizing a recreational facility fee at The University of Texas at Arlington.

**SB 1583**, Relating to reports submitted to the Commission on Law Enforcement Officer Standards and Education.

**SB 1629**, Relating to the creation, administration, powers, duties, operations, and financing of Cibolo Canyon Conservation and Improvement District No. 1; granting the authority to impose taxes and issue bonds; granting the power of eminent domain. (Amended)

**SB 1680**, Relating to audits of the promotion and development fund of a navigation district.

**SB 1789**, Relating to the appointment of a public defender by the Commissioners Court of Randall County.

**SCR 10**, Memorializing Congress to fund county and municipal inspections of overweight traffic within 20 miles of the border.

**SCR 17**, Authorizing the burial of Vernon "Max" Arrell and wife, Betty B. Arrell, in the State Cemetery.

**SCR 33**, Declaring Electra the Pump Jack Capital of Texas.

**SCR 43**, Recognizing the importance of the facilities of the Pearl Brewing Company in San Antonio to Texas history.

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

**SB 577**

House Conferees: Driver - Chair/Danburg/King, Phil/Lewis, Glenn/Turner, Bob

Respectfully,

/s/Sharon Carter, Chief Clerk  
House of Representatives

#### PERMISSION TO INTRODUCE BILL AND RESOLUTIONS

Senator Truan moved to suspend Senate Rule 7.07(b) and Section 5, Article III of the Texas Constitution to permit the introduction of the following bill and resolutions: **SB 1840**, **SCR 53**, **SCR 54**.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

Absent-excused: Staples.



**SENATE BILL AND RESOLUTIONS ON FIRST READING**

The following bill and resolutions were introduced, read first time, and referred to the committees indicated:

**SB 1840** by Van de Putte

Relating to a study regarding the operation of The University of Texas at San Antonio and The University of Texas Health Science Center at San Antonio as a single research university.

To Committee on Education.

**SCR 53** by Barrientos

Creating the Communities in Schools of Texas State Advisory Council.

To Committee on Administration.

**SCR 54** by Bernsen

Memorializing Congress to remove trade, financial, and travel restrictions relating to Cuba.

To Committee on Natural Resources.

**HOUSE BILLS AND RESOLUTIONS ON FIRST READING**

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

**HB 35** to Committee on State Affairs.

**HB 71** to Committee on Natural Resources.

**HB 78** to Committee on Jurisprudence.

**HB 83** to Committee on Intergovernmental Relations.

**HB 99** to Committee on Health and Human Services.

**HB 123** to Committee on Criminal Justice.

**HB 170** to Committee on Intergovernmental Relations.

**HB 249** to Committee on State Affairs.

**HB 253** to Committee on Finance.

**HB 280** to Committee on Criminal Justice.

**HB 340** to Committee on Intergovernmental Relations.

**HB 370** to Committee on Intergovernmental Relations.

**HB 374** to Committee on Jurisprudence.

**HB 393** to Committee on Health and Human Services.

**HB 396** to Committee on Criminal Justice.

**HB 398** to Committee on Health and Human Services.

**HB 412** to Committee on Business and Commerce.

**HB 434** to Committee on Criminal Justice.

**HB 451** to Committee on Jurisprudence.

**HB 456** to Committee on Health and Human Services.

**HB 476** to Committee on Health and Human Services.

**HB 485** to Committee on Jurisprudence.

**HB 497** to Committee on Jurisprudence.

**HB 553** to Committee on Criminal Justice.

**HB 567** to Committee on Business and Commerce.

**HB 598** to Committee on Criminal Justice.

**HB 609** to Committee on Finance.

**HB 627** to Committee on Business and Commerce.  
**HB 638** to Committee on Jurisprudence.  
**HB 660** to Committee on Education.  
**HB 709** to Committee on State Affairs.  
**HB 776** to Committee on Criminal Justice.  
**HB 849** to Committee on Business and Commerce.  
**HB 877** to Committee on State Affairs.  
**HB 931** to Committee on Business and Commerce.  
**HB 932** to Committee on Business and Commerce.  
**HB 936** to Committee on Business and Commerce.  
**HB 939** to Committee on Finance.  
**HB 1005** to Committee on Health and Human Services.  
**HB 1053** to Committee on Business and Commerce.  
**HB 1056** to Committee on Administration.  
**HB 1080** to Committee on Business and Commerce.  
**HB 1088** to Committee on Education.  
**HB 1096** to Committee on Intergovernmental Relations.  
**HB 1099** to Committee on Health and Human Services.  
**HB 1183** to Committee on Health and Human Services.  
**HB 1191** to Committee on Intergovernmental Relations.  
**HB 1200** to Committee on Finance.  
**HB 1214** to Committee on Business and Commerce.  
**HB 1234** to Committee on Criminal Justice.  
**HB 1279** to Committee on Business and Commerce.  
**HB 1309** to Committee on Business and Commerce.  
**HB 1310** to Committee on Education.  
**HB 1316** to Committee on Health and Human Services.  
**HB 1363** to Committee on Jurisprudence.  
**HB 1384** to Committee on Business and Commerce.  
**HB 1387** to Committee on Education.  
**HB 1388** to Committee on Intergovernmental Relations.  
**HB 1394** to Committee on Intergovernmental Relations.  
**HB 1408** to Committee on Business and Commerce.  
**HB 1415** to Committee on Criminal Justice.  
**HB 1426** to Committee on Natural Resources.  
**HB 1428** to Committee on State Affairs.  
**HB 1491** to Committee on Business and Commerce.  
**HB 1495** to Committee on Business and Commerce.  
**HB 1497** to Committee on Health and Human Services.  
**HB 1524** to Committee on Business and Commerce.  
**HB 1544** to Committee on State Affairs.  
**HB 1554** to Committee on Criminal Justice.  
**HB 1572** to Committee on Criminal Justice.  
**HB 1611** to Committee on Intergovernmental Relations.  
**HB 1612** to Committee on Business and Commerce.  
**HB 1613** to Committee on Business and Commerce.

**HB 1614** to Committee on Business and Commerce.  
**HB 1653** to Committee on State Affairs.  
**HB 1708** to Committee on Business and Commerce.  
**HB 1712** to Committee on Jurisprudence.  
**HB 1716** to Committee on Education.  
**HB 1719** to Committee on Health and Human Services.  
**HB 1721** to Committee on Education.  
**HB 1727** to Committee on State Affairs.  
**HB 1757** to Committee on Business and Commerce.  
**HB 1806** to Committee on Business and Commerce.  
**HB 1813** to Committee on Jurisprudence.  
**HB 1839** to Committee on Finance.  
**HB 1845** to Committee on Finance.  
**HB 1852** to Committee on State Affairs.  
**HB 1856** to Committee on State Affairs.  
**HB 1880** to Committee on Natural Resources.  
**HB 1925** to Committee on Criminal Justice.  
**HB 1940** to Committee on Intergovernmental Relations.  
**HB 1955** to Committee on Criminal Justice.  
**HB 1972** to Committee on Natural Resources.  
**HB 1996** to Committee on State Affairs.  
**HB 2004** to Committee on Health and Human Services.  
**HB 2010** to Committee on Criminal Justice.  
**HB 2028** to Committee on Business and Commerce.  
**HB 2045** to Committee on Natural Resources.  
**HB 2046** to Committee on Natural Resources.  
**HB 2061** to Committee on Administration.  
**HB 2102** to Committee on Business and Commerce.  
**HB 2122** to Committee on State Affairs.  
**HB 2143** to Committee on Education.  
**HB 2156** to Committee on Business and Commerce.  
**HB 2178** to Committee on Health and Human Services.  
**HB 2204** to Committee on State Affairs.  
**HB 2222** to Committee on Criminal Justice.  
**HB 2263** to Committee on State Affairs.  
**HB 2265** to Committee on Business and Commerce.  
**HB 2270** to Committee on Intergovernmental Relations.  
**HB 2287** to Committee on Health and Human Services.  
**HB 2313** to Committee on State Affairs.  
**HB 2334** to Committee on State Affairs.  
**HB 2367** to Committee on Jurisprudence.  
**HB 2379** to Committee on Natural Resources.  
**HB 2382** to Committee on Business and Commerce.  
**HB 2400** to Committee on Natural Resources.  
**HB 2403** to Committee on Natural Resources.  
**HB 2404** to Committee on Natural Resources.

