

HOUSE JOURNAL

SEVENTY-SEVENTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-FIRST DAY — THURSDAY, MAY 10, 2001

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 360).

Present — Mr. Speaker; Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbrank.

Absent, Excused — Hilbert; Nixon.

The invocation was offered by Reverend Warren G. Mize, pastor, Redeemed Family Church, San Antonio, as follows:

Our Father and our God, we praise you for your goodness, your mercy, and your blessings in our lives. We ask you for spiritual renewal and guidance to help us meet the problems we face. We humbly ask you to rest your hand on each of these leaders of the great State of Texas as they work together for the good of the citizens. In a day of conflicting moral standards, the need for wisdom is great. Your word says that the wisdom that comes from heaven is first of all pure; then peace-loving, considerate, submissive, full of mercy and good fruit, impartial, and sincere. This is the wisdom we ask you to give our leaders today. Fill them with courage to do what is right.

Bless these fine men and women of this house. Give them the tongue of the learned that they should know how to speak a word in season. And bless their families who willingly sacrifice every day, so that they may serve.

We confess our sin and ask that you set us on a path of righteousness. We confess our need, and we depend on you for provision. Yet, in our prosperity, let us not forget to help those in poverty. In our health, help us to remember those who need healing. In our liberty, make us sensitive to those imprisoned by fear.

The great Texas hero William Travis said, "The Lord is on our side!" Let us stand with confidence declaring the same, "The Lord is on our side!" For with you, our impossibilities become possibilities. Thank you for being with us today. This we pray in your holy name. Amen.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of illness:

Hilbert on motion of Haggerty.

The following member was granted leave of absence for today because of important business:

Nixon on motion of Denny.

CAPITOL PHYSICIAN

The speaker recognized Representative Homer who presented Dr. Lee Schreiber of Bonham as the "Doctor for the Day."

The house welcomed Dr. Schreiber and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Edwards in the chair)

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 50).

(Speaker in the chair)

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 1 and 2).

HR 1015 - ADOPTED

(by Alexander)

Representative Alexander moved to suspend all necessary rules to take up and consider at this time **HR 1015**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1015, Honoring Dr. David W. Hale on his retirement as pastor of Northside Baptist Church of Corsicana.

HR 1015 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative Alexander, who introduced Dr. David W. Hale and his wife, Beverly.

HR 1003 - ADOPTED
(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 1003**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1003, Honoring the mothers at the Chihuahuita Center in El Paso.

HR 1003 was adopted without objection.

HR 1004 - ADOPTED
(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 1004**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1004, Honoring the mothers at the Southside Center in El Paso.

HR 1004 was adopted without objection.

HR 1000 - ADOPTED
(by Deshotel)

Representative Deshotel moved to suspend all necessary rules to take up and consider at this time **HR 1000**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1000, Honoring Carolyn Broussard of Beaumont on her retirement from the teaching profession.

HR 1000 was adopted without objection.

HCR 280 - ADOPTED
(by Villarreal)

Representative Villarreal moved to suspend all necessary rules to take up and consider at this time **HCR 280**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 280, In memory of the Honorable Carlos Cristian Cadena of San Antonio.

HCR 280 was read and was unanimously adopted by a rising vote.

On motion of the Bexar County delegation, the names of all the members of the house were added to **HCR 280** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Villarreal, who introduced the family of the Honorable Carlos Cristian Cadena of San Antonio.

HR 787 - ADOPTED
(by **B. Turner**)

Representative B. Turner moved to suspend all necessary rules to take up and consider at this time **HR 787**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 787, Recognizing the Tap Pilam-Coahuiltecan Nation and its efforts to preserve its cultural and spiritual heritage and traditions.

HR 787 was adopted without objection.

HR 878 - ADOPTED
(by **Garcia**)

Representative Garcia moved to suspend all necessary rules to take up and consider at this time **HR 878**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 878, In memory of Richard Chavez III.

HR 878 was read and was unanimously adopted by a rising vote.

HR 724 - ADOPTED
(by **Menendez**)

Representative Menendez moved to suspend all necessary rules to take up and consider at this time **HR 724**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 724, Honoring Great Northwest Community Improvement Association, Inc., for its 25 years of service in San Antonio.

HR 724 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative Menendez, who introduced members of the Great Northwest Community Improvement Association, Inc.

HR 868 - ADOPTED
(by **Villarreal**)

Representative Villarreal moved to suspend all necessary rules to take up and consider at this time **HR 868**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 868, Honoring the members of San Antonio's Inncrcity With Style for their selfless contributions to their community.

HR 868 was read and was adopted without objection.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

**CSSB 236 ON SECOND READING
(Chavez and Goodman - House Sponsors)**

CSSB 236, A bill to be entitled An Act relating to court-ordered medical support for certain children.

CSSB 236 was read second time on May 9 and was postponed until this time.

Amendment No. 1

Representative Puente offered the following amendment to **CSSB 236**:

Amend **CSSB 236** (house committee printing) as follows:

(1) In Section 154.181(c), Family Code, added by SECTION 1 of the bill, in the first sentence (page 2, line 6), between "the court shall" and "order", insert ", except for good cause shown,".

(2) In Section 154.181(c), Family Code, added by SECTION 1 of the bill, in the second sentence (page 2, line 15), between "the court shall" and "order", insert ", except for good cause shown,".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Junell offered the following amendment to **CSSB 236**:

Amend **CSSB 236** by inserting the following SECTIONS, appropriately numbered, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Effective September 1, 2001, Chapter 109, Health and Safety Code, is repealed.

SECTION _____. (a) In this section:

(1) "Commissioner" means the commissioner of insurance.

(2) "Department" means the Texas Department of Insurance.

(3) "Fund" means the Texas Healthy Kids Fund established under Section 109.002, Health and Safety Code.

(b) The department shall supervise and monitor the implementation of the dissolution plan of the Texas Healthy Kids Corporation.

(c) Effective August 31, 2001, the comptroller shall transfer all money in

the fund, other than money necessary, in accordance with the Texas Non-Profit Corporation Act (Article 1396-1.01, Vernon's Texas Civil Statutes), to satisfy the financial obligations incurred by the Texas Healthy Kids Corporation before June 15, 2001, to a dedicated account in the general revenue fund. The commissioner, in consultation with the board of directors of the Texas Healthy Kids Corporation, shall determine the amount of money necessary to satisfy the financial obligations of the corporation as described by this subsection.

(d) On the date the commissioner determines that the financial obligations described by Subsection (c) of this section are satisfied, all money remaining in the fund, including any amounts received by the corporation in settlement of litigation, is transferred to the dedicated account described by Subsection (c) of this section.

(e) Money transferred to the general revenue fund under this section may be appropriated only to the Health and Human Services Commission to provide coverage under the state child health plan established under Chapter 62, Health and Safety Code. It is the intention of the legislature that the money transferred to the general revenue fund under this section be considered to be state funds for the purposes of obtaining federal matching money under Title XXI of the Social Security Act (42 U.S.C. Section 1397aa et seq.).

Amendment No. 2 was adopted without objection.

CSSB 236, as amended, was passed to third reading.

SB 1282 ON SECOND READING

(Oliveira, Seaman, Capelo, Solis, and Luna - House Sponsors)

SB 1282, A bill to be entitled An Act relating to the funding of port transportation or facility projects or port studies.

SB 1282 was read second time on May 9 and was postponed until this time.

Amendment No. 1

Representative Capelo offered the following amendment to **SB 1282**:

Amend **SB 1282** as follows:

(1) In SECTION 1 of the bill, in proposed Section 55.002, Transportation Code (Committee Printing, page 1, lines 20-23), strike proposed Subsection (a) and substitute the following:

(a) Using only money in the fund, the department shall fund:

(1) port transportation or facility projects; or

(2) port studies.

(2) In SECTION 1 of the bill, in proposed Section 55.005, Transportation Code (Committee Printing, page 3, lines 17-23), strike proposed Subsection (b) and substitute the following:

(b) The following money shall be credited to the fund:

(1) money received from gifts, grants, and donations; and

(2) interest earned on deposits and investments of the fund.

Amendment No. 1 was adopted without objection.

SB 1282, as amended, was passed to third reading.

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**SB 1096 ON THIRD READING
(Brimer - House Sponsor)**

SB 1096, A bill to be entitled An Act relating to economic incentives to attract horse racing events of national significance.

SB 1096 was passed. (Uher recorded voting no)

**SB 1175 ON THIRD READING
(Walker - House Sponsor)**

SB 1175, A bill to be entitled An Act relating to the administration of the weather modification program and grants for weather modification and control activities.

SB 1175 was passed.

**SB 980 ON THIRD READING
(Walker - House Sponsor)**

SB 980, A bill to be entitled An Act relating to the imposition by a municipality of a moratorium on property development in certain circumstances.

SB 980 was passed.

**SB 79 ON THIRD READING
(Madden - House Sponsor)**

SB 79, A bill to be entitled An Act relating to uniform election dates.

SB 79 was passed.

**SB 865 ON THIRD READING
(T. King - House Sponsor)**

SB 865, A bill to be entitled An Act relating to the changing of an ad valorem tax appraisal roll.

A record vote was requested.

SB 865 was passed by (Record 361): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell;

Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; Nixon.

Absent — Crabb; Miller; Naishtat; Salinas.

STATEMENT OF VOTE

When Record No. 361 was taken, I was in the house but away from my desk. I would have voted yes.

Crabb

SB 626 ON THIRD READING (Averitt - House Sponsor)

SB 626, A bill to be entitled An Act relating to liens on certain property related to certain criminal offenses and the effect of forfeiture of that property; providing penalties.

SB 626 was passed.

SB 140 ON THIRD READING (Naishtat - House Sponsor)

SB 140, A bill to be entitled An Act relating to the appointment of a person who has a history of abuse or neglect as a sole managing conservator.

Amendment No. 1

Representative Raymond offered the following amendment to **SB 140**:

Amend **SB 140** on third reading as follows:

On Page 1, line 10, after the period insert: "A history of sexual abuse includes a sexual assault that results in the other parent becoming pregnant with the child, regardless of the prior relationship of the parents."

Amendment No. 1 was adopted without objection.

SB 140, as amended, was passed.

SB 637 ON THIRD READING (Hamric - House Sponsor)

SB 637, A bill to be entitled An Act relating to the creation of a local government transportation corporation by a navigation district.

A record vote was requested.

SB 637 was passed by (Record 362): 145 Yeas, 1 Nay, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Nay — Gray.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; Nixon.

Absent — Wilson.

SB 601 ON THIRD READING **(Solis - House Sponsor)**

SB 601, A bill to be entitled An Act relating to certain investments and rate reductions by insurance companies and related organizations; providing an administrative penalty.

A record vote was requested.

SB 601 was passed by (Record 363): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery;

Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; Nixon.

Absent — Garcia; Longoria; Miller.

SB 1043 ON THIRD READING
(Hunter - House Sponsor)

SB 1043, A bill to be entitled An Act relating to creating a committee to appoint a poet laureate, a state musician, and state artists.

SB 1043 was passed.

SB 1140 ON THIRD READING
(Hunter - House Sponsor)

SB 1140, A bill to be entitled An Act relating to reemployment of a member of the state military forces by a private employer.

A record vote was requested.

SB 1140 was passed by (Record 364): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C); Hardcastle.

Absent, Excused — Hilbert; Nixon.

Absent — Gray; Naishtat; West.

STATEMENT OF VOTE

When Record No. 364 was taken, I was in the house but away from my desk. I would have voted yes.

Naishtat

**SB 1806 ON THIRD READING
(McReynolds - House Sponsor)**

SB 1806, A bill to be entitled An Act relating to the sale and lease of vacant and unsurveyed public school land.

SB 1806 was passed.

**SB 873 ON THIRD READING
(B. Brown - House Sponsor)**

SB 873, A bill to be entitled An Act relating to infrastructure planning in certain urban counties.

Amendment No. 1

Representative B. Turner offered the following amendment to **SB 873**:

Amend **SB 873** on third reading as follows:

Strike all of second reading floor amendment No. 3 by Green, and replace with the following:

On page 2, line 16, insert:

(c) The authority granted under subsection (a) is subject to the exemptions to plat requirements provided for in Section 232.0015.