**HB 2405** to Committee on Intergovernmental Relations.  
**HB 2408** to Committee on Health and Human Services.  
**HB 2413** to Committee on Business and Commerce.  
**HB 2415** to Committee on Business and Commerce.  
**HB 2419** to Committee on Health and Human Services.  
**HB 2421** to Committee on Health and Human Services.  
**HB 2423** to Committee on Health and Human Services.  
**HB 2436** to Committee on Natural Resources.  
**HB 2456** to Committee on Finance.  
**HB 2482** to Committee on Business and Commerce.  
**HB 2492** to Committee on State Affairs.  
**HB 2498** to Committee on Business and Commerce.  
**HB 2503** to Committee on Business and Commerce.  
**HB 2510** to Committee on Education.  
**HB 2558** to Committee on Health and Human Services.  
**HB 2574** to Committee on Health and Human Services.  
**HB 2588** to Committee on Natural Resources.  
**HB 2593** to Committee on Business and Commerce.  
**HB 2613** to Committee on Business and Commerce.  
**HB 2614** to Committee on Business and Commerce.  
**HB 2618** to Committee on Finance.  
**HB 2643** to Committee on Natural Resources.  
**HB 2648** to Committee on Health and Human Services.  
**HB 2649** to Committee on Natural Resources.  
**HB 2665** to Committee on Natural Resources.  
**HB 2679** to Committee on Jurisprudence.  
**HB 2681** to Committee on Intergovernmental Relations.  
**HB 2683** to Committee on Intergovernmental Relations.  
**HB 2684** to Committee on State Affairs.  
**HB 2686** to Committee on Finance.  
**HB 2696** to Committee on Criminal Justice.  
**HB 2718** to Committee on Natural Resources.  
**HB 2728** to Committee on Business and Commerce.  
**HB 2729** to Committee on Health and Human Services.  
**HB 2731** to Committee on Jurisprudence.  
**HB 2757** to Committee on Intergovernmental Relations.  
**HB 2760** to Committee on Intergovernmental Relations.  
**HB 2766** to Committee on Education.  
**HB 2767** to Committee on Business and Commerce.  
**HB 2778** to Committee on Intergovernmental Relations.  
**HB 2782** to Committee on Intergovernmental Relations.  
**HB 2798** to Committee on Criminal Justice.  
**HB 2804** to Committee on Jurisprudence.  
**HB 2818** to Committee on Intergovernmental Relations.  
**HB 2830** to Committee on Business and Commerce.  
**HB 2831** to Committee on Business and Commerce.

**HB 2832** to Committee on Intergovernmental Relations.  
**HB 2833** to Committee on Finance.  
**HB 2839** to Committee on State Affairs.  
**HB 2844** to Committee on Health and Human Services.  
**HB 2845** to Committee on Finance.  
**HB 2855** to Committee on Natural Resources.  
**HB 2856** to Committee on Criminal Justice.  
**HB 2859** to Committee on Natural Resources.  
**HB 2863** to Committee on Intergovernmental Relations.  
**HB 2879** to Committee on Education.  
**HB 2890** to Committee on Criminal Justice.  
**HB 2914** to Committee on Finance.  
**HB 2932** to Committee on Business and Commerce.  
**HB 2957** to Committee on Finance.  
**HB 2976** to Committee on Business and Commerce.  
**HB 2982** to Committee on Business and Commerce.  
**HB 2997** to Committee on Natural Resources.  
**HB 3000** to Committee on Criminal Justice.  
**HB 3006** to Committee on Intergovernmental Relations.  
**HB 3019** to Committee on Intergovernmental Relations.  
**HB 3023** to Committee on Natural Resources.  
**HB 3043** to Committee on Health and Human Services.  
**HB 3071** to Committee on State Affairs.  
**HB 3076** to Committee on State Affairs.  
**HB 3095** to Committee on Natural Resources.  
**HB 3111** to Committee on Natural Resources.  
**HB 3123** to Committee on Natural Resources.  
**HB 3178** to Committee on Business and Commerce.  
**HB 3194** to Committee on Natural Resources.  
**HB 3195** to Committee on Natural Resources.  
**HB 3231** to Committee on Natural Resources.  
**HB 3254** to Committee on Business and Commerce.  
**HB 3258** to Committee on Education.  
**HB 3303** to Committee on Education.  
**HB 3323** to Committee on State Affairs.  
**HB 3338** to Committee on State Affairs.  
**HB 3359** to Committee on State Affairs.  
**HB 3378** to Committee on Health and Human Services.  
**HB 3387** to Committee on Veteran Affairs and Military Installations.  
**HB 3393** to Committee on Business and Commerce.  
**HB 3449** to Committee on Health and Human Services.  
**HB 3463** to Committee on Education.  
**HB 3465** to Committee on Health and Human Services.  
**HB 3467** to Committee on Jurisprudence.  
**HB 3473** to Committee on Business and Commerce.  
**HB 3507** to Committee on Health and Human Services.

**HB 3526** to Committee on Education.  
**HB 3543** to Committee on Natural Resources.  
**HB 3600** to Committee on Health and Human Services.  
**HB 3604** to Committee on Intergovernmental Relations.  
**HB 3628** to Committee on Natural Resources.  
**HB 3629** to Committee on Natural Resources.  
**HB 3630** to Committee on Business and Commerce.  
**HB 3632** to Committee on Intergovernmental Relations.  
**HB 3633** to Committee on Intergovernmental Relations.  
**HB 3637** to Committee on Intergovernmental Relations.  
**HB 3643** to Committee on Intergovernmental Relations.  
**HB 3648** to Committee on Natural Resources.  
**HB 3649** to Committee on Intergovernmental Relations.  
**HB 3653** to Committee on Natural Resources.  
**HB 3659** to Committee on Natural Resources.  
**HB 3663** to Committee on Intergovernmental Relations.  
**HB 3665** to Committee on Natural Resources.  
**HB 3666** to Committee on Intergovernmental Relations.  
**HB 3670** to Committee on Natural Resources.  
**HB 3675** to Committee on Natural Resources.  
**HB 3676** to Committee on Natural Resources.  
**HB 3677** to Committee on Intergovernmental Relations.  
**HB 3678** to Committee on Intergovernmental Relations.  
**HB 3680** to Committee on Intergovernmental Relations.  
**HB 3682** to Committee on Natural Resources.  
**HB 3687** to Committee on Intergovernmental Relations.  
**HB 3692** to Committee on Intergovernmental Relations.  
**HB 3694** to Committee on Jurisprudence.  
**HB 3699** to Committee on Education.  
**HCR 41** to Committee on Administration.  
**HCR 102** to Committee on Intergovernmental Relations.  
**HCR 138** to Committee on Finance.  
**HCR 177** to Committee on Natural Resources.  
**HCR 200** to Committee on Administration.  
**HCR 202** to Committee on Health and Human Services.  
**HCR 209** to Committee on Veteran Affairs and Military Installations.  
**HCR 214** to Committee on Business and Commerce.  
**HCR 217** to Committee on Veteran Affairs and Military Installations.  
**HCR 223** to Committee on Health and Human Services.  
**HCR 226** to Committee on Natural Resources.  
**HCR 227** to Committee on Administration.  
**HCR 235** to Committee on Health and Human Services.  
**HCR 236** to Committee on Administration.  
**HCR 241** to Committee on Administration.  
**HCR 245** to Committee on Natural Resources.  
**HCR 249** to Committee on Business and Commerce.  
**HCR 254** to Committee on Criminal Justice.  
**HCR 255** to Committee on Administration.  
**HCR 256** to Committee on State Affairs.  
**HJR 67** to Committee on Intergovernmental Relations.

**MESSAGES FROM THE GOVERNOR**

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

Austin, Texas

May 4, 2001

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

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

TO BE MEMBERS OF THE UPPER NECHES RIVER MUNICIPAL WATER AUTHORITY for terms as indicated below:

To expire February 1, 2005:

Robert E. McKelvey

10 Anderson Drive

Palestine, Texas 75801

(replacing Tom Broyles of Palestine who is deceased)

To expire February 1, 2007:

Joe M. Crutcher

2200 Monica Lane

Palestine, Texas 75801

(Mr. Crutcher is being reappointed)

TO BE MEMBERS OF THE TEXAS COMMISSION ON JAIL STANDARDS for terms to expire January 31, 2007:

Judge K. Lee Hamilton

1202 Nottingham Road

Abilene, Texas 79602

(replacing Larry Craig of Tyler whose term expired)

Evelyn "Kelly" McVay

P.O. Box 632125

Nacogdoches, Texas 75963

(Ms. McVay is being reappointed)

Respectfully submitted,

/s/Rick Perry

Governor

Austin, Texas

May 7, 2001

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

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

TO BE MEMBERS OF THE TEXAS DIABETES COUNCIL for terms to expire as indicated below:

To expire February 1, 2003:

Mary-Ann Galley  
3805 Gertin Street  
Houston, Texas 77004

(replacing Rosa Valenzuela of El Paso who resigned)

To expire February 1, 2007:

Lawrence B. Harkless, D.P.M.  
13103 Country Trail  
San Antonio, Texas 78216

(Dr. Harkless is being reappointed)

Lenore Frances Katz  
10003 Candlebrook Drive  
Dallas, Texas 75243

(replacing Thomas McCann of Mount Pleasant whose term expired)

Margaret G. Pacillas  
4120 Berkshire Place  
El Paso, Texas 79902

(replacing Maria Alen of McAllen whose term expired)

Jeffrey A. Ross, D.P.M.  
509 Bolivar Street  
Bellaire, Texas 77401

(replacing John Fitts of Dallas whose term expired)

Respectfully submitted,

/s/Rick Perry  
Governor

**SENATE RESOLUTION 885**

Senator Truan offered the following resolution:

WHEREAS, The Senate of the State of Texas congratulates the members of the Flour Bluff Junior High School Mathcounts team, who recently placed first in the state Mathcounts competition; and

WHEREAS, Mathcounts is a competitive program designed to test students' mathematical and problem-solving abilities; students exercise their quantitative talents in three progressively difficult rounds of questioning known as the sprint, target, and team challenges; and

WHEREAS, Flour Bluff team members Jake Edel, Krystal Crump, Paul Geffert, Chris Michael, and Alicia Keese worked especially hard to excel in this year's Mathcounts competitions; they were ably assisted by their coach, Joe Hay, who provided them with valued counsel and ample encouragement; and

WHEREAS, To be evaluated at the state level, the team placed first at the Coastal Bend regional competition, and in addition to placing first at state Mathcounts, the team was evaluated individually; team member Paul Geffert placed third overall, and team members Jake Edel, Chris Michael, and Alicia Keese placed sixth, 11th, and 54th respectively out of 277 competitors; and



WHEREAS, In addition to the team's victory, Paul Geffert's exceptional performance won him a place on the Texas team, which will compete in the national Mathcounts competition; the Texas team will also be coached by Flour Bluff's Joe Hay; additionally, Paul Geffert and Jake Edel each won scholarships to Texas public universities; and

WHEREAS, As Mathcounts competitions are challenging, it is indeed an honor for the State of Texas to have its bright young citizens achieve this distinction; the exceptional intelligence and hard work of these young Texans is truly worthy of legislative recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 77th Legislature, hereby commend the Flour Bluff Junior High School Mathcounts team of Jake Edel, Krystal Crump, Paul Geffert, Chris Michael, and Alicia Keese and their coach, Joe Hay, on placing first in the state Mathcounts competition; and, be it further

RESOLVED, That a copy of this Resolution be presented to this outstanding team as an expression of high regard from the Texas Senate.

The resolution was again read.

On motion of Senator Ogden and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was previously adopted on Thursday, May 3, 2001.

#### **GUESTS PRESENTED**

Senator Truan was recognized and introduced to the Senate members of the Flour Bluff Junior High School Mathcounts team: Paul Geffert, Chris Michael, Alicia Keese, and Jake Edel, accompanied by their coach, Joe Hay.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 940**

Senator Fraser offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to congratulate Bill and Jonnie Lou Yowell on the grand occasion of their golden wedding anniversary; and

WHEREAS, Bill and Jonnie grew up next door to each other in the small farming community of Elk; they attended Elk School and La Vega High School together in Bellmead, where they were both yell leaders; and

WHEREAS, Mr. and Mrs. Yowell started dating when he was in college, and on May 7, 1951, after Bill had graduated from Baylor Law School, they were married; since that time, they have remained true to their vows and devoted to one another, and today their union endures; and

WHEREAS, Over the years, Bill and Jonnie Lou worked hard to support their family; Jonnie Lou has been a fabulous mother and wife, who supported her husband in his work as operator of the Killeen branch of the Gross-Yowell Lumber Company; Bill currently works as the chairman of the board of Heights Bank in Harker Heights; and

WHEREAS, Mr. and Mrs. Yowell have been blessed with a wonderful family; their two daughters, Debbie and Sherrie, as well as their grandson, Matthew, are an enduring source of joy; and

WHEREAS, Devoted to their marriage and their family, Bill and Jonnie Lou have also proven themselves a charitable and civic-minded couple, and they are respected members of their community; and

WHEREAS, For the past 50 years, Bill and Jonnie Lou have been able to face life's challenges together, and their long and successful union, which will continue for many years to come, is an inspiration to all who know them; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 77th Legislature, hereby extend sincere congratulations to Bill and Jonnie Lou Yowell on the occasion of their 50th wedding anniversary; and, be it further

RESOLVED, That a copy of this Resolution be prepared for this distinguished couple as a memento of this notable day in their lives.

The resolution was read.

On motion of Senator Wentworth and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Fraser, the resolution was adopted by a viva voce vote.

### **GUESTS PRESENTED**

Senator Fraser was recognized and introduced to the Senate Bill and Jonnie Lou Yowell and presented them with a gavel in honor of their 50th wedding anniversary.

The Senate welcomed Mr. and Mrs. Yowell.

### **BILLS AND RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

**HB 317, HB 551, HB 1665, HCR 127, HCR 141, HCR 263.**

### **SENATE RESOLUTION 834**

Senator Barrientos offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in joining citizens across the state in recognizing Monday, May 7, 2001, as Autism Awareness Day in the State of Texas; and

WHEREAS, The need for understanding this severely incapacitating developmental disability has become increasingly more important due to the growing number of those being diagnosed with the lifelong disorder; nationwide, there are more than 500,000 individuals suffering from this significant impairment; and

WHEREAS, A disease that knows no social, racial, or ethnic boundaries, autism typically appears in the first three years of life; it affects normal development of the brain in the areas of social interaction and communication skills, making it extremely difficult for those afflicted to relate to the outside world; and

WHEREAS, Due to the concerted efforts of support groups such as the Autism Society of America, public awareness of the day-to-day issues facing autistics has been increased; the society has educated families, professionals, and the public on the lifelong impairments of the disease as well as acted as a collective voice for rights and humane treatment for those who cannot express their own plight; and

WHEREAS, Texas has a vital interest and a moral obligation to promote opportunities for citizens stricken with this complex developmental disability; public awareness and understanding of autism needs to be supported by all Texans; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 77th Legislature, hereby declare Monday, May 7, 2001, Autism Awareness Day in Texas and encourage all Texans to participate in its observance.

The resolution was again read.

The resolution was previously adopted on Monday, April 30, 2001.

#### **GUESTS PRESENTED**

Senator Barrientos was recognized and introduced to the Senate Angela Day and her son, Mason, and Ms. Ronnie Schleiss of the Autism Society of Greater Austin.

The Senate welcomed its guests.

#### **CONCLUSION OF MORNING CALL**

The President at 10:35 a.m. announced the conclusion of morning call.