Amendment No. 1 was adopted without objection.

SB 873, as amended, was passed. (Corte, Heflin, and Keel recorded voting no)

**GENERAL STATE CALENDAR
SENATE BILLS
SECOND READING**

The following bills were laid before the house and read second time:

**CSSB 510 ON SECOND READING
(Walker - House Sponsor)**

CSSB 510, A bill to be entitled An Act relating to the procurement methods a political subdivision or a related entity may use.

Representative Walker moved to postpone consideration of **CSSB 510** until 10 a.m. Wednesday, May 16.

The motion prevailed without objection.

**SB 1358 ON SECOND READING
(Uher - House Sponsor)**

SB 1358, A bill to be entitled An Act relating to the regulation of the practice of public accounting.

Amendment No. 1

Representative Bosse offered the following amendment to **SB 1358**:

Amend **SB 1358** in SECTION 5 of the bill by striking Section 901.006, Occupations Code, as amended by the bill (house committee printing, page 9, lines 20-24).

Amendment No. 1 was adopted without objection.

SB 1358, as amended, was passed to third reading. (Junell and Merritt recorded voting no)

**SB 572 ON SECOND READING
(Gray - House Sponsor)**

SB 572, A bill to be entitled An Act relating to the reduction of the shortage of registered nurses by establishing a program to increase enrollments in nursing education programs, increasing nursing faculty, and creating a nursing workforce data center.

Amendment No. 1

Representative Gray offered the following amendment to **SB 572**:

Amend **SB 572** (House committee printing) as follows:

(1) In SECTION 3 of the bill, in added Section 61.923, Education Code (page 3, line 3), between "students" and the semicolon, insert ", including the recruitment and retention of Spanish-speaking and bilingual students".

(2) In SECTION 3 of the bill, in added Section 61.924, Education Code (page 3, line 24), between "students" and the period, insert ", including the recruitment and retention of Spanish-speaking and bilingual students".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Gray offered the following amendment to **SB 572**:

Amend **SB 572** in SECTION 3 of the bill, at the end of added Subchapter U, Chapter 61, Education Code (House committee printing, page 4, between lines 2 and 3), by inserting the following:

Sec. 61.926. ANNUAL REPORT. (a) Each institution of higher education that has a professional nursing program shall submit an annual report to the board detailing its strategy for increasing the number of students that graduate from the program prepared for licensure as registered nurses. The report must include:

(1) the capacity of the program to graduate more students prepared for licensure as registered nurses; and

(2) the resources allocated to increase the number of students that graduate from the program prepared for licensure as registered nurses.

(b) The board may adopt rules to implement this section.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Gray offered the following amendment to **SB 572**:

Amend **SB 572** between SECTIONS 10 and 11 (House committee printing, page 9, between lines 24 and 25), by inserting the following SECTION and renumbering the subsequent SECTIONS accordingly:

SECTION 11. Section 63.202, Education Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) Notwithstanding the limitation provided by Subsection (b), in awarding grants under Subsection (c) for the state fiscal biennium ending on August 31, 2003, the coordinating board:

(1) may make awards to any program preparing students for initial licensure as registered nurses, including two-year institutions of higher education and independent or private institutions of higher education;

(2) shall give priority in awarding grants to:

(A) institutions proposing to address the shortage of registered nurses by promoting innovation in recruitment and retention of nursing students and faculty; and

(B) institutions seeking to increase enrollments in their nursing programs through financial incentives to faculty to provide clinical and classroom instruction in addition to carrying a full teaching load; and

(3) may consider the availability of matching funds in awarding grants.

(g) Subsection (f) and this subsection expire September 1, 2003.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Gray offered the following amendment to **SB 572**:

Amend **SB 572** (House committee printing) as follows:

(1) In SECTION 11 of the bill, in added Section 304.006, Occupations Code (page 12, line 17), between "obtained" and "under", insert "by the center".

(2) In SECTION 11 of the bill, in added Section 304.006, Occupations Code (page 12, lines 18-19), strike ", or to subpoena".

Amendment No. 4 was adopted without objection.

SB 572, as amended, was passed to third reading.

SB 1320 ON SECOND READING (Solomons - House Sponsor)

SB 1320, A bill to be entitled An Act relating to filings made with the secretary of state by business organizations.

Amendment No. 1

Representative Y. Davis offered the following amendment to **SB 1320**:

Amend **SB 1320** by adding a new SECTION __ as follows:

SECTION __ Article 9.07, Texas Business Corporation Act, is amended to read as follows:

Art. 9.07. TIME FOR FILING DOCUMENTS IN THE OFFICE OF THE SECRETARY OF STATE. A. Except as provided by Section B of this article, if a [whenever any] document is required to be filed in the office of the Secretary of State by any provision of this Act, ~~that [the]~~ requirement [of the

statute] shall be construed to include [~~involve~~] the requirement that the document [~~same~~] be [~~so~~] filed with reasonable promptness.

B. A person required under this Act to file with the Secretary of State a change of registered office or agent, an application or certificate of withdrawal or termination, or articles of dissolution commits an offense if the person does not file the required filing with the Secretary of State before the earlier of:

(1) the 30th day after the date of the change, withdrawal, or termination; or

(2) the date the filing is otherwise required by law.

C. A person who violates Section B of this article is liable to the state for a civil penalty in an amount not to exceed \$2,500 for each violation. In determining the amount of a penalty under this section, the court shall consider all the circumstances giving rise to the offense. The attorney general or the prosecuting attorney in the county in which the violation occurs may bring suit to recover the civil penalty imposed under this article.

D. The attorney general may bring an action in the name of the state to restrain or enjoin a person from violating Section B of this article.

E. In an action or proceeding brought against a person who has not complied with Section B of this article, the plaintiff or other party bringing the suit or proceeding may recover expenses incurred, including attorney's fees, in locating and effecting service of process on the person.

F. A person who brings an action or proceeding against another person for damages incurred as a result of noncompliance with Section B of this article may request from the attorney general nonconfidential information on the other person for the purpose of effecting service of process. The attorney general shall comply with a request made under this section to the extent practicable.

Amendment No. 1 was adopted without objection.

SB 1320, as amended, was passed to third reading.

CSSB 1074 ON SECOND READING

(Thompson, Hinojosa, Keel, P. King, Naishtat, et al. - House Sponsors)

CSSB 1074, A bill to be entitled An Act relating to the prevention of racial profiling by certain peace officers.

Representative Thompson moved to postpone consideration of **CSSB 1074** until 9 a.m. Monday, May 14.

The motion prevailed without objection.

SB 22 ON SECOND READING

(Smith, Madden, Truitt, Gray, McClendon, et al. - House Sponsors)

SB 22, A bill to be entitled An Act relating to the admission of minors to facilities for and to the consent of minors to the treatment and rehabilitation of chemical dependency.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Glaze, Representative Smith offered the following committee amendment to **SB 22**:

Amend **SB 22** as follows:

(1) Strike Sections 4 and 5 of the bill (Senate engrossment, page 3, line 4, through page 6, line 2) and substitute:

SECTION 4. Section 462.023, Health and Safety Code, is amended to read as follows:

Sec. 462.023. DISCHARGE OR RELEASE. (a) Except as provided by Subsections (b) and (c) [~~Subsection (b)~~], a facility shall release a voluntary patient within a reasonable time, not to exceed 96 hours, after the patient requests in writing to be released.

(b) A facility is not required to release the patient if before the end of the 96-hour period:

(1) the patient files a written withdrawal of the request;

(2) an application for court-ordered treatment or emergency detention is filed and the patient is detained in accordance with this chapter; or

(3) the patient is a minor admitted under Section 462.022(a)(3)(A) with the consent of a parent, guardian, or conservator and that person, after consulting with facility personnel, objects in writing to the release of the minor.

(c) If the patient is a minor admitted under Section 462.022(a)(3)(A), a facility shall consult with the person described by Subsection (b)(3) on receipt of the written request for release. If that person in writing objects to the release of the patient, the facility shall continue treatment of the patient as a voluntary patient.

(d) Subsection (a) applies to a minor admitted under Section 462.022 if the request for release is made in writing to the facility by the person who requested the initial admission.

(e) [~~(d)~~] If extremely hazardous weather conditions exist or a disaster occurs, the facility administrator may request the judge of a court that has jurisdiction over proceedings brought under Subchapter D to extend the period during which the person may be detained. The judge or a magistrate appointed by the judge may by written order made each day extend the period during which the person may be detained until 4 p.m. on the first succeeding business day. The written order must declare that an emergency exists because of the weather or the occurrence of a disaster.

(2) Renumber Section 6 of the bill accordingly.

Amendment No. 1 was adopted without objection.

SB 22, as amended, was passed to third reading.

SB 22 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE MADDEN: Mr. Speaker, members. Last session I brought this bill before the committee in a slightly different form. I appreciate the work done by Representative Smith, Representative Gray, and Senator Shapiro on this issue and I'd like to draw your attention to Section 1 of this bill. Members, the person in whose honor this bill is named, JoJo's Law, was the son of my wife's absolutely best friend in the whole world. I was stirred by what happened to his family. He was tragically killed three years ago in an automobile accident but fortunately had cured

his drug addiction by that time. However, I saw the personal, emotional distress that was caused to his family. I wanted to convey this personal statement about how important this bill is to me and to my family and I urge your support.

REMARKS ORDERED PRINTED

Representative G. Lewis moved to print remarks by Representative Madden.

The motion prevailed without objection.

SB 24 ON SECOND READING (Morrison - House Sponsor)

SB 24, A bill to be entitled An Act relating to the manner in which the testimony of a child who is the victim of or witness to an alleged offense may be taken in certain criminal proceedings.

SB 24 was passed to third reading.

SB 170 ON SECOND READING (Wolens - House Sponsor)

SB 170, A bill to be entitled An Act relating to the application of the open meetings law to attendance at a legislative committee meeting by a quorum of another governmental body.

Amendment No. 1

Representative Bosse offered the following amendment to **SB 170**:

Amend **SB 170** in SECTION 1 of the bill as follows:

(1) In the heading to added Section 551.0035, Government Code, between "COMMITTEE" and "MEETING", insert "OR AGENCY" (house committee report, page 1, line 9).

(2) In added Subsection (a), Section 551.0035, Government Code, between "committee" and "of the legislature", insert "or agency" (house committee report, page 1, line 11).

(3) In added Subsection (a), Section 551.0035, Government Code, between "legislative committee" and "holding the meeting", insert "or agency" (house committee report, page 1, line 12).

(4) In added Subsection (b), Section 551.0035, Government Code, between "committee" and "of the legislature", insert "or agency" (house committee report, page 1, line 15).

(5) In added Subsection (b), Section 551.0035, Government Code, between "legislative committee" and the period, insert "or agency" (house committee report, page 1, line 20).

Amendment No. 1 was adopted without objection.

SB 170, as amended, was passed to third reading.

CSSB 198 ON SECOND READING (Carter, Wise, et al. - House Sponsors)

CSSB 198, A bill to be entitled An Act relating to executory contracts for the conveyance of real property.

CSSB 198 was passed to third reading.

SB 433 ON SECOND READING
(Solomons - House Sponsor)

SB 433, A bill to be entitled An Act relating to the uniform law on secured transactions.

Amendment No. 1

Representative Solomons offered the following amendment to **SB 433**:

Amend **SB 433** as follows:

On page 28, line 24, strike "preempts or otherwise affects any limitation or prohibition provided by another law of this state against assignment of" and substitute "shall apply to".

(Bosse in the chair)

Amendment No. 1 was adopted without objection.

SB 433, as amended, was passed to third reading.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

SB 450 ON SECOND READING
(Gallego - House Sponsor)

SB 450, A bill to be entitled An Act relating to the computation of average daily attendance in certain school districts that experience a decline in attendance.

Representative Gallego moved to postpone consideration of **SB 450** until 9 a.m. Monday, May 14.

The motion prevailed without objection.

CSSB 673 ON SECOND READING
(Gray and Eiland - House Sponsors)

CSSB 673, A bill to be entitled An Act relating to the authority of a municipality to lease or sell property used for the purpose of operating certain properties located on certain state-owned lands.