#### **COMMITTEE SUBSTITUTE SENATE BILL 427 ON SECOND READING**

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

**CSSB 427**, Relating to health benefit plan coverage for an enrollee with autism and pervasive developmental disorders.

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

#### **COMMITTEE SUBSTITUTE SENATE BILL 427 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 427** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

Absent-excused: Staples.

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

#### **GUEST PRESENTED**

Senator West was recognized and introduced to the Senate the Reverend Dr. Zan Holmes, Jr., of Saint Luke "Community" United Methodist Church in Dallas.

The Senate welcomed Dr. Holmes.

**MESSAGE FROM THE HOUSE****HOUSE CHAMBER**

Austin, Texas

May 7, 2001

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

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

**THE HOUSE HAS PASSED THE FOLLOWING MEASURES:**

**HCR 243**, Designating May 2001 as School Social Work Month in Texas.

Respectfully,

/s/Sharon Carter, Chief Clerk  
House of Representatives

**PHYSICIAN OF THE DAY**

Senator Carona was recognized and presented Dr. Sapna Koshy of Garland as the Physician of the Day.

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

**SENATE BILL 1807 ON SECOND READING**

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

**SB 1807**, Relating to the duties of a magistrate regarding the provision of bail for a person arrested for a criminal offense.

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

**SENATE BILL 1807 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1807** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

Absent-excused: Staples.

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 3343 ON SECOND READING**

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

**CSHB 3343**, Relating to benefits, including group benefits coverage, for certain participants of the Teacher Retirement System of Texas and employees of certain charter schools.

The bill was read second time.

Senator Bivins offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 3343** as follows:

In SECTION 10 of the bill, page 4, line 4-20, insert the following after the word "compensation" and before the period:

"at a rate greater than the rate of compensation that the district paid to an employee in the 2000-2001 school year".

The amendment was read and was adopted by a viva voce vote.

Senator Bivins offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSHB 3343** (senate committee printing) as follows:

(1) Insert between SECTIONS 4.09 and 4.10 of the bill (page 17, between lines 47 and 48) the following appropriately numbered section and renumber the subsequent sections of Article 4 of the bill accordingly:

SECTION \_\_\_\_\_. Section 825.512, Government Code, is amended by adding Subsection (f) to read as follows:

(f) Based on the annual investment performance report submitted by the retirement system under this section, the Legislative Budget Board, not later than January 1 of each year, shall submit to the governor, lieutenant governor, and speaker of the house of representatives a report on the use of the 401(h) account established under Subchapter J, Chapter 824. The report must include:

(1) a projection of how long the 401(h) account may be continued to be used as a source of funding for retiree health care benefits; and

(2) if the projection indicates that the 401(h) account will not be able to be used as a funding source for at least 10 years, recommendations regarding additional funding sources available to replace the funding from the 401(h) account.

(2) In SECTION 7.01 of the bill, in Subsection (c), strike "4.11" (page 24, line 56) and substitute "4.12".

BIVINS  
STAPLES

The amendment was read and was adopted by a viva voce vote.

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

**CSHB 3343** as amended was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 3343 ON THIRD READING**

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3343** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

Absent-excused: Staples.

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

**SENATE JOINT RESOLUTION 52 ON SECOND READING**

Senator Bivins asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**SJR 52**, Proposing a constitutional amendment to authorize the legislature to use contributions to the pension fund of the Teacher Retirement System of Texas to finance health care benefits for retirees of that system.

There was objection.

Senator Bivins then moved to suspend the regular order of business and take up **SJR 52** for consideration at this time.

The motion prevailed by the following vote: Yeas 24, Nays 5, Present-not voting 1.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Harris, Haywood, Jackson, Lindsay, Madla, Moncrief, Nelson, Ogden, Shapiro, Sibley, Truan, Van de Putte, Wentworth, West, Whitmire, Zaffirini.

Nays: Barrientos, Bernsen, Gallegos, Lucio, Shapleigh.

Present-not voting: Mr. President.

Absent-excused: Staples.

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

**SENATE JOINT RESOLUTION 52 ON THIRD READING**

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 52** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5, Present-not voting 1.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Harris, Haywood, Jackson, Lindsay, Madla, Moncrief, Nelson, Ogden, Shapiro, Sibley, Truan, Van de Putte, Wentworth, West, Whitmire, Zaffirini.

Nays: Barrientos, Bernsen, Gallegos, Lucio, Shapleigh.

Present-not voting: Mr. President.

Absent-excused: Staples.

The resolution was read third time and was passed by the following vote: Yeas 24, Nays 5, Present-not voting 1. (Same as previous roll call)

### **SENATE BILL 1804 ON SECOND READING**

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

**SB 1804**, Relating to provision by the Veterans' Land Board of loans to veterans for the purchase of land.

Pursuant to the provisions of Senate Rule 7.14 which provides that a House bill containing the same subject as a Senate bill shall be advanced in order to be expedited, the President ordered that **CSHB 3567** be considered in lieu of **SB 1804**.

On motion of Senator Truan and by unanimous consent, **SB 1804** was laid on the table subject to call.

### **COMMITTEE SUBSTITUTE HOUSE BILL 3567 ON SECOND READING**

The President laid before the Senate **CSHB 3567**, sponsored by Senator Truan, on its second reading and passage to third reading:

**CSHB 3567**, Relating to provision by the Veterans Land Board of loans to veterans for the purchase of land.

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

### **COMMITTEE SUBSTITUTE HOUSE BILL 3567 ON THIRD READING**

Senator Truan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3567** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

Absent-excused: Staples.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0, Present-not voting 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 87 ON SECOND READING**

Senator Ellis moved to suspend the regular order of business to take up for consideration at this time:

**CSSB 87**, Relating to the investigation and prosecution of an offense motivated by bias or prejudice and to other civil and criminal remedies for and protections against certain hateful acts.

The motion prevailed by the following vote: Yeas 22, Nays 7, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bernsen, Cain, Carona, Duncan, Ellis, Gallegos, Harris, Haywood, Lucio, Madla, Moncrief, Ogden, Shapiro, Shapleigh, Sibley, Truan, Van de Putte, West, Whitmire, Zaffirini.

Nays: Bivins, Brown, Fraser, Jackson, Lindsay, Nelson, Wentworth.

Present-not voting: Mr. President.

Absent-excused: Staples.

Pursuant to the provisions of Senate Rule 7.14 which provides that a House bill containing the same subject as a Senate bill shall be advanced in order to be expedited, the President ordered that **HB 587** be considered in lieu of **CSSB 87**.

On motion of Senator Ellis and by unanimous consent, **CSSB 87** was laid on the table subject to call.

**HOUSE BILL 587 ON SECOND READING**

The President laid before the Senate **HB 587**, sponsored by Senator Ellis, on its second reading and passage to third reading:

**HB 587**, Relating to the investigation and prosecution of an offense motivated by bias or prejudice and to other civil and criminal remedies for and protections against certain hateful acts.

The bill was read second time.

Senator West offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 587** in ARTICLE 1 of the bill, by adding an appropriately numbered SECTION to read as follows and by renumbering existing SECTIONS accordingly:

SECTION 1.\_\_\_\_\_. Section 19.03(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if he commits murder as defined under Section 19.02(b)(1) and:

(1) the person murders a peace officer or fireman who is acting in the lawful discharge of an official duty and who the person knows is a peace officer or fireman;

(2) the person intentionally commits the murder in the course of committing or attempting to commit kidnapping, burglary, robbery, aggravated sexual assault, arson, or obstruction or retaliation;

(3) the person commits the murder for remuneration or the promise of remuneration or employs another to commit the murder for remuneration or the promise of remuneration;



- (4) the person commits the murder while escaping or attempting to escape from a penal institution;
- (5) the person, while incarcerated in a penal institution, murders another:
- (A) who is employed in the operation of the penal institution; or
  - (B) with the intent to establish, maintain, or participate in a combination or in the profits of a combination;
- (6) the person:
- (A) while incarcerated for an offense under this section or Section 19.02, murders another; or
  - (B) while serving a sentence of life imprisonment or a term of 99 years for an offense under Section 20.04, 22.021, or 29.03, murders another;
- (7) the person murders more than one person:
- (A) during the same criminal transaction; or
  - (B) during different criminal transactions but the murders are committed pursuant to the same scheme or course of conduct; ~~or~~
- (8) the person murders an individual under six years of age; ~~or~~
- (9) an affirmative finding under Article 42.014, Code of Criminal Procedure, is entered in the judgment in the case.

WEST  
ELLIS

The amendment was read.

On motion of Senator West and by unanimous consent, Floor Amendment No. 1 was withdrawn.

Senator Ogden offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **HB 587** by striking Article 3 of the bill.

The amendment was read and was adopted by a viva voce vote.

Senator Shapiro offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **HB 587** by striking all below the enacting clause and substituting the following:

ARTICLE 1

SECTION 1.01. Section 12.47, Penal Code, is amended to read as follows:

Sec. 12.47. PENALTY IF OFFENSE COMMITTED TO FURTHER IDEOLOGY OR INTIMIDATE OR BECAUSE OF BIAS OR PREJUDICE. (a) If [the judge or jury, whichever assesses punishment in the case, makes] an affirmative finding under Article 42.014, Code of Criminal Procedure, is made in the [punishment phase of the] trial of an offense other than a first degree felony or a Class A misdemeanor, the punishment for the offense is increased to the punishment prescribed for the next highest category of offense. If the offense is a Class A misdemeanor, the minimum term of confinement for the offense is increased to 180 days. This section does not apply to the trial of an offense of injury to a disabled individual under Section 22.04, if the affirmative finding in the case under Article 42.014, Code of Criminal

Procedure, shows that the defendant intentionally selected the victim because the victim was disabled.

(b) The attorney general, if requested to do so by a prosecuting attorney, may assist the prosecuting attorney in the investigation or prosecution of an offense committed for a purpose or reason described by Article 42.014, Code of Criminal Procedure. The attorney general shall designate one individual in the division of the attorney general's office that assists in the prosecution of criminal cases to coordinate responses to requests made under this subsection.

SECTION 1.02. Article 42.014, Code of Criminal Procedure, is amended to read as follows:

Art. 42.014. FINDING THAT OFFENSE WAS COMMITTED TO FURTHER IDEOLOGY OR INTIMIDATE OR BECAUSE OF BIAS OR PREJUDICE. In the [~~punishment phase of the~~] trial of an offense under Title 5, Penal Code, or Section 28.02, 28.03, or 28.08, [the] Penal Code, the judge [if the court determines that the defendant intentionally selected the victim primarily because of the defendant's bias or prejudice against a group, the court] shall make an affirmative finding of [~~that~~] fact and enter the affirmative finding in the judgment of the [that] case if, at the guilt or innocence phase of the trial, the judge or the jury, whichever is the trier of fact, determines beyond a reasonable doubt that the defendant:

(1) acted with the intention of furthering the ideology or goals of an organized hate group;

(2) acted with the intention of harassing, intimidating, or threatening a person because of a characteristic of that person; or

(3) intentionally selected the person against whom the offense was committed or intentionally selected property damaged or affected as a result of the offense because of the defendant's bias or prejudice against an identifiable group.

SECTION 1.03. Section 13A, Article 42.12, Code of Criminal Procedure, is amended to read as follows:

Sec. 13A. COMMUNITY SUPERVISION FOR OFFENSE COMMITTED TO FURTHER IDEOLOGY OR INTIMIDATE OR BECAUSE OF BIAS OR PREJUDICE. (a) A court granting community supervision to a defendant convicted of an offense for which the court has made an affirmative finding under Article 42.014 of this code shall require as a term of community supervision that the defendant attend a program established to foster tolerance and the acceptance of others and:

(1) serve a term of not more than one year imprisonment in the institutional division of the Texas Department of Criminal Justice if the offense is a felony other than an offense under Section 19.02, Penal Code; or

(2) serve a term of not more than 90 days confinement in jail if the offense is a misdemeanor.

(b) The court may not grant community supervision on its own motion or on the recommendation of the jury to a defendant convicted of an offense for which the court has made an affirmative finding under Article 42.014 of this code if:

(1) the offense is murder under Section 19.02, Penal Code; or

(2) the defendant has been previously convicted of an offense for which the court made an affirmative finding under Article 42.014 of this code.

SECTION 1.04. Subchapter F, Chapter 508, Government Code, is amended by adding Section 508.192 to read as follows:

Sec. 508.192. CONDITION RELATED TO OFFENSE COMMITTED TO FURTHER IDEOLOGY OR INTIMIDATE OR BECAUSE OF BIAS OR PREJUDICE. A parole panel shall require as a condition of parole or mandatory supervision that a releasee serving a sentence for an offense the judgment for which contains an affirmative finding under Article 42.014, Code of Criminal Procedure, attend a program established to foster tolerance and the acceptance of others.

SECTION 1.05. (a) The change in the law made by this article applies only to an offense committed on or after the effective date of this Act. 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.

(b) 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 that purpose.

## ARTICLE 2

SECTION 2.01. Article 104.004, Code of Criminal Procedure, is amended to read as follows:

Art. 104.004. EXTRAORDINARY COSTS OF PROSECUTION. (a) The criminal justice division of the governor's office may distribute money appropriated by the legislature for the purposes of this article [~~this purpose~~].

~~[(b) A county is eligible to apply to the division for a distribution of money under this article if, during the preceding fiscal year:~~

~~[(1) the total amount of expenditures of the county exceeded the total amount of funds received by the county from all sources and the county incurred expenses for the investigation or prosecution of an offense under Section 19.03, Penal Code; or~~

~~[(2) the total amount of funds received by the county from all sources exceeded the total amount of expenditures of the county and the county incurred expenses for the investigation or prosecution of an offense under Section 19.03, Penal Code, that exceed five percent of the amount of that excess.~~

~~[(c) The commissioners court must submit with an application under Subsection (b) a financial statement of the county that shows for the fiscal year for which application is made:~~

~~[(1) the total amount of funds received by the county from all sources;~~

~~[(2) the total amount of expenditures of the county; and~~

~~[(3) the total amount of expenses incurred by the county for the investigation or prosecution of an offense under Section 19.03, Penal Code.~~

~~[(d) The division may distribute money under this article only] to a [an eligible] county for the reimbursement of expenses incurred by the county during the fiscal year during [for] which application is made or the fiscal year preceding the year during which application is made for the investigation or prosecution of an offense under Section 19.03, Penal Code, or an offense under the Penal Code alleged by the attorney representing the state to have been committed for a purpose or reason described by Article 42.014[. The amount of the reimbursement to a county eligible under Subsection (b)(2) may not exceed an amount equal to five percent of the difference between the total amount of funds received by the county and the total amount of expenditures of the county during the fiscal year for which application is made].~~

~~(b) [(c)]~~ For each fiscal year, the division shall distribute at least 50 percent of the money distributed under this article during that year to [eligible] counties with a population of less than 50,000, except that if the total distributions applied for by those

counties is less than 50 percent of the money distributed during that year, the division is only required to distribute to those counties the amount of money for which applications have been made.

(c) ~~(f)~~ The division may adopt a budget and rules for the distribution of money under this article.

(d) ~~(g)~~ All money distributed to a county under this article ~~[subchapter]~~ and its expenditure by the county are subject to audit by the state auditor.

### ARTICLE 3

SECTION 3.01. Chapter 6, Code of Criminal Procedure, is amended by adding Article 6.08 to read as follows:

Art. 6.08. PROTECTIVE ORDER PROHIBITING OFFENSE COMMITTED TO FURTHER IDEOLOGY OR INTIMIDATE OR BECAUSE OF BIAS OR PREJUDICE. (a) At any proceeding in which the defendant appears in constitutional county court, statutory county court, or district court that is related to an offense under Title 5, Penal Code, or Section 28.02, 28.03, or 28.08, Penal Code, in which it is alleged that the defendant committed the offense for a purpose or reason described by Article 42.014, a prosecuting attorney or the victim may request the court to render a protective order under Title 4, Family Code, for the protection of the victim.