CSSB 673 was passed to third reading.

SB 1272 ON SECOND READING
(Ritter - House Sponsor)

SB 1272, A bill to be entitled An Act relating to the designation of certain land that includes a greenhouse as agricultural land for ad valorem tax appraisal purposes.

SB 1272 was passed to third reading.

SB 1421 ON SECOND READING
(Williams, G. Lewis, Thompson, and Coleman - House Sponsors)

SB 1421, A bill to be entitled An Act relating to certain court costs imposed on a person convicted of an offense.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Talton, Representative Williams offered the following committee amendment to **SB 1421**:

Amend **SB 1421** as follows:

(1) Strike the recitation of SECTION 1 of the bill (Senate Engrossment, page 1, lines 5-7) and substitute the following:

SECTION 1. Article 102.075(m), Code of Criminal Procedure, is amended to read as follows:

(2) In SECTION 1 of the bill, strike added Article 102.075(n), Code of Criminal Procedure (Senate Engrossment, page 1, lines 17-24).

Representative Williams moved to table Amendment No. 1.

The motion to table prevailed.

SB 1421 was passed to third reading.

(Speaker in the chair)

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

**SB 293 ON SECOND READING
(West - House Sponsor)**

SB 293, A bill to be entitled An Act relating to electronically readable information on a driver's license, commercial driver's license, or personal identification certificate; providing penalties.

SB 293 was considered in lieu of **CSHB 1031**.

SB 293 was read second time.

Representative West moved to postpone consideration of **SB 293** until 9 a.m. Monday, May 14.

The motion prevailed without objection.

CSHB 1031 - LAID ON THE TABLE SUBJECT TO CALL

Representative West moved to lay **CSHB 1031** on the table subject to call.

The motion prevailed without objection. ,

**SCR 55 - ADOPTED
(Rangel - House Sponsor)**

Representative Rangel moved to suspend all necessary rules to take up and consider at this time **SCR 55**.

The motion prevailed without objection.

The following resolution was laid before the house:

SCR 55, Congratulating Texas A&M University—Kingsville.

SCR 55 was read and was adopted without objection.

**SB 415 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Naishtat, the house granted the request of the senate for the appointment of a conference committee on **SB 415**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 415**: Naishtat, chair, Smithee, Wohlgemuth, Eiland, and Averitt.

**HB 587 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Thompson called up with senate amendments for consideration at this time,

HB 587, A bill to be entitled An Act 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.

On motion of Representative Thompson, the house concurred in the senate amendments to **HB 587** by (Record 365): 90 Yeas, 55 Nays, 1 Present, not voting.

Yeas — Alexander; Bailey; Bosse; Burnam; Callegari; Capelo; Chavez; Chisum; Clark; Coleman; Cook; Counts; Danburg; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; Geren; Giddings; Glaze; Goodman; Gray; Gutierrez; Haggerty; Hawley; Hinojosa; Hochberg; Hodge; Hopson; Jones, E.; Jones, J.; Junell; Keffer; King, T.; Kitchen; Kolkhorst; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Martinez Fischer; Maxey; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Ritter; Sadler; Salinas; Solis; Swinford; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Averitt; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Carter; Christian; Corte; Crabb; Craddick; Crownover; Davis, J.; Delisi; Denny; Driver; Elkins; George; Goolsby; Green; Grusendorf; Hamric; Hardcastle; Hartnett; Heflin; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Jones, D.; Keel; King, P.; Krusee; Madden; Marchant; McCall; Miller; Morrison; Mowery; Reyna, E.; Seaman; Shields; Smith; Smithee; Solomons; Talton; Truitt; West; Williams; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; Nixon.

Absent — Homer; Janek.

STATEMENTS OF VOTE

I was shown voting no on Record No. 365. I intended to vote yes.

Averitt

I was shown voting no on Record No. 365. I intended to vote yes.

Hardcastle

When Record No. 365 was taken, I was temporarily out of the house chamber. I would have voted yes.

Homer

HB 587 - REASON FOR VOTE

This bill is not really about enhancing penalties under Texas law for crimes motivated by bias or prejudice. Current law already does this. Tex. Pen. Code sec. 12.47 prescribes a penalty of the next higher category if the offense was committed because of the defendant's bias or prejudice. The current statute, enacted in 1993 and amended in 1997, purposely does not include enumerated classes, because to do so necessarily diminishes the value of all non-included victims.

In fact, the purpose of **HB 587** is to use the criminal statutes to carve out special protection for certain specified groups. This excludes the victims of crimes whose attacker did not necessarily assault or kill them because of their specific race, gender, or sexual preference, but who are, nevertheless, just as injured or dead.

When this bill was debated in the 76th Legislative Session, its proponents failed to answer the question of how the proposed creation of enumerated protected classes of victims was preferable over the current law, which focuses on the defendant's motivation and, by not enumerating protected classes, can be used to the benefit of any victim of crime who is attacked by an assailant motivated by bias or prejudice.

As the presidential race unfolded in the year 2000, the refusal of the 76th Legislature to enact the enumerated classes-type of "hate crimes" bill was used as criticism of Governor Bush in his candidacy. Aside from the obvious (namely that the particular case for which the legislation was named would not have been affected by the proposed bill), when it was pointed out that Texas nevertheless already had a hate crimes statute, critics then shifted gears to suggest that, although a "hate crimes" statute was on the books in Texas, the statute's failure to delineate classes of victims leaves it subject to attack on grounds of "vagueness."

Contrary to the rhetoric about vagueness, courts of appeals in Texas have consistently upheld the validity of Tex. Pen. Code sec. 12.47 as it currently exists. See, e.g., *Martinez v. State*, 980 S.W. 2d 662 (Tex. App.—San Antonio 1998); *Roderick v. State*, No. 13-99-235-CR (Tex. App. Corpus Christi, April 5, 2001); *Boyd v. State*, No. 05-96-01516-CR (Tex. App. Dallas 5th [unpublished] March 25, 1999). Likewise it is non-sequitur to analogize the proposals of creating specially protected classes of victims with current statutes protecting, for example, peace officers, since any person, regardless of race, gender, or sexual preference, could be acting in the capacity of such a public servant.

All of the above being true, there are certain proponents of the specially protected classes-type of hate crimes measure who say this legislation is necessary as a matter of making a principled statement against "hate." I am

just as firmly convinced that a "no" vote is necessitated on my part for the sake of intellectual honesty and, most importantly, to be true to the principle of upholding equal protection under the law for all victims of crime.

Keel

Senate Amendment No. 1 (Senate Floor Amendment No. 2)

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

Senate Amendment No. 2 (Senate 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.

Senate Amendment No. 3 (Senate 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.

Senate Amendment No. 4 (Senate 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.

**HB 757 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Coleman called up with senate amendments for consideration at this time,

HB 757, A bill to be entitled An Act relating to the establishment of a task force to eliminate health and health access disparities in Texas.

Representative Coleman moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 757**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 757**: Coleman, chair, Gray, Glaze, Delisi, and Uresti.

**HB 772 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Haggerty called up with senate amendments for consideration at this time,

HB 772, A bill to be entitled An Act relating to the eligibility of certain offenders for medically recommended intensive supervision and the provision of facilities for those offenders.

Representative Haggerty moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 772**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 772**: Haggerty, chair, Allen, Ellis, Hodge, and Ritter.

**HB 987 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Oliveira called up with senate amendments for consideration at this time,

HB 987, A bill to be entitled An Act relating to the authority of certain counties to require water corporations to collect solid waste disposal service fees for the counties.

Representative Oliveira moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 987**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 987**: Oliveira, chair, Salinas, Raymond, Ramsay, and Chavez.

HB 1245 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Goodman called up with senate amendments for consideration at this time,

HB 1245, A bill to be entitled An Act relating to the relationship between separate and community property during a marriage.

On motion of Representative Goodman, the house concurred in the senate amendments to **HB 1245**.

Senate Amendment No. 1 (Senate Committee Amendment No. 1)

Amend **HB 1245** as follows:

1. On page 2, strike lines 3-6, and substitute the following:
"subtracting from the fair market value of the property as of a specific date the amount of a lawful lien specific to the property on that same date."

2. On page 2, line 22, strike the word "lien" and replace with the word "debt."

3. Page 9 strike lines 9-16 and substitute the following:

Sec. 3.410. EFFECT OF MARITAL PROPERTY AGREEMENTS. A premarital or marital property agreement, whether executed before, on, or after the effective date of this subchapter, which satisfies the requirements of Chapter 4 is effective to waive, release, assign, or partition a claim for economic contribution under this subchapter to the same extent the agreement would have been effective to waive, release, assign, or partition a claim for reimbursement under the law as it existed immediately before the effective date of the initial enactment of this subchapter of September 1, 1999, unless the agreement provides otherwise.

4. Page 11 strike lines 13-16 and substitute the following:

(2) order that a claim for an economic contribution by one separate marital estate of a spouse to the community marital estate of the spouses be awarded to the owner of the contributing separate marital estate; and

5. Page 12, strike lines 10-13 and substitute the following:

(c) Section 3.410, Family Code, as added by this Act, applies to a premarital property agreement or marital property agreement executed on or after the effective date of this subchapter of September 1, 1999.

HB 1600 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative E. Jones called up with senate amendments for consideration at this time,

HB 1600, A bill to be entitled An Act relating to the punishment for the offense of taking a weapon from a peace officer, parole officer, or community supervision and corrections department officer.

On motion of Representative E. Jones, the house concurred in the senate amendments to **HB 1600**.

Senate Committee Substitute

CSHB 1600, A bill to be entitled An Act relating to the punishment for the offense of taking or attempting to take a weapon from a peace officer, parole officer, or community supervision and corrections department officer.

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

SECTION 1. Section 38.14(e), Penal Code, is amended to read as follows:

(e) An offense under this section is a felony of the third degree if the defendant took a weapon described by Subsection (b) from an officer described by Subsection (b) and is a state jail felony if the defendant attempted to take the weapon from the officer.

SECTION 2. (a) The change in law made by this Act 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.

SECTION 3. This Act takes effect September 1, 2001.

HB 3343 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative Hochberg called up with senate amendments for consideration at this time,

HB 3343, A bill to be entitled An Act relating to the operation and funding of certain group coverage programs for certain school and educational employees and their dependents.

Representative Hochberg moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3343**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3343**: Sadler, chair, Marchant, Hochberg, Tillery, and Pitts.

HB 3567 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Marchant called up with senate amendments for consideration at this time,

HB 3567, A bill to be entitled An Act relating to permitting land mortgage loans from the veterans' land fund.

On motion of Representative Marchant, the house concurred in the senate amendments to **HB 3567** by (Record 366): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbraneck.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; Nixon.

Senate Committee Substitute

CSHB 3567, A bill to be entitled An Act relating to provision by the Veterans Land Board of loans to veterans for the purchase of land.

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

SECTION 1. Section 161.171(a), Natural Resources Code, is amended to read as follows:

(a) The veterans' land fund shall include:

- (1) land purchased by the board from money in the fund;
- (2) money attributable to general obligation bonds issued and sold by the board, including proceeds from the issuance and sale of the bonds;
- (3) money received from the sale or resale of land or rights in land purchased with the proceeds from the general obligation bonds;
- (4) money received from the sale or resale of land or rights in land purchased with other money attributable to the general obligation bonds;
- (5) proceeds derived from the sale or other disposition of the board's interest in:

(A) contracts for the sale of land or rights in land; or

(B) a loan made under Subchapter K;

(6) interest and penalties received from the sale or resale of [~~the~~] land purchased under this chapter or from rights in the land;

(7) bonuses, income, rents, royalties, and any other pecuniary benefit received by the board from:

(A) [~~the~~] land purchased under this chapter; or

(B) loans made under Subchapter K;

(8) money received as indemnity or forfeiture for the failure of any bidder for purchase of general obligation bonds to comply with the person's bid and accept and pay for the bonds or for the failure of a bidder for purchase of land comprising a part of the fund to comply with the person's bid and accept and pay for the land and amounts received by the board under bond enhancement agreements with respect to the bonds; ~~and~~

(9) interest received from investments of this money;

(10) any interest of the board in a loan made under Subchapter K using money in the fund, including any title insurance related to the loan or land purchased with the loan; and

(11) any equitable interest in property encumbered under Subchapter K and attributable to the fund.