(b) The court shall render a protective order in the manner provided by Title 4, Family Code, if, in lieu of the finding that family violence occurred and is likely to occur in the future as required by Section 85.001, Family Code, the court finds that probable cause exists to believe that an offense under Title 5, Penal Code, or Section 28.02, 28.03, or 28.08, Penal Code, occurred, that the defendant committed the offense for a purpose or reason described by Article 42.014, and that the nature of the scheme or course of conduct engaged in by the defendant in the commission of the offense indicates that the defendant is likely to engage in the future in conduct prohibited by Title 5, Penal Code, or Section 28.02, 28.03, or 28.08, Penal Code, and committed for a purpose or reason described by Article 42.014.

(c) The procedure for the enforcement of a protective order under Title 4, Family Code, applies to the fullest extent practicable to the enforcement of a protective order under this article, including provisions relating to findings, contents, duration, warning, delivery, law enforcement duties, and modification, except that:

(1) the printed statement on the warning must refer to the prosecution of subsequent offenses committed for a purpose or reason described by Article 42.014;

(2) the court shall require a constable to serve a protective order issued under this article; and

(3) the clerk of the court shall forward a copy of a protective order issued under this article to the Department of Public Safety with a designation indicating that the order was issued to prevent offenses committed for a purpose or reason described by Article 42.014.

SECTION 3.02. Chapter 25, Penal Code, is amended by adding Section 25.071 to read as follows:

Sec. 25.071. VIOLATION OF PROTECTIVE ORDER PREVENTING OFFENSE COMMITTED TO FURTHER IDEOLOGY OR INTIMIDATE OR BECAUSE OF BIAS OR PREJUDICE. (a) A person commits an offense if, in violation of an order issued under Article 6.08, Code of Criminal Procedure, the person knowingly or intentionally:

(1) commits an offense under Title 5 or Section 28.02, 28.03, or 28.08 and commits the offense for a purpose or reason described by Article 42.014, Code of Criminal Procedure;

(2) communicates:

(A) directly with a protected individual in a threatening or harassing manner;

(B) a threat through any person to a protected individual; or

(C) in any manner with the protected individual, if the order prohibits any communication with a protected individual; or

(3) goes to or near the residence or place of employment or business of a protected individual.

(b) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or under both sections.

(c) A peace officer investigating conduct that may constitute an offense under this section for a violation of an order may not arrest a person protected by that order for a violation of that order.

(d) An offense under this section is a Class A misdemeanor unless it is shown on the trial of the offense that the defendant has previously been convicted under this section two or more times or has violated the protective order by committing an assault, in which event the offense is a third degree felony.

#### ARTICLE 4

SECTION 4.01. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.211 to read as follows:

Art. 2.211. HATE CRIME REPORTING. In addition to performing duties required by Article 2.21, a clerk of a district or county court in which an affirmative finding under Article 42.014 is requested shall report that request to the Texas Judicial Council, along with a statement as to whether the request was granted by the court and, if so, whether the affirmative finding was entered in the judgment in the case. The clerk shall make the report required by this article not later than the 30th day after the date the judgment is entered in the case.

SECTION 4.02. Section 71.034, Government Code, is amended by adding Subsection (e) to read as follows:

(e) In addition to the information described by Subsection (a), the council shall include in the report a summary of information provided to the council during the preceding year under Article 2.211, Code of Criminal Procedure.

#### ARTICLE 5

SECTION 5.01. This Act takes effect September 1, 2001.

The amendment was read and failed of adoption by the following vote: Yeas 12, Nays 17, Present-not voting 1.

Yeas: Bivins, Brown, Carona, Fraser, Haywood, Jackson, Lindsay, Nelson, Ogden, Shapiro, Sibley, Wentworth.

Nays: Armbrister, Barrientos, Bernsen, Cain, Duncan, Ellis, Gallegos, Harris, Lucio, Madla, Moncrief, Shapleigh, Truan, Van de Putte, West, Whitmire, Zaffirini.

Present-not voting: Mr. President.

Absent-excused: Staples.

Senator Sibley offered the following amendment to the bill:

**Floor Amendment No. 4**

Amend **HB 587** as follows:

In SECTION 1.02 of the bill, add "(c) The following shall not be used as evidence against the defendant in a determination made under this article by the judge or the jury, whichever is the trier of fact:

(1) the mere attendance by the defendant at a political or religious event; or  
(2) the possession or the reading by the defendant of the written word expressing abstract ideas, political thought or religious thought." (Committee printing page 1, line 57).

The amendment was read.

**(Senator Brown in Chair)**

**(President in Chair)**

Senator Armbrister offered the following amendment to the amendment:

**Floor Amendment No. 5**

Amend Floor Amendment No. 4 to **HB 587** as follows:

On line 6, page 1, add without intent to commit an offense, after the word "defendant", and before the word "at"

The amendment to the amendment was read.

On motion of Senator Armbrister and by unanimous consent, Floor Amendment No. 5 was withdrawn.

Question recurring on the adoption of Floor Amendment No. 4, the amendment failed of adoption by the following vote: Yeas 13, Nays 16, Present-not voting 1.

Yeas: Bivins, Brown, Carona, Duncan, Fraser, Haywood, Jackson, Lindsay, Nelson, Ogden, Shapiro, Sibley, Wentworth.

Nays: Armbrister, Barrientos, Bernsen, Cain, Ellis, Gallegos, Harris, Lucio, Madla, Moncrief, Shapleigh, Truan, Van de Putte, West, Whitmire, Zaffirini.

Present-not voting: Mr. President.

Absent-excused: Staples.

Senator Ellis offered the following amendment to the bill:

**Floor Amendment No. 6**

Amend **HB 587** as follows:

1. On page 1, line 53, after "preference." by inserting a new subsection (b) to read as follows and by renumbering the subsequent subsection:

(b) The sentencing judge may, as a condition of punishment, require attendance in an educational program to further tolerance and acceptance of others.

2. On page 4, line 59, after "Act." by inserting appropriately numbered ARTICLES to read as follows and by renumbering existing ARTICLES accordingly:

## ARTICLE \_\_\_\_\_

Section \_\_\_\_\_. Subchapter Z, Chapter 29, Education Code, is amended by adding Section 29.903 to read as follows:

Sec. 29.903. COMMUNITY EDUCATION RELATING TO HATE CRIME LAW. (a) The attorney general, in cooperation with the agency, shall develop a program that provides instruction about state laws on hate crimes:

- (1) at appropriate grade levels, to students; and
- (2) to the community at large.

(b) The agency shall make the program available to a school on the request of the board of trustees or the school district of which the school is a part, or if the school is an open-enrollment charter school, on the request of the governing body of the school.

## ARTICLE \_\_\_\_\_

SECTION \_\_\_\_\_. Section 29.903, Education Code, as added by this Act, applies beginning with the 2001-2002 school year.

The amendment was read and was adopted by a viva voce vote.

Senator Ellis offered the following amendment to the bill:

**Floor Amendment No. 7**

Amend **HB 587** as follows:

1. On page 4, line 59, after "Act." by inserting appropriately numbered ARTICLES to read as follows and by renumbering existing ARTICLES accordingly:

## ARTICLE \_\_\_\_\_

Section \_\_\_\_\_. Subchapter B, Chapter 22, Government Code, is amended by adding Section 22.111 to read as follows:

Sec. 22.111. TRAINING FOR PROSECUTING ATTORNEYS RELATED TO PUNISHMENT ENHANCEMENT BECAUSE OF BIAS OR PREJUDICE. The court of criminal appeals shall provide to prosecuting attorneys training related to the use of Section 12.47, Penal Code, and Article 42.014, Code of Criminal Procedure, for enhancing punishment on a finding that an offense was committed because of the defendant's bias or prejudice as defined in Article 42.014, Code of Criminal Procedure.

## ARTICLE \_\_\_\_\_

Section \_\_\_\_\_. The court of criminal appeals shall make training described by Section 22.111, Government Code, as added by this Act, available to prosecuting attorneys not later than January 1, 2002.

The amendment was read and was adopted by a viva voce vote.

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

**HB 587** as amended was passed to third reading by the following vote: Yeas 19, Nays 10, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bernsen, Cain, Duncan, Ellis, Gallegos, Harris, Haywood, Lucio, Madla, Moncrief, Ogden, Shapleigh, Truan, Van de Putte, West, Whitmire, Zaffirini.

Nays: Bivins, Brown, Carona, Fraser, Jackson, Lindsay, Nelson, Shapiro, Sibley, Wentworth.

Present-not voting: Mr. President.

Absent-excused: Staples.

### HOUSE BILL 587 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 **HB 587** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 4, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bernsen, Bivins, Brown, Cain, Carona, Duncan, Ellis, Gallegos, Harris, Lindsay, Lucio, Madla, Moncrief, Ogden, Shapiro, Shapleigh, Sibley, Truan, Van de Putte, Wentworth, West, Whitmire, Zaffirini.

Nays: Fraser, Haywood, Jackson, Nelson.

Present-not voting: Mr. President.

Absent-excused: Staples.

The bill was read third time.

Senator Ellis offered the following amendment to the bill:

#### Floor Amendment No. 8

Amend **HB 587** as follows:

#### ARTICLE 2

SECTION 2.01. Article 104.004, Code of Criminal Procedure, is amended to read as follows:

Art. 104.004. EXTRAORDINARY COSTS OF PROSECUTION. (a) The criminal justice division of the governor's office may distribute money appropriated by the legislature for the purposes of this article ~~[this purpose]~~.

~~[(b) A county is eligible to apply to the division for a distribution of money under this article if, during the preceding fiscal year:~~

~~[(1) the total amount of expenditures of the county exceeded the total amount of funds received by the county from all sources and the county incurred expenses for the investigation or prosecution of an offense under Section 19.03, Penal Code; or~~

~~[(2) the total amount of funds received by the county from all sources exceeded the total amount of expenditures of the county and the county incurred expenses for the investigation or prosecution of an offense under Section 19.03, Penal Code, that exceed five percent of the amount of that excess;~~

~~[(c) The commissioners court must submit with an application under Subsection (b) a financial statement of the county that shows for the fiscal year for which application is made:~~

~~[(1) the total amount of funds received by the county from all sources;~~

~~[(2) the total amount of expenditures of the county; and~~

~~[(3) the total amount of expenses incurred by the county for the investigation or prosecution of an offense under Section 19.03, Penal Code;~~

~~[(d) The division may distribute money under this article only] to a [an eligible] county for the reimbursement of expenses incurred by the county during the fiscal year during [for] which application is made ~~or the fiscal year preceding the year during which application is made~~ for the investigation or prosecution of an offense under Section 19.03, Penal Code, ~~or an offense under the Penal Code alleged by the attorney representing the state to have been committed for a purpose or reason described by~~~~



~~Article 42.014[. The amount of the reimbursement to a county eligible under Subsection (b)(2) may not exceed an amount equal to five percent of the difference between the total amount of funds received by the county and the total amount of expenditures of the county during the fiscal year for which application is made].~~

~~(b) [(e)]~~ For each fiscal year, the division shall distribute at least 50 percent of the money distributed under this article during that year to ~~[eligible]~~ counties with a population of less than 50,000, except that if the total distributions applied for by those counties is less than 50 percent of the money distributed during that year, the division is only required to distribute to those counties the amount of money for which applications have been made.

~~(c) [(f)]~~ The division may adopt a budget and rules for the distribution of money under this article.

~~(d) [(g)]~~ All money distributed to a county under this ~~article~~ ~~[subchapter]~~ and its expenditure by the county are subject to audit by the state auditor.

By unanimous consent, the amendment was read and was adopted by a viva voce vote.

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

**HB 587** as amended was finally passed by the following vote: Yeas 20, Nays 10.

Yeas: Armbrister, Barrientos, Bernsen, Cain, Duncan, Ellis, Gallegos, Harris, Lucio, Madla, Moncrief, Ogden, Shapleigh, Sibley, Truan, Van de Putte, West, Whitmire, Zaffirini, Mr. President.

Nays: Bivins, Brown, Carona, Fraser, Haywood, Jackson, Lindsay, Nelson, Shapiro, Wentworth.

Absent-excused: Staples.

### **COMMITTEE SUBSTITUTE SENATE BILL 1636 ON SECOND READING**

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

**CSSB 1636**, Relating to the use of a portion of medical school tuition for student loan repayment assistance for physicians.

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

### **RECORD OF VOTE**

Senator Ogden asked to be recorded as voting "Nay" on the passage of **CSSB 1636** to engrossment.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1636 ON THIRD READING**

Senator Bernsen moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1636** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bernsen, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Harris, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief, Nelson, Shapiro, Shapleigh, Sibley, Truan, Van de Putte, Wentworth, West, Whitmire, Zaffirini.

Nays: Ogden.

Present-not voting: Mr. President.

Absent-excused: Staples.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1, Present-not voting 1. (Same as previous roll call)

**SENATE BILL 1609 ON SECOND READING**

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

**SB 1609**, Relating to outdoor burning under the Texas Clean Air Act.

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

**SENATE BILL 1609 ON THIRD READING**

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1609** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

Absent-excused: Staples.

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

**HOUSE BILL 1175 ON SECOND READING**

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

**HB 1175**, Relating to minimum training regarding family violence for certain state employees and other persons administering the financial assistance program and to identification of and services for certain victims of family violence.

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

**HOUSE BILL 1175 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1175** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

Absent-excused: Staples.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 367 ON SECOND READING**

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

**CSSB 367**, Relating to ensuring an appropriate care setting for a person with a disability.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 367** as follows:

(1) In SECTION 1 of the bill, at the end of proposed Section 531.0244(d), Government Code (Senate committee printing, page 2, line 9), insert "A health and human services agency may deny the person access to an institution or remove the person from an institution to protect the person's health or safety."

(2) In SECTION 1 of the bill, following proposed Section 531.0244(d), Government Code (Senate committee printing, page 2, between lines 9 and 10), insert the following subsection and reletter the remaining subsection accordingly:

(e) Each appropriate health and human services agency shall implement the strategies and recommendations under the plan required by Subsection (a) subject to the availability of funds.

(3) In SECTION 1 of the bill, in proposed Section 531.02441(d), Government Code (Senate committee printing, page 2, lines 37 and 38), strike "presiding officer." and substitute "commissioner."

(4) In SECTION 1 of the bill, strike proposed Section 531.02441(h)(2), Government Code (Senate committee printing, page 2, lines 66 and 67), and substitute the following:

(2) determining the health and human services agencies' availability of community care and support options relating to all persons described by Subdivision (1);

(5) In SECTION 1 of the bill, strike proposed Section 531.02441(j), Government Code (Senate committee printing, page 3, line 5).

(6) In SECTION 2 of the bill, strike amended Sections 531.042(c) and (d), Government Code, and added Section 531.042(e), Government Code (Senate committee printing, page 4, lines 11-34), and substitute the following:

(c) A health and human services agency that provides a patient, client, or other person as required by this section with information regarding care and support options available to the patient or client shall assist the patient, client, or other person in taking advantage of an option selected by the patient, client, or other person, subject to the availability of funds. If the selected option is not immediately available for any reason, the agency shall provide assistance in placing the patient or client on a waiting list for that option [guardian with information as provided by commission rules shall obtain a statement signed by the patient or client, and, if the patient or client has a guardian, by the patient's or client's guardian, that the patient or client has been informed about community-based care and support options as required by commission rules. The agency shall retain a copy of each signed statement in the patient's or client's case records].

(d) Each health and human services agency annually and as provided by commission rule shall report to the legislature [commission] the number of community-based service placements and residential-care placements the agency makes.

(7) In SECTION 4 of the bill, strike added Section 22.037(a)(1), Human Resources Code (Senate committee printing, page 5, lines 14-23), and substitute the following:

(1) "Institution" means:

(A) an ICF-MR, as defined by Section 531.002, Health and Safety Code;

(B) a nursing facility; or

(C) an institution for the mentally retarded licensed or operated by the Department of Protective and Regulatory Services.