SECTION 2. Chapter 161, Natural Resources Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. LAND LOANS

Sec. 161.501. PURPOSE OF SUBCHAPTER; CONSTRUCTION. The purpose of this subchapter is to authorize the board to provide loans to veterans for the purchase of land that are secured by a mortgage, deed of trust, or other lien on the land. This subchapter shall be liberally construed to effect that purpose.

Sec. 161.502. DEFINITIONS. In this subchapter:

(1) "Lending institution" means a bank, savings bank, savings and loan association, credit union, trust company, mortgage banker, mortgage company, life insurance company, or other financial institution that customarily provides service or aids in the financing of mortgages on single-family residential housing, or a holding company for one of those institutions.

(2) "Loan" means a veterans' land loan made or acquired by the board under this subchapter secured by a mortgage, deed of trust, or other lien on the land purchased with the proceeds of the loan.

Sec. 161.503. LOANS. (a) In addition to purchasing land under Subchapters F and G, the board shall make or acquire loans with money from the fund to finance land purchases by eligible persons in accordance with this subchapter and rules adopted by the board.

(b) The board may enter into contracts with lending institutions to assist in processing, originating, servicing, or administering loans under this subchapter.

(c) The board shall obtain insurance:

(1) covering at least 50 percent of all losses anticipated in connection with payment defaults on loans secured by first or second mortgages, based on the advice of one or more qualified consultants to the board as to potential losses that may be reasonably expected on the loans as determined by analysis that includes actual experience in the residential mortgage lending industry on similar types of mortgage loans; or

(2) that insures repayment of at least 50 percent of the outstanding principal amount of all loans made under this subchapter if the loans are not repaid by the recipients.

(d) The board shall adopt rules as necessary to implement this subchapter.

Sec. 161.504. ELIGIBILITY FOR LOAN. (a) To qualify for a loan under this subchapter, a person must be a veteran at the time the person applies for the loan. If an eligible veteran dies after filing an application for a loan, the veteran's surviving spouse may complete the transaction.

(b) The board by rule may determine the number of loans that a person may receive under this subchapter.

Sec. 161.505. SECURITY FOR LOAN. A disbursement of money on a loan may not be made unless the loan is secured by a mortgage, deed of trust, or other lien on the land purchased with the proceeds of the loan. A mortgage, deed of trust, or other lien may be a participation in a lien securing any other loan for the purchase of the property, including a lien securing a home loan under Chapter 162.

Sec. 161.506. INITIAL PAYMENT OR EQUITY. The board may require an initial payment on a loan or may require an investment in the land by the loan recipient in an amount set by the board by rule.

Sec. 161.507. LOAN PAYMENTS. (a) The final principal payment on a loan shall be made not later than the 40th anniversary of the date of the loan.

(b) The board shall determine the maximum principal amount of loans to the same eligible person that may be outstanding at any time.

(c) Payments on the loan must be made at times determined by the board.

Sec. 161.508. FEES; INTEREST. (a) All fees to be charged to a person who receives a loan must be approved by the board.

(b) Any fees or expenses incurred in connection with a loan, including the cost of insurance, may be charged to the loan recipient and included in the principal amount of the loan.

(c) A loan must bear a fixed, variable, floating, or other rate or rates of interest determined by the board. The board may set the interest rate or rates to provide a margin over the rate paid by the board on bonds issued by the board under this chapter.

(d) The difference between the cost of the money to the board and the interest rate or rates charged to a loan recipient may be used in whole or in part to defray the expense of administering the program.

(e) To ensure the maximum benefit of the program to the loan recipient, the board shall adopt rules:

(1) relating to the fees, charges, and interest rates that may be charged by a lending institution in connection with financing the purchase of land with money that does not come from the fund; and

(2) limiting to the maximum extent practical the fees, charges, and interest rates to the fees, charges, and interest rates that would be collected by the lending institution in the normal course of the institution's mortgage lending business.

Sec. 161.509. INTEREST RATE ON DELINQUENT PRINCIPAL AND INTEREST. Principal and interest that become delinquent bear interest at a rate determined by the board.

Sec. 161.510. COMBINATION WITH HOME LOAN. The board may:

(1) permit a person to combine a loan made under this subchapter with a home loan made under Chapter 162 if the portion of the loan made under this subchapter is funded from amounts on deposit in the fund and the

portion of the loan made under Chapter 162 is not funded from amounts in the fund; and

(2) prescribe the amounts of and forms for a combined loan under this section.

Sec. 161.511. TIME LIMIT ON TRANSFER OF LAND. (a) Except as provided by Subsection (c), a recipient of a loan may not lease, sell, or otherwise transfer in whole or part land or any interest in land against which there is a mortgage, deed of trust, or any other lien securing the loan:

(1) before the third anniversary of the date the recipient purchases the land; and

(2) unless the recipient has complied with any other terms and conditions provided by this subchapter and the rules of the board.

(b) After the three-year period prescribed by Subsection (a), land may be sold or otherwise transferred, subject to any lien securing a loan, if:

(1) all interest, principal, and taxes that are due have been paid;

(2) the terms and conditions of this subchapter and rules of the board have been met; and

(3) the board approves the sale or other transfer.

(c) The board may waive the three-year period prescribed by Subsection (a):

(1) in a case of death, bankruptcy, financial incapacity, or divorce of the loan recipient;

(2) if a loan recipient is forced to move because of a change in employment or because the recipient's home is condemned through no fault of the recipient; or

(3) at any other time the board considers a waiver to be in the best interest of the program.

Sec. 161.512. INCREASE IN INTEREST RATE; ACCELERATED REPAYMENT. If a recipient of a loan does not comply with the requirements of Section 161.511(a) and the board does not waive the three-year period prescribed by that section, the board by rule may provide for:

(1) an increase in the interest rate on the loan;

(2) the acceleration of repayment of the principal of and interest on the loan; or

(3) any other remedy the board considers appropriate.

Sec. 161.513. FORECLOSURE AND RESALE. The board shall adopt rules providing procedures governing foreclosure of a lien securing a loan.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Ways and Means, upon noon recess today, Desk 61, for a formal meeting, to consider pending business.

Licensing and Administrative Procedures, upon noon recess today, Desk 66, for a formal meeting.

Criminal Jurisprudence, upon noon recess today, Desk 12, for a formal meeting, to consider **SB 56, SB 57, SB 58, SB 120, SB 173, SB 328, SB 904, SB 932, SB 1120, SB 1195, SB 1313, SB 1413, and SB 1807.**

Higher Education, upon noon recess today, Desk 118, for a formal meeting, to consider **SB 1636.**

Transportation, upon noon recess today, Desk 25, for a formal meeting.

Financial Institutions, upon noon recess today, Desk 26, for a formal meeting, to consider pending business.

Environmental Regulation, upon noon recess today, Desk 98, for a formal meeting, to consider **HCR 213, SB 828, SB 906, SB 1146, SCR 22, and SCR 23.**

Local and Consent Calendars, 1:30 p.m. today, 2W.25.

(Maxey in the chair)

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 26).

RECESS

Representative Bonnen moved that the house recess until 1:45 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:21 p.m., recessed until 1:45 p.m. today.

AFTERNOON SESSION

The house met at 1:45 p.m. and was called to order by the speaker.

STATEMENT BY THE SPEAKER

At 1:45 p.m. the speaker announced that it was the intent of the chair, upon completion of today's calendar or at midnight, whichever came first, to recognize members who wish to suspend the constitutional three day rule to allow the house to consider on third reading the house bills passed today on second reading. The speaker stated that the purpose for allowing members to be recognized for this motion would be to expedite delivery of house bills to the senate. The speaker stated that the motion to suspend the constitutional three day rule would require a vote of four-fifths of the members present and voting for each bill.

RULES SUSPENDED TO ADD BILLS TO LOCAL, CONSENT, AND RESOLUTIONS CALENDAR

On motion of Representative Y. Davis and by unanimous consent, **HB 1764, HB 1765, SB 651, and SB 1119** were added to the local, consent, and resolutions calendar for Friday, May 11.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

CSHB 1615 ON SECOND READING
(by Maxey, Gray, Chavez, and et al.)

CSHB 1615, A bill to be entitled An Act relating to the regulation and reimbursement of telemedicine medical services.

CSHB 1615 was read second time on May 3 and was postponed until this time.

Representative Maxey moved to postpone consideration of **CSHB 1615** until 11:30 p.m. today.

The motion prevailed without objection.

CSHJR 74 ON SECOND READING
(by Keel, Gallego, Uher, and Bonnen)

CSHJR 74, A joint resolution proposing a constitutional amendment relating to the investment and management of the permanent school fund.

CSHJR 74 was read second time on May 9 and was postponed until this time.

CSHJR 74 - LAID ON THE TABLE SUBJECT TO CALL

Representative Keel moved to lay **CSHJR 74** on the table subject to call.

The motion prevailed without objection.

MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING

The following bill was laid before the house and read third time:

HB 3171 ON THIRD READING
(by Thompson)

HB 3171, A bill to be entitled An Act relating to the creation, composition, and operation of certain district courts.

Amendment No. 1

Representative Thompson offered the following amendment to **HB 3171**:

Amend **HB 3171**, on third reading, by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill appropriately:

SECTION _____. Effective January 1, 2003, Section 24.534, Government Code, is amended to read as follows:

Sec. 24.534. 389TH JUDICIAL DISTRICT (HIDALGO COUNTY). [~~(a)~~]
The 389th Judicial District is composed of Hidalgo County.

[~~(b) The 389th District Court shall give preference to criminal matters.~~]

SECTION _____. Effective January 1, 2003, Section 24.543, Government Code, is amended to read as follows:

Sec. 24.543. 398TH JUDICIAL DISTRICT (HIDALGO COUNTY). [~~(a)~~] The 398th Judicial District is composed of Hidalgo County.

~~[(b) The 398th District Court shall give preference to family violence and criminal matters.]~~

Amendment No. 1 was adopted without objection.

HB 3171, as amended, was passed.

**CONSTITUTIONAL AMENDMENTS CALENDAR
HOUSE JOINT RESOLUTIONS
SECOND READING**

The following resolutions were laid before the house and read second time:

**HJR 60 ON SECOND READING
(by Dunnam and Solomons)**

HJR 60, A joint resolution proposing a constitutional amendment relating to the rulemaking power of the supreme court.

A record vote was requested.

HJR 60 was adopted by (Record 367): 130 Yeas, 7 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Carter; Chisum; Christian; Clark; Coleman; Cook; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Hilderbran; Hinojosa; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Noriega; Oliveira; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Telford; Thompson; Tillery; Truitt; Turner, B.; Uresti; Villarreal; Walker; West; Williams; Wise; Wohlgemuth; Wolens; Yarbrough; Zbraneck.

Nays — Denny; Heflin; Hill; Reyna, E.; Talton; Uher; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; Nixon.

Absent — Capelo; Chavez; Corte; Dukes; Garcia; Hochberg; Maxey; Olivo; Turner, S.; Wilson.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 367. I intended to vote no.

Berman

I was shown voting yes on Record No. 367. I intended to vote no.

B. Brown

I was shown voting yes on Record No. 367. I intended to vote no.

Clark

I was shown voting yes on Record No. 367. I intended to vote no.

Craddick

I was shown voting yes on Record No. 367. I intended to vote no.

Delisi

When Record No. 367 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

I was shown voting yes on Record No. 367. I intended to vote no.

Hope

I was shown voting yes on Record No. 367. I intended to vote no.

Hupp

I was shown voting yes on Record No. 367. I intended to vote no.

Isett

I was shown voting yes on Record No. 367. I intended to vote no.

Keel

I was shown voting yes on Record No. 367. I intended to vote no.

Madden

I was shown voting yes on Record No. 367. I intended to vote no.

Marchant

CSHJR 69 ON SECOND READING

(by Junell)

CSHJR 69, A joint resolution proposing a constitutional amendment relating to certain operations of state and local government.