(8) In SECTION 4 of the bill, strike added Section 22.037(c)(2), Human Resources Code (Senate committee printing, page 5, lines 51-65), and substitute the following:

(2) a program under which physicians who treat persons with disabilities and hospital discharge staff are:

(A) educated about the availability of community-based alternatives to institutionalization to reduce the number of persons inappropriately placed in an institution; and

(B) required to inform a person with a disability and any other person required to be provided information under Section 531.042, Government Code, of all care and support options available to the person with the disability, including community-based care and support options, before that person makes a decision regarding a long-term care placement;

(9) In SECTION 4 of the bill, strike added Sections 22.037(d), (e), (f), and (g), Human Resources Code (Senate committee printing, page 6, lines 19-47), and reletter the remaining subsections accordingly.

(10) In SECTION 7 of the bill (Senate Committee printing, page 7, lines 39 and 40), strike "and shall obtain the statement required by that section".

The amendment was read and was adopted by a viva voce vote.

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

**CSSB 367** as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 367 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 **CSSB 367** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

Absent-excused: Staples.

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

**HOUSE BILL 198 ON THIRD READING**

Senator Carona asked unanimous consent to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

**HB 198**, Relating to the refund of certain consumer loan acquisition charges.

There was objection.

Senator Carona then moved to suspend the regular order of business and take up **HB 198** for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 4, Present-not voting 1.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Fraser, Gallegos, Harris, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief, Nelson, Ogden, Shapiro, Sibley, Van de Putte, Wentworth, Zaffirini.

Nays: Barrientos, Shapleigh, Truan, West.

Present-not voting: Mr. President.

Absent: Bernsen, Ellis, Whitmire.

Absent-excused: Staples.

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

**RECORD OF VOTES**

Senators Gallegos, Truan, and West asked to be recorded as voting "Nay" on the final passage of **HB 198**.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1818 ON SECOND READING**

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

**CSSB 1818**, Relating to the authority of the board of regents of The Texas A&M University System regarding real property, permanent improvements, and eminent domain.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1818 ON THIRD READING**

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1818** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

Absent-excused: Staples.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0, Present-not voting 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2258 ON SECOND READING**

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

**CSHB 2258**, Relating to the identification of certain nursing home residents having a mental illness or mental retardation.

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1600 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**CSHB 1600**, Relating to the punishment for the offense of taking a weapon or attempting to take a weapon from a peace officer, parole officer, or community supervision and corrections department officer.

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1600 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 **CSHB 1600** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

Absent-excused: Staples.

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

**HOUSE BILL 482 ON SECOND READING**

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

**HB 482**, Relating to protecting certain persons from retaliation by nursing homes or intermediate care facilities.

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

**HOUSE BILL 482 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 482** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

Absent-excused: Staples.

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

**HOUSE BILL 780 ON SECOND READING**

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

**HB 780**, Relating to the eligibility of a retired peace officer for a license to carry a concealed handgun.

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

**HOUSE BILL 780 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 780** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

Absent-excused: Staples.

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

**GUESTS PRESENTED**

Senator Gallegos was recognized and introduced to the Senate a group of blue-collar workers from Galena Park and Houston.

The Senate welcomed its guests.

**SENATE RULE 11.18 SUSPENDED  
(Posting Rule)**

On motion of Senator Sibley and by unanimous consent, Senate Rule 11.18 was suspended in order that the Committee on Business and Commerce might consider **SB 1837** tomorrow.

**SENATE RULE 11.18 SUSPENDED  
(Posting Rule)**

On motion of Senator Shapiro and by unanimous consent, Senate Rule 11.18 was suspended in order that the Committee on State Affairs might consider **SB 1836** today.

**SENATE RULE 11.10 SUSPENDED  
(Posting Rule)**

On motion of Senator Wentworth and by unanimous consent, Senate Rule 11.10 was suspended in order that the Committee on Redistricting might meet today.

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Bivins and by unanimous consent, Senate Rule 11.10 and Senate Rule 11.18 were suspended in order that the Committee on Education might meet and consider **HB 2531** today.

**SENATE RULE 11.18 SUSPENDED  
(Posting Rule)**

On motion of Senator Ellis and by unanimous consent, Senate Rule 11.18 was suspended in order that the Committee on Finance might consider **HB 1200** today.

**NOTICE GIVEN FOR  
LOCAL AND UNCONTESTED CALENDAR**

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

**SENATE RULE 11.13 SUSPENDED  
(Consideration of Bills in Committee)**

On motion of Senator Truan and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet tomorrow during the Local and Uncontested Calendar Session.

**MOTION TO ADJOURN**

On motion of Senator Truan, the Senate at 3:22 p.m. agreed to adjourn, in memory of Raymond Edelman of Tyler and Senator Staples' mother-in-law, Laura Wendel, upon conclusion of the Local and Uncontested Calendar Session tomorrow, until 10:00 a.m. tomorrow.



**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**HCR 6** (Bivins), In memory of E. W. "Buddy" Anguish, Jr., of Midland.

**HCR 45** (Bivins), In memory of Bernold M. "Bruno" Hanson.

**Congratulatory Resolutions**

**SR 950** by Sibley, Congratulating Paul Baker.

**SR 951** by Madla, Commending Harlendale Alternative Center in San Antonio.

**SR 952** by Gallegos, Recognizing the first annual Reagan Vertical Team Festival of the Arts in Houston.

**SR 953** by Lucio, Congratulating Gene Daniels of Los Fresnos.

**SR 954** by Lucio, Commending the 5th Annual Ruben Ramos Celebrity Concert and Golf Tournament.

**SR 955** by Lucio, Congratulating Mayor Rudy Villarreal of Alamo.

**SR 957** by Whitmire, Congratulating Alberta Humphrey.

**HCR 32** (Fraser), Honoring all those associated with the Atlas Intercontinental Ballistic Missile (ICBM) program for their contributions to the safety of their fellow citizens.

**HCR 44** (Bivins), Honoring Jonathan Galindo, Hervey Rey, and Fernando Rey for their heroic actions.

**HCR 46** (Bivins), Honoring Ryan Berthold on his receipt of an Achievement Award in Writing.

**HCR 47** (Bivins), Honoring the members of the Midland High School Fed Challenge Team on their national championship.

**HCR 80** (Bivins), Congratulating Cedric Benson of Midland Lee High School on his athletic accomplishments.

**RECESS**

On motion of Senator Truan, the Senate at 3:24 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Senate:

May 7, 2001

EDUCATION — **CSSB 1102, CSHB 1127**

CRIMINAL JUSTICE — **CSHB 2494, CSSB 1531, CSSB 1701**

HEALTH AND HUMAN SERVICES — **CSHB 102, CSHB 1094, CSHB 342**

INTERGOVERNMENTAL RELATIONS — **CSSB 322**

EDUCATION — **CSHB 459, CSHB 623**

INTERGOVERNMENTAL RELATIONS — **SB 1834, SB 1835, SJR 53**

HEALTH AND HUMAN SERVICES — **CSSB 1237, CSSB 1269, CSHB 2446**

STATE AFFAIRS — **CSSB 1129, SB 1828, SB 1829, HB 569, HB 965, HB 1378, HB 1419, HB 1459, HB 1460, HB 1922, HB 2440, HB 2585, HB 2922, HB 2923, HCR 77, HCR 210, HJR 45, HJR 75**

ADMINISTRATION — **SB 1348** (Amended)

BUSINESS AND COMMERCE — **HB 409, HB 430, HB 471, HB 533, HB 688, HB 845, HB 1216, HB 1493, HB 1636, HB 1684, HB 1703, HB 1927, HB 1994, HB 3357**

INTERGOVERNMENTAL RELATIONS — **CSSB 557, CSSB 1554, CSHB 445, CSHB 490, CSHB 741, CSHB 1285, CSHB 2628, CSSB 1128**

HEALTH AND HUMAN SERVICES — **CSHB 3421**

NATURAL RESOURCES — **HB 3636, HB 3024, HB 2217, HB 1842, HB 2491, HB 2817, CSHB 3626, HCR 88**

STATE AFFAIRS — **CSHB 2589, CSHB 3016, CSHB 3309, CSHB 815**