Representative Junell moved to postpone consideration of **CSHJR 69** until 9 a.m. June 1.

The motion prevailed without objection.

HJR 89 ON SECOND READING

(by Eiland)

HJR 89, A joint resolution proposing a constitutional amendment allowing a county to construct, maintain, or improve in the county any street, road, or highway of a city, town, or village.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important state business:

Eiland on motion of Janek.

HJR 89 - (consideration continued)

A record vote was requested.

HJR 89 was adopted by (Record 368): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Hilbert; Nixon.

Absent — Najera.

GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

The following bills were laid before the house and read third time:

HB 2351 ON THIRD READING (by Hinojosa and Thompson)

HB 2351, A bill to be entitled An Act relating to requiring the corroboration of certain testimony in a criminal case involving controlled substances.

HB 2351 was passed. (Berman, Counts, and Menendez recorded voting no)

HB 2925 ON THIRD READING
(by J. Jones and Hodge)

HB 2925, A bill to be entitled An Act relating to the use of a receipt issued by certain voter registration entities to a person on completing an application for voter registration.

HB 2925 was passed.

HB 2964 ON THIRD READING
(by Hamric)

HB 2964, A bill to be entitled An Act relating to the confidentiality of pleadings and protective order applications in certain proceedings in the Family Code.

HB 2964 was passed.

HB 2989 ON THIRD READING
(by Gutierrez, Chavez, and Capelo)

HB 2989, A bill to be entitled An Act relating to establishing an acanthosis nigricans screening program in certain public and private schools.

HB 2989 was passed. (Corte recorded voting no)

HB 3012 ON THIRD READING
(by Smithee)

HB 3012, A bill to be entitled An Act relating to the regulation of joint negotiations by physicians with health benefit plans.

A record vote was requested.

HB 3012 was passed by (Record 369): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Hilbert; Nixon.

Absent — Alexander; Crownover.

HB 3038 ON THIRD READING

(by Isett)

HB 3038, A bill to be entitled An Act relating to the employment of Medicaid recipients and to the enrollment of Medicaid recipients and state child health plan enrollees in certain group health benefit plans.

A record vote was requested.

HB 3038 was passed by (Record 370): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbraneck.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Hilbert; Nixon.

Absent — Bonnen; Christian; Keffer; Marchant; Talton; Williams.

HB 3147 ON THIRD READING

(by Smith, Flores, Truitt, and Hochberg)

HB 3147, A bill to be entitled An Act relating to allowing certain retirees of the Teacher Retirement System of Texas to be employed as principals without losing retirement benefits.

A record vote was requested.

HB 3147 was passed by (Record 371): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wolens; Woolley; Yarbrough; Zbraneck.

Present, not voting — Mr. Speaker(C); Wohlgemuth.

Absent, Excused — Eiland; Hilbert; Nixon.

Absent — Capelo; Grusendorf; Heflin; Marchant.

HB 3164 ON THIRD READING
(by Chavez)

HB 3164, A bill to be entitled An Act relating to standards for prekindergarten programs and coordination of resources among prekindergarten programs and other child-care programs.

HB 3164 was passed.

HB 3504 ON THIRD READING
(by Allen)

HB 3504, A bill to be entitled An Act relating to sanctions imposed on certain persons following modification of parole or release on mandatory supervision.

HB 3504 was passed.

HB 3613 ON THIRD READING
(by Martinez Fischer)

HB 3613, A bill to be entitled An Act relating to the sentencing of certain Class C habitual offenders.

HB 3613 was passed.

HB 1654 ON THIRD READING
(by Talton)

HB 1654, A bill to be entitled An Act relating to the disclosure to the public of information in certain arrest warrants and the affidavits filed in connection with the application for those warrants.

HB 1654 was passed.

HB 63 ON THIRD READING
(by Wolens, Menendez, et al.)

HB 63, A bill to be entitled An Act relating to the suspension of a person's driver's license following the person's arrest for certain intoxication offenses.

HB 63 was passed.

HB 2065 ON THIRD READING
(by Eiland)

HB 2065, A bill to be entitled An Act relating to the allocation of certain settlement money awarded to the state to appropriation accounts at the direction of the attorney general with the prior approval of the Legislative Budget Board.

HB 2065 was passed. (Craddick and Madden recorded voting no)

HB 3088 ON THIRD READING
(by S. Turner)

HB 3088, A bill to be entitled An Act relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

Representative Counts moved to postpone consideration of **HB 3088** until 6 p.m. today.

The motion prevailed without objection.

HB 2561 ON THIRD READING
(by Dunnam)

HB 2561, A bill to be entitled An Act relating to creating the criminal offense of misuse of the property or services of a charter school.

HB 2561 was passed.

HB 2430 ON THIRD READING
(by Naishtat, Averitt, and Kitchen)

HB 2430, A bill to be entitled An Act relating to a consumer assistance program for health benefit plan consumers.

HB 2430 was passed. (Craddick and Madden recorded voting no)

HB 2134 ON THIRD READING
(by Chisum)

HB 2134, A bill to be entitled An Act relating to the regulation of motor vehicle emissions; providing penalties.

Amendment No. 1

Representatives Madden and Chisum offered the following amendment to **HB 2134**:

Amend **HB 2134** on third reading as follows:

(1) On page 24, strike lines 22 and 23 and substitute the following: relating to the operation of the emissions testing program under Subchapter F:

(2) On page 24, strike lines 26 and 27 and substitute the following: testing program: and

(3) On page 25, line 2, strike "this chapter" and substitute "Subchapter F".

(4) On page 25, line 26, strike "or G before the rules are proposed" and substitute "before the rules are published".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Chisum offered the following amendment to **HB 2134**:

Amend **HB 2134** (2nd Reading Engrossment), as follows:

(1) On page 25, line 3, strike "commissioners" and substitute "members of the commission".

(2) On page 32, line 26 and 27, strike "public safety commissioners" and substitute "members of the Public Safety Commission".

Amendment No. 2 was adopted without objection.

HB 2134, as amended, was passed. (Craddick, Howard, E. Reyna, and Zbrank recorded voting no)

GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

The following bills were laid before the house and read second time:

HB 2086 ON SECOND READING (by Yarbrough)

HB 2086, A bill to be entitled An Act relating to wages used to compute unemployment compensation taxes.

(Chisum in the chair)

Amendment No. 1 (Committee Amendment No. 1)

Representative Yarbrough offered the following committee amendment to **HB 2086**:

Amend page 1, line 15, to add the following:
after 2003; add the wording "and"

(D) \$12,000 for a calendar year after calendar year 2003;

Then delete lines 17, 18 and 19.

Representative Yarbrough moved to table Amendment No. 1.

The motion to table prevailed.

Amendment No. 2

Representative McClendon offered the following amendment to **HB 2086**:

Amend **HB 2086** on page 3, line 4, by adding the new item (10) to Section 201.082, Labor Code, and renumber accordingly:

(10) the value of any meals furnished by or on behalf of the employer if at the time of such furnishing it is reasonable to believe that the employee will be able to exclude such items from income under Section 119 of the Internal Revenue Code.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Yarbrough offered the following amendment to **HB 2086**:

Amend **HB 2086** as follows:

(1) On page 1, line 6, between "WAGES." and "In this subtitle", insert "(a)".

(2) On page 1, strike lines 12-20 and substitute the following:

(A) \$9,000, for a calendar year before calendar year 2002; and

(B) for calendar year 2002 and each succeeding calendar year, the amount of remuneration set as provided by Subsection (b);

(3) On page 3, between lines 14 and 15, insert the following:

(b) In calendar year 2002 and each subsequent calendar year, the remuneration on which an employer shall pay taxes shall increase by \$1000 in the calendar year following the assessment of a deficit tax under Section 204.063. For each calendar year in which a deficit tax is assessed, the remuneration on which an employer shall pay taxes shall remain at the level applicable to the previous calendar year. The maximum amount of remuneration taxable under this subsection is \$12,000 for any calendar year.

Amendment No. 4

Representative Seaman offered the following amendment to Amendment No. 3:

Amend the Yarbrough amendment to **HB 2086** by inserting the following new Subsection (c) on page 1, after line 18:

(c) Notwithstanding Subsections (a) and (b), if, on a tax rate computation date under Section 204.047, the commission determines that the amount of money in the compensation fund is greater than the floor established under Section 204.061 for the fund, the taxable wage base under this section reverts to \$9000 for the subsequent calendar year.

Amendment No. 4 was adopted without objection.

Amendment No. 3, as amended, was adopted without objection.

A record vote was requested.

HB 2086, as amended, failed to pass to engrossment by (Record 372): 63 Yeas, 75 Nays, 2 Present, not voting.

Yeas — Bailey; Bosse; Burnam; Capelo; Chavez; Coleman; Cook; Counts; Danburg; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Farabee; Farrar; Flores; Gallego; Giddings; Glaze; Gray; Gutierrez; Hinojosa; Hochberg; Hodge; Homer; Hopson; Jones, J.; Kitchen; Lewis, G.; Longoria; Luna; Martinez Fischer; Maxey; McClendon; Moreno, J.; Moreno, P.; Naishtat; Najera; Noriega; Oliveira; Olivo; Puente; Rangel; Raymond; Reyna, A.; Sadler; Salinas; Solis; Telford; Thompson; Tillery;

Turner, B.; Turner, S.; Uresti; Villarreal; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Averitt; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Callegari; Carter; Christian; Clark; Crabb; Craddick; Crownover; Davis, J.; Delisi; Denny; Driver; Elkins; Ellis; George; Goodman; Goolsby; Green; Grusendorf; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lewis, R.; Madden; Marchant; McCall; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Pickett; Pitts; Ramsay; Reyna, E.; Ritter; Seaman; Shields; Smith; Smithee; Solomons; Swinford; Talton; Truitt; Walker; West; Williams; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker; Chisum(C).

Absent, Excused — Eiland; Hilbert; Nixon.

Absent — Alexander; Corte; Garcia; Geren; Junell; Kolkhorst; Uher.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 372. I intended to vote no.

Cook

When Record No. 372 was taken, I was in the house but away from my desk. I would have voted no.

Kolkhorst

(Solis in the chair)

CSHB 2388 ON SECOND READING (by Chisum, Hardcastle, B. Turner, and West)

CSHB 2388, A bill to be entitled An Act relating to the provision of telecommunications services to permanent residential or business premises that are not included in a certificated service area.

CSHB 2388 was passed to engrossment.

CSHB 726 ON SECOND READING (by B. Turner)

CSHB 726, A bill to be entitled An Act relating to procedures and policies concerning the duration, eligibility for renewal, and assumption of costs of criminal justice grant projects.

CSHB 726 was passed to engrossment.

(Chisum in the chair)

CSHB 126 ON SECOND READING (by West and Kuempel)

CSHB 126, A bill to be entitled An Act relating to the prosecution of and the punishment for the offense of disorderly conduct involving unreasonable noise.

Amendment No. 1

Representatives Villarreal and Luna offered the following amendment to **CSHB 126**:

Amend **CSHB 126** on page 4, between lines 2 and 3, by inserting the following:

(f) This section does not apply to the singing of Mexican mariachis.

Amendment No. 1 was withdrawn.

CSHB 126 was passed to engrossment. (Craddick recorded voting no)

CSHB 2806 ON SECOND READING

(by Kitchen, Merritt, S. Turner, Najera, and Menendez)

CSHB 2806, A bill to be entitled An Act relating to disconnection of natural gas service.

A record vote was requested.

CSHB 2806 was passed to engrossment by (Record 373): 132 Yeas, 8 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Clark; Coleman; Cook; Corte; Counts; Crabb; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Shields; Smith; Smithee; Solis; Solomons; Swinford; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Wilson; Wise; Wohlgemuth; Yarbrough; Zbranek.

Nays — Callegari; Christian; Craddick; Denny; Miller; Talton; Williams; Woolley.

Present, not voting — Mr. Speaker; Chisum(C).

Absent, Excused — Eiland; Hilbert; Nixon.

Absent — Chavez; Goodman; Keffer; Seaman; Wolens.

STATEMENT OF VOTE

I was shown voting yes on Record Vote No. 373. I intended to vote no.

Heflin

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

INTRODUCTION OF GUEST

The chair recognized Representative Hawley, who introduced Lauron Fischer, Citizen of the Year in Beeville.

CSHB 152 ON SECOND READING (by F. Brown, Rangel, West, Giddings, et al.)

CSHB 152, A bill to be entitled An Act relating to a pilot program to provide for reduced undergraduate tuition during a summer term or session at certain institutions of higher education.

CSHB 152 was passed to engrossment.

HB 423 ON SECOND READING (by Tillery)

HB 423, A bill to be entitled An Act relating to the applicability of municipal zoning ordinances to open-enrollment charter schools.

Amendment No. 1

On behalf of Representative Tillery, Representative Dunnam offered the following amendment to **HB 423**:

Amend **HB 423**, House Committee Report, on page 1, line 10, between "ordinances" and the comma by inserting "governing public schools".

Amendment No. 1 was adopted without objection.

HB 423, as amended, was passed to engrossment.

HB 543 ON SECOND READING (by Deshotel, Ellis, and F. Brown)

HB 543, A bill to be entitled An Act relating to the composition of the First, Ninth, and Fourteenth courts of appeals districts.

Amendment No. 1 (Committee Amendment No. 1)

Representative Thompson offered the following committee amendment to **HB 543**:

Amend **HB 543** on page 1, lines 8 and 16, by striking "Brazos".

Amendment No. 2

Representative Thompson offered the following amendment to Amendment No. 1:

Amend Committee Amendment No. 1 to **HB 543** by striking the text of the amendment and substituting the following:

Amend **HB 543** on page 1, lines 8 and 16, by striking "Brazos," both places it appears and substituting "[~~Brazos,~~]".

Amendment No. 2 was adopted without objection.

Amendment No. 1, as amended, was adopted without objection.

Amendment No. 3

Representative Thompson offered the following amendment to **HB 543**:

Amend **HB 543** as follows:

(1) by adding a new Section 2 and 3, to read as follows and renumber the subsequent sections appropriately:

"SECTION 2. Sections 22.201, 22.202, 22.2021, 22.203, 22.2031, 22.204, 22.205, 22.2051, 22.206, 22.2061, 22.207, 22.208, 22.209, 22.210, 22.211, 22.212, 22.213, 22.214, 22.215, and 22.216, Government Code, are repealed.

SECTION 3. Subchapter C, Chapter 22, Government Code, is amended by adding Section 22.2011 to read as follows:

Sec. 22.2011. COURTS OF APPEALS DISTRICTS. (a) The state is divided into two courts of appeals districts with a court of appeals in each district.

(b) The 1-A Court of Appeals District is composed of the counties of Anderson, Andrews, Angelina, Archer, Armstrong, Bailey, Bastrop, Baylor, Bell, Blanco, Borden, Bosque, Bowie, Brazos, Briscoe, Brown, Burleson, Burnet, Callahan, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Donley, Eastland, Ector, Ellis, Erath, Falls, Fannin, Fisher, Floyd, Foard, Franklin, Freestone, Gaines, Garza, Glasscock, Gray, Grayson, Gregg, Grimes, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hunt, Hutchinson, Irion, Jack, Jasper, Johnson, Jones, Kaufman, Kent, King, Knox, Lamar, Lamb, Lampasas, Lee, Leon, Liberty, Limestone, Lipscomb, Llano, Loving, Lubbock, Lynn, McCulloch, McLennan, Madison, Marion, Martin, Mason, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Parmer, Polk, Potter, Rains, Randall, Reagan, Red River, Roberts, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Stephens, Sterling, Stonewall, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Van Zandt, Walker, Ward, Washington, Wheeler, Wichita, Wilbarger, Williamson, Winkler, Wise, Wood, Yoakum, and Young.

(c) The 2-A Court of Appeals District is composed of the counties of Aransas, Atascosa, Austin, Bandera, Bee, Bexar, Brazoria, Brewster, Brooks, Caldwell, Calhoun, Cameron, Chambers, Colorado, Crockett, Culberson, De Witt, Dimmit, Duval, Edwards, El Paso, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Guadalupe, Harris, Hidalgo, Hudspeth, Jackson, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Lavaca, Live Oak, McMullen, Matagorda, Maverick, Medina, Nueces, Orange, Pecos, Presidio, Real, Reeves, Refugio, San Patricio, Starr, Sutton, Terrell, Uvalde, Val Verde, Victoria, Waller, Webb, Wharton, Willacy, Wilson, Zapata, and Zavala.";and

(2) On page 1, strike line 24 and insert ;

"Section 5. Except for Sections 2 and 3 this Act takes effect September 1, 2001. Sections 2 and 3 of this Act take effect December 1, 2003."

Representative Williams raised a point of order against further consideration of Amendment No. 3 under Rule 11, Section 2 of the House Rules on the grounds that it is not germane to the bill and Rule 11, Section 3 of the House Rules on the grounds that it changes the original purpose of the bill.

The point of order was withdrawn.

Amendment No. 3 was withdrawn.

Representative Williams raised a point of order against further consideration of **HB 543** under Rule 8, Section 10(a) of the House Rules on the grounds that the bill is a local bill for which no notice of publication is attached to the bill.

The point of order was withdrawn.

HB 543, as amended, was passed to engrossment. (Callegari, Christian, Clark, Craddick, Crownover, Denny, Hill, Hupp, Madden, Marchant, Merritt, Miller, Ramsay, E. Reyna, Seaman, Shields, Talton, Williams, and Woolley recorded voting no)

CSHB 596 ON SECOND READING (by Goodman)

CSHB 596, A bill to be entitled An Act relating to the modification of an order in a suit affecting the parent-child relationship; providing a penalty.

Amendment No. 1

Representative Puente offered the following amendment to **CSHB 596**:

Amend **CSHB 596** as follows:

(1) On page 1, line 20, strike "10" and substitute "12 [10]".

(2) On page 2, line 20, strike "10" and substitute "12".

(3) Add the following appropriately numbered sections:

SECTION _____. Section 153.008, Family Code, is amended to read as follows:

Sec. 153.008. CHILD'S CHOICE OF MANAGING CONSERVATOR. If the child is 12 [10] years of age or older, the child may, by writing filed with the court, choose the managing conservator, subject to the approval of the court.

SECTION _____. Sections 153.009(b) and (d), Family Code, are amended to read as follows:

(b) When the issue of managing conservatorship is contested, on the application of a party, the court shall interview a child 12 [10] years of age or older and may interview a child under 12 [10] years of age. Interviewing a child does not diminish the discretion of the court.

(d) On the motion of a party or on the court's own motion, the court shall cause a record of the interview to be made when the child is 12 [10]

years of age or older. A record of the interview shall be part of the record in the case.

(4) Renumber the sections of the bill as appropriate.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Naishtat offered the following amendment to **CSHB 596**:

Amend **CSHB 596** as follows:

(1) On page 5, line 10, strike "The" and substitute "Except as provided by Section 156.1045, the".

(2) Add the following appropriately numbered Sections of the bill and renumber the remaining Sections of the bill as appropriate:

SECTION _____. Subchapter B, Chapter 156, Family Code, is amended by adding Section 156.1045 to read as follows:

Sec. 156.1045. MODIFICATION OF ORDER ON CONVICTION FOR FAMILY VIOLENCE. (a) The conviction or an order deferring adjudication of a person who is a possessory conservator or a sole or joint managing conservator for an offense involving family violence is a material and substantial change of circumstances sufficient to justify a temporary order and modification of an existing court order or portion of a decree that provides for the appointment of a conservator or that sets the terms and conditions of conservatorship or for the possession of or access to a child to conform the order to the requirements of Section 153.004(d).

(b) A person commits an offense if the person files a suit to modify an order or portion of a decree based on the grounds permitted under Subsection (a) and the person knows that the person against whom the motion is filed has not been convicted of an offense, or received deferred adjudication for an offense, involving family violence. An offense under this subsection is a Class B misdemeanor.

SECTION _____. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.23 to read as follows:

Art. 42.23. NOTIFICATION OF COURT OF FAMILY VIOLENCE CONVICTION. (a) In this article, "family violence" has the meaning assigned by Section 71.004, Family Code.

(b) If the attorney representing the state in a criminal case involving family violence learns that the defendant is subject to the jurisdiction of another court relating to an order that provides for the appointment of a conservator or that sets the terms and conditions of conservatorship or for possession of or access to a child, the attorney representing the state shall notify the court in which the defendant is being tried of the existence of the order and the identity of the court of continuing jurisdiction.

(c) On the conviction or entry of an order deferring adjudication of a defendant for an offense involving family violence, the convicting court or the court entering the order shall notify the court of continuing jurisdiction of the conviction or deferred adjudication.

Amendment No. 2 was adopted without objection.

CSHB 596, as amended, was passed to engrossment.

CSHB 599 ON SECOND READING
(by Goodman, Danburg, Hinojosa, and Ehrhardt)

CSHB 599, A bill to be entitled An Act relating to the unlawful possession of a firearm by a person who has been adjudicated as having engaged in certain delinquent conduct.

CSHB 599 was passed to engrossment.

HB 704 ON SECOND READING
(by Delisi)

HB 704, A bill to be entitled An Act relating to the Careers to Classrooms Program.

HB 704 was passed to engrossment.

HB 910 ON SECOND READING
(by Gutierrez, Hinojosa, Flores, Wise, and Solis)

HB 910, A bill to be entitled An Act relating to the establishment of The Texas A&M University System Health Science Center South Texas Center for Rural Public Health.

HB 910 was passed to engrossment. (Heflin recorded voting no)

HB 2154 ON SECOND READING
(by Averitt)

HB 2154, A bill to be entitled An Act relating to charges for default on a motor vehicle retail installment contract.

HB 2154 was passed to engrossment.

CSHB 927 ON SECOND READING
(by Hill)

CSHB 927, A bill to be entitled An Act relating to certain required reports by disability retirees in the Teacher Retirement System of Texas.

CSHB 927 was passed to engrossment.

CSHB 788 ON SECOND READING
(by Swinford, et al.)

CSHB 788, A bill to be entitled An Act relating to value-added processing of agricultural goods into fuel ethanol and biodiesel and the fuel ethanol and biodiesel incentive program.

Amendment No. 1

Representative Swinford offered the following amendment to **CSHB 788**:

Amend **CSHB 788** by striking all below the enacting clause and substituting the following:

SECTION 1. (a) The following entities shall jointly conduct a comprehensive study of the economic effect of fuel ethanol and biodiesel production in this state:

(1) the Department of Agriculture;
 (2) the state energy conservation office of the office of the comptroller;
 (3) the Texas Department of Economic Development;
 (4) the Office of Rural Community Affairs, if legislation establishing that office is enacted by the 77th Legislature, Regular Session, 2001, and becomes law; and

(5) the Agriculture Policy Board, if legislation establishing that board is enacted by the 77th Legislature, Regular Session, 2001, and becomes law.

(b) Not later than January 1, 2003, a report of the study must be filed with the governor, the lieutenant governor, and the speaker of the house of representatives.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.

Amendment No. 1 was adopted without objection.

CSHB 788, as amended, was passed to engrossment. (Seaman recorded voting no)

CSHB 949 ON SECOND READING
(by Averitt, Thompson, et al.)

CSHB 949, A bill to be entitled An Act relating to premium rates for certain small employer health benefit plans.

CSHB 949 was passed to engrossment.

CSHB 970 ON SECOND READING
(by Oliveira)

CSHB 970, A bill to be entitled An Act relating to compensatory, intensive, and accelerated education in public schools.

Representative Oliveira moved to postpone consideration of **CSHB 970** until 8 p.m. today.

The motion prevailed without objection.

HB 3349 ON SECOND READING
(by Ehrhardt)

HB 3349, A bill to be entitled An Act relating to providing a means by which abandoned property can be conveyed with clear title to be used for housing for low-income individuals or families.

Amendment No. 1

Representative Ehrhardt offered the following amendment to **HB 3349**:

Amend **HB 3349** as follows:

(1) On page 1, line 21, strike "received by a nonprofit organization" and substitute "owned in part by a nonprofit organization".

(2) On page 4, strike lines 13-15 and substitute the following:

(1) a general description of the property involved;

(3) On page 4, line 16, strike "the survey prepared to identify the property" and substitute "the legal description of the property according to the survey of the property, including the number of the lot and block or any other plat description that may be of record if the property is located in a municipality".

Amendment No. 1 was adopted without objection.

HB 3349, as amended, was passed to engrossment.

CSHB 1125 ON SECOND READING
(by Swinford)

CSHB 1125, A bill to be entitled An Act relating to transfer of certain railroad right-of-way.

CSHB 1125 was passed to engrossment.

CSHB 1218 ON SECOND READING
(by Chavez, Naishtat, Coleman, et al.)

CSHB 1218, A bill to be entitled An Act relating to nutritional assistance for certain legal immigrants.

Amendment No. 1

Representative Wohlgemuth offered the following amendment to **CSHB 1218**:

Amend **CSHB 1218** on page 1, line 23, by striking "60" and substituting "65".

Amendment No. 1 was adopted without objection.

CSHB 1218, as amended, was passed to engrossment. (Berman, Corte, Heflin, Hupp, and Seaman recorded voting no)

CSHB 1361 ON SECOND READING
(by Gray, Eiland, Solomons, Hochberg, Mowery, et al.)

CSHB 1361, A bill to be entitled An Act relating to the reduction of the shortage of registered nurses by establishing a program to increase enrollments in nursing education programs, increasing nursing faculty, and creating a nursing workforce data center.

CSHB 1361 - LAID ON THE TABLE SUBJECT TO CALL

Representative Gray moved to lay **CSHB 1361** on the table subject to call.

The motion prevailed without objection.

CSHB 1468 ON SECOND READING
(by Pitts)

CSHB 1468, A bill to be entitled An Act relating to the calculation of ad valorem tax rates for certain taxing units.

CSHB 1468 was passed to engrossment.

CSHB 1499 ON SECOND READING**(by Uresti)**

CSHB 1499, A bill to be entitled An Act relating to conditions imposed by a judge on a defendant placed on deferred adjudication community supervision.

CSHB 1499 was passed to engrossment.

CSHB 2453 ON SECOND READING**(by Berman)**

CSHB 2453, A bill to be entitled An Act relating to conditions for issuance of certain revenue bonds by the Veterans' Land Board.

CSHB 2453 was passed to engrossment.

CSHB 1522 ON SECOND READING**(by Averitt and Eiland)**

CSHB 1522, A bill to be entitled An Act relating to liens on certain property related to certain criminal offenses and the effect of forfeiture of that property; providing penalties.

CSHB 1522 - LAID ON THE TABLE SUBJECT TO CALL

Representative Averitt moved to lay **CSHB 1522** on the table subject to call.

The motion prevailed without objection.

HB 1752 ON SECOND READING**(by Gutierrez, Thompson, Haggerty, Chavez, and Davis)**

HB 1752, A bill to be entitled An Act relating to motor vehicle insurance verification and creating the motor vehicle insurance verification program; providing criminal penalties.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative J. Moreno, Representative Gutierrez offered the following committee amendment to **HB 1752**:

Amend **HB 1752**, page 8, between lines 19 and 20, by inserting the following:

(d) The Texas Department of Insurance shall adopt rules for enforcing compliance for insurance companies reporting under Sec. 601.445.

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 2)

On behalf of Representative J. Moreno, Representative Gutierrez offered the following committee amendment to **HB 1752**:

Amend **HB 1752**, at the end of SECTION 3 of the bill (Introduced version, page 9, between lines 12 and 13), by inserting the following:

Sec. 601.452. REVIEW OF PROGRAM. (a) After January 1, 2007, and before September 1, 2007, the department shall review the effectiveness of the program and determine the amount by which compliance with this chapter has

increased between September 1, 2001, and the date of the review. The department may coordinate with the Texas Department of Insurance to conduct the review. If the department determines that compliance has not increased by at least eight percent during that period, this subchapter and Section 502.1715 expire September 1, 2007.

(b) This section expires September 2, 2007.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Puente offered the following amendment to **HB 1752**:

Amend **HB 1752** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS appropriately:

SECTION 1. Subsections (d) and (e), Section 601.371, Transportation Code, is amended to read as follows:

(d) Except as provided by Subsection (e), an offense under this section is a misdemeanor punishable by[:

[~~(1)~~] a fine of not less than \$100 or more than \$750 [~~\$500~~; and

[~~(2)~~ confinement in county jail for a term of not less than 72 hours ~~or more than six months~~].

(e) If it is shown on the trial of an offense under this section that the person has previously been convicted two or more times of an offense under this section or under Section 521.457, the offense is punishable as a Class B [~~A~~] misdemeanor.

Amendment No. 3 was adopted without objection.

HB 1752, as amended, was passed to engrossment. (Corte recorded voting no)

CSHB 1823 ON SECOND READING

(by Howard)

CSHB 1823, A bill to be entitled An Act relating to damages in an action for interception of communications.

CSHB 1823 was passed to engrossment.

CSHB 1853 ON SECOND READING

(by Maxey)

CSHB 1853, A bill to be entitled An Act relating to coverage for certain dependent children under the Texas Employees Uniform Group Insurance Benefits Act.

CSHB 1853 was passed to engrossment. (Berman, Hupp, and Seaman recorded voting no)

CSHB 1877 ON SECOND READING

(by Gray, Maxey, and Capelo)

CSHB 1877, A bill to be entitled An Act relating to the regulation of contact lens dispensing.

HB 1877 — STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE GRAY: Mr. Speaker and members, **HB 1877** is a response to complaints about the lack of compliance with the Contact Lens Prescription Act of 1997. After much discussion, and realizing how long this calendar is, and seeing the pile on Representative Wolens' desk of the arguments that he intended to make against this bill, and realizing how many folks wanted to have their bills heard this afternoon, we have been in negotiations with the regulated community under this proposed legislation. This afternoon, in agreement with them, we have submitted a letter signed by Representatives Capelo and Maxey and myself as authors of the legislation to the board of optometry and joined by the Texas Optometric Association under the Administrative Procedures Act, petitioning for rulemaking related to the following areas:

1. The use of forms of prescriptions, other than original, written prescriptions, and methods by which those prescriptions might be validated;
2. The consumer's ability to obtain an extra copy of his or her prescription;
3. The consumer's ability to obtain extra lenses in the event that lenses are torn or lost;
4. The practice by certain optometrists of requiring an initial purchase of contact lenses from the optometrist, unless the purchase is medically necessary and warranted by the unique circumstances of the patient's ocular health;
5. The practice by certain optometrists of withholding a prescription because of a disputed or pending insurance claim;
6. The method by which a consumer shall be given the prescription;
7. The establishment of standards of practice regarding follow up visits, focusing on medical necessity due to the specific and unique circumstances of the patient's ocular health; and
8. Coordination with the Texas Department of Health relating to transmitting prescriptions to authorized contact lens dispensers by electronic or other means.

We've asked the board to also take steps to effectively raise awareness among consumers, optometrists, and therapeutic optometrists of the provisions of the Contact Lens Prescription Act and the rules that are developed to conform with that act. We are asking them to report to the Committee on Public Health no later than October 31, 2001, on the rules developed in conjunction with the Contact Lens Prescription Act and this letter. Texas Optometric Association has joined us in petitioning for this rulemaking, as has Consumers Union.

LETTER FROM REPRESENTATIVES GRAY, MAXEY, AND CAPELO

May 10, 2001

Dr. Kevin DeWolfe, O.D.
Chair, Texas Optometry Board
333 Guadalupe, Suite 2-420
Austin, Texas 78701-3942

Dear Dr. DeWolfe,

I am sure that you are aware of the developments this legislative session in regard to the Contact Lens Prescription Act of 1997. Representatives Maxey, Capelo, and I have filed legislation to address complaints made by consumers about not having access to their contact lens prescriptions. Throughout the public hearing, negotiations and discussions on this legislation, we have been repeatedly told that no changes need to be made to the statute and that these concerns can be addressed through rulemaking and by board action.

By this letter, Representatives Maxey, Capelo, and I request that the Texas Optometry Board honor its representations made to the Public Health Committee and adopt rules relating to contact lenses and the Contact Lens Prescription Act (Chapter 353, Occupations Code) to conform to both the letter and intent of the Contact Lens Prescription Act no later than September 30, 2001. In considering these rules, I am requesting the board to revise those rules that are in conflict with the letter and intent of the Contact Lens Prescription Act and to direct specific attention toward creating rules in the following areas:

1) the use of forms of prescriptions, other than original, written prescriptions, and methods by which those prescriptions might be validated;

2) the consumer's ability to obtain an extra copy of his or her prescription;

3) the consumer's ability to obtain extra lenses in the event that lenses are torn or lost;

4) the practice by certain optometrists of requiring an initial purchase of contact lenses from the optometrist, unless the purchase is medically necessary and warranted by the unique circumstances of the patient's ocular health;

5) the practice by certain optometrists of withholding a prescription because of a disputed or pending insurance claim;

6) the method by which a consumer shall be given the prescription;

7) the establishment of standards of practice regarding follow up visits, focusing on medical necessity due to the specific and unique circumstances of the patient's ocular health; and

8) coordination with the Texas Department of Health relating to transmitting prescriptions to authorized contact lens dispensers by electronic or other means.

In developing these rules, I expect the board to also take steps to more effectively raise awareness among consumers, optometrists, and therapeutic optometrists of the provisions of the Contact Lens Prescription Act and the rules that are developed to conform with that act. As part of the board's enforcement authority, the board should ensure compliance with the act and with these rules and shall fully and thoroughly investigate any complaints made against an optometrist or therapeutic optometrist for a violation of the act or of the rules.

Finally, so that the House Committee on Public Health can monitor the progress of the board and ensure that your actions conform with these expectations during the interim, I request that the board make a full report

to the House Committee on Public Health no later than October 30, 2001, on the rules developed in conjunction with the Contact Lens Prescription Act and this letter.

Please find attached a letter from the Texas Optometric Association petitioning the board to begin rulemaking on these same issues.

Sincerely,

Patricia Gray
State Representative, District 23
Chair, House Committee on Public Health

Glen Maxey
State Representative, District 51

Jaime Capelo
State Representative, District 34

Attachment

cc: Members, House Committee on Public Health

Members, Texas Optometry Board

Lois Ewald, Executive Director, Texas Optometry Board

LETTER FROM TEXAS OPTOMETRIC ASSOCIATION

May 10, 2001

Dr. Kevin DeWolfe, O.D.
Chair, Texas Optometry Board
333 Guadalupe, Suite 2-420
Austin, Texas 78701-3942

Dear Dr. DeWolfe,

In accordance with Section 2001.021, Texas Government Code, on behalf of the Texas Optometric Association, I hereby petition the Texas Optometry Board to adopt rules relating to the Contact Lens Prescription Act (Chapter 353, Occupations Code) to conform to both the letter and intent of the Contact Lens Prescription Act. In considering these rules, I petition the board to revise those rules that are in conflict with the letter and intent of the Contact Lens Prescription Act and to direct specific attention toward creating rules in the following areas:

- 1) the use of forms of prescriptions, other than original, written prescriptions, and methods by which those prescriptions may be validated;
- 2) the consumer's ability to obtain an extra copy of his or her prescription;
- 3) the consumer's ability to obtain extra lenses in the event that lenses are torn or lost;
- 4) the practice by certain optometrists of requiring an initial purchase of contact lenses from the optometrist, unless the purchase is medically necessary and warranted by the unique circumstances of the patient's ocular health;
- 5) the practice by certain optometrists of withholding a prescription because of a disputed or pending insurance claim;

- 6) the method by which a consumer shall be given the prescription;
- 7) the establishment of standards of practice regarding follow up visits, focusing on medical necessity due to the specific and unique circumstances of the patient's ocular health; and
- 8) coordination with the Texas Department of Health relating to transmitting prescriptions to authorized contact lens dispensers by electronic or other means.

I await the Board's answer to this petition in accordance with Section 2001.021(c) of the Texas Government Code.

Sincerely,

John Coble
President, Texas Optometric Association

REMARKS ORDERED PRINTED

Representative Maxey moved to print remarks by Representative Gray.

The motion prevailed without objection.

CSHB 1877 - LAID ON THE TABLE SUBJECT TO CALL

Representative Gray moved to lay **CSHB 1877** on the table subject to call.

The motion prevailed without objection.

CSHB 1950 ON SECOND READING (by Hamric)

CSHB 1950, A bill to be entitled An Act relating to the administration, powers, duties, and operations of certain emergency services districts; providing criminal penalties.

CSHB 1950 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hamric moved to lay **CSHB 1950** on the table subject to call.

The motion prevailed without objection.

HB 1959 ON SECOND READING (by Naishtat, Chavez, and Noriega)

HB 1959, A bill to be entitled An Act relating to eligibility for and allotment under the food stamp program for certain persons.

Amendment No. 1

Representative Naishtat offered the following amendment to **HB 1959**:

Amend **HB 1959** on page 1, lines 10-11, by striking "under 7 U.S.C. Section 2015(f), as amended," and substituting "because of 8 U.S.C. Section 1612, as amended,".

Amendment No. 1 was adopted without objection.

HB 1959, as amended, was passed to engrossment. (Berman and Hupp recorded voting no)

CSHB 2118 ON SECOND READING
(by **Olivo, S. Turner, Delisi, Dutton, Dunnam, et al.**)

CSHB 2118, A bill to be entitled An Act relating to the requirements for high school graduation.

CSHB 2118 was passed to engrossment. (Corte and Heflin recorded voting no)

CSHB 3530 ON SECOND READING
(by **Wise and Solomons**)

CSHB 3530, A bill to be entitled An Act relating to a surety bond obtained for a public project and executed by a surety company.

Amendment No. 1

Representative Solomons offered the following amendment to **CSHB 3530**:

Amend **CSHB 3530** in page 1, by inserting the following after line 24:

(g) For purposes of this section, the General Services Commission shall structure a surety program to identify surety companies, agents, or brokers, available to small businesses and historically underutilized businesses for providing surety assistance. The commission may contract with surety companies, agents, or brokers to implement this program.

Amendment No. 1 was adopted without objection.

CSHB 3530, as amended, was passed to engrossment.

CSHB 2138 ON SECOND READING
(by **Marchant**)

CSHB 2138, A bill to be entitled An Act relating to the confidentiality of the location or sale price of certain real property sold or purchased by the state.

Amendment No. 1

Representative Marchant offered the following amendment to **CSHB 2138**:

Amend **CSHB 2138** as follows:

(1) Add a new SECTION to the bill appropriately numbered to read as follows:

SECTION __. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.961, to read as follows:

Sec. 51.961. CONFIDENTIALITY OF CERTAIN INFORMATION RELATED TO PURCHASE OR SALE OF REAL PROPERTY. (a) Information related to the location, purchase price, or sale price of real property purchased or sold by or for an institution of higher education, as defined by Section 61.003, is confidential and exempt from disclosure under Chapter 552, Government Code, until a formal award of a contract for the purchase or sale of the property is executed. Information that is confidential and exempted from disclosure under this subsection includes an appraisal, completed report, evaluation, investigation conducted for the purpose of locating or

determining the purchase or sale price of the property, or any report prepared in anticipation of purchasing or selling real property.

(b) Information that is confidential and excluded from disclosure under Subsection (a) is not subject to a subpoena directed to an institution of higher education, its governing board, or any officer, agent, or employee of an institution of higher education.

(2) Renumber the SECTIONS of the bill appropriately.

Amendment No. 1 was adopted without objection.

CSHB 2138, as amended, was passed to engrossment.

CSHB 2155 ON SECOND READING
(by Averitt)

CSHB 2155, A bill to be entitled An Act relating to the operation of state banks, state trust companies, and certain financial holding companies in the financial services industry.

CSHB 2155 was passed to engrossment.

CSHB 2186 ON SECOND READING
(by Y. Davis)

CSHB 2186, A bill to be entitled An Act relating to charges assessed by a landlord under a commercial lease.

CSHB 2186 was passed to engrossment.

CSHB 2187 ON SECOND READING
(by Y. Davis)

CSHB 2187, A bill to be entitled An Act relating to requirements for filing certain information with the secretary of state; providing a penalty.

CSHB 2187 - LAID ON THE TABLE SUBJECT TO CALL

Representative Y. Davis moved to lay **CSHB 2187** on the table subject to call.

The motion prevailed without objection.

CSSB 382 ON SECOND READING
(Ehrhardt - House Sponsor)

CSSB 382, A bill to be entitled An Act relating to the powers and duties of the Texas Commission on Fire Protection.

CSSB 382 was considered in lieu of **HB 2245**.

Amendment No. 1

Representative Thompson offered the following amendment to **CSSB 382**:

Amend **CSSB 382** as follows:

On page 9, line 26, insert the following after the period:

In municipalities with a population of 1.5 million or more, the fire department's standard operating procedures shall comply with the minimum standards established by the National Fire Protection Association or its successor.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Dukes offered the following amendment to **CSSB 382**:

Amend **CSSB 382** by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 419, Government Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. REVIEW OF FIRE DEPARTMENT TESTS

Sec. 419.101. APPLICABILITY. This subchapter applies to the initial tests administered by a fire department used to measure the ability of a person to perform the essential functions of a job.

Sec. 419.102. REVIEW OF TESTS. (a) The commission, in cooperation with the Commission on Human Rights, shall review the administration of tests by fire departments to determine whether the tests are administered in a manner that complies with Chapter 21, Labor Code.

(b) The commission shall by rule establish an objective system to determine how to select the departments the commission will review and when the commission will review a certain department.

Sec. 419.103. DISCRIMINATION PROHIBITED; DISPARATE IMPACT.

(a) A test may not be administered in a manner that discriminates on the basis of race or color. A test may not be administered in a manner that discriminates on the basis of disability, religion, sex, national origin, or age unless the discrimination is a result of a bona fide occupational qualification.

(b) In determining whether the administration of a test complies with Chapter 21, Labor Code, the commission shall ascertain whether the test has had a disparate impact on any group defined by race, color, disability, religion, sex, national origin, or age. If the disparate impact on a group is the result of a bona fide occupational qualification, the fire department has complied with that chapter.

Sec. 419.104. VIOLATION; RECOMMENDATIONS OF COMMISSION.

(a) If the commission determines that the administration of a test by a fire department does not comply with Chapter 21, Labor Code, the commission shall recommend appropriate changes for the administration of the test.

(b) The department shall consider a recommendation made under Subsection (a) and shall revise the administration of its tests to comply with this chapter.

Sec. 419.105. AUTHORITY TO ADMINISTER TEST. This subchapter does not affect the authority of a fire department to administer, devise, or conduct a test or to require a certain level of performance on a test as a prerequisite to employment or continued employment.

Amendment No. 2 was adopted without objection.

CSSB 382, as amended, was passed to third reading. (Woolley recorded voting no)

HB 2245 - LAID ON THE TABLE SUBJECT TO CALL

Representative Ehrhardt moved to lay **HB 2245** on the table subject to call.

The motion prevailed without objection.

CSHB 3284 ON SECOND READING
(by Hope)

CSHB 3284, A bill to be entitled An Act relating to emissions requirements for certain motor vehicles in a fleet.

Amendment No. 1

Representative Hope offered the following amendment to **CSHB 3284**:

Amend **CSHB 3284** as follows:

(1) On page 6, strike lines 14-17 and substitute "government, or other person must meet the phase-in requirements of 40 C.F.R. 86.1811-04(k) :".

(2) On page 7, line 1, strike "100" and substitute "95".

Amendment No. 1 was adopted without objection.

CSHB 3284, as amended, was passed to engrossment. (Clark and Heflin recorded voting no)

CSHB 2383 ON SECOND READING
(by Allen)

CSHB 2383, A bill to be entitled An Act relating to certain grounds for the denial of an application for, the refusal to renew, and the suspension of a license as a licensed chemical dependency counselor and for the restriction of a counselor intern.

CSHB 2383 was passed to engrossment.

CSHB 2452 ON SECOND READING
(by Hochberg)

CSHB 2452, A bill to be entitled An Act relating to the establishment of a medical board for University Interscholastic League athletic competitions and to parental involvement in decisions about student participation in the competitions.

Amendment No. 1

Representative Hochberg offered the following amendment to **CSHB 2452**:

Amend **CSHB 2452** as follows:

(1) On page 1, line 24, strike "and".

(2) On page 2, line 2, strike the period and substitute "; and".

(3) On page 2, between lines 2 and 3, insert the following;

(9) one chiropractor qualified as a certified chiropractic sports physician by the American Board of Chiropractic Sports Physicians.

(4) On page 2, line 8, strike "(a)(1)-(4)" and substitute "(a)(1)-(5)".

(5) On page 2, line 9, strike "(a)(5)-(8)" and substitute "(a)(6)-(9)".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Hochberg offered the following amendment to **CSHB 2452**:

Amend **CSHB 2452** as follows:

(1) On page 2, line 22, between "for" and "any", insert "the content and scheduling of".

(2) On page 3, line 4, strike "make an informed decision" and substitute "be an informed participant in discussions".

(3) On page 3, strike lines 10-16 and substitute the following:

(h) If a school permits an ineligible student to participate in a University Interscholastic League athletic competition in violation of a rule adopted under Subsection (f), the State Executive Committee of the University Interscholastic League shall disqualify the team on which the student plays from further competition. The period of disqualification under this subsection must be consistent with the period of disqualification for other student ineligibility violations.

Amendment No. 2 was adopted without objection.

CSHB 2452, as amended, was passed to engrossment. (Kuempel and Ramsay recorded voting no)

SB 1045 ON SECOND READING
(Capelo - House Sponsor)

SB 1045, A bill to be entitled An Act relating to the hazardous substances law; providing penalties.

SB 1045 was considered in lieu of **HB 3602**.

SB 1045 was passed to third reading.

HB 3602 - LAID ON THE TABLE SUBJECT TO CALL

Representative Capelo moved to lay **HB 3602** on the table subject to call.

The motion prevailed without objection.

HB 2723 ON SECOND READING
(by Raymond)

HB 2723, A bill to be entitled An Act relating to civil actions involving persons who file complaints with governmental agencies.

HB 2723 was passed to engrossment. (Clark, Corte, Talton, and Woolley recorded voting no)

CSHB 2740 ON SECOND READING
(by B. Turner)

CSHB 2740, A bill to be entitled An Act relating to the distribution of money to certain counties for the payment of extraordinary costs of prosecution.

CSHB 2740 was passed to engrossment.

CSHB 2744 ON SECOND READING
(by Carter, Hawley, Clark, and Chisum)

CSHB 2744, A bill to be entitled An Act relating to emergency services and rural fire prevention districts.

CSHB 2744 was passed to engrossment.

HB 2803 ON SECOND READING
(by Uresti and A. Reyna)

HB 2803, A bill to be entitled An Act relating to refund or retention by a landlord of a security deposit under a commercial lease.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Brimer, Representative Uresti offered the following committee amendment to **HB 2803**:

Amend **HB 2803** as follows:

1. Strike Subsection 39.005(a) and substitute the following:

"The landlord shall refund the security deposit to the tenant not later than the 60th day after the tenant surrenders the premises and provides notice of tenant's forwarding address under Section 93.009."

2. Strike Subsection 93.005(b) and renumber subsequent subsections accordingly.

Amendment No. 1 was adopted without objection.

HB 2803, as amended, was passed to engrossment.

CSHB 2903 ON SECOND READING
(by Burnam)

CSHB 2903, A bill to be entitled An Act relating to compensation for the training of and for services rendered at a polling place by certain election officers.

CSHB 2903 was passed to engrossment.

CSHB 3049 ON SECOND READING
(by Ramsay)

CSHB 3049, A bill to be entitled An Act relating to the use of interest earned on motor vehicle inventory tax escrow accounts.

CSHB 3049 was passed to engrossment. (Craddick recorded voting no)

HB 1026 ON SECOND READING
(by Deshotel)

HB 1026, A bill to be entitled An Act relating to naming certain state buildings.

HB 1026 was passed to engrossment.

CSHB 3140 ON SECOND READING
(by Swinford)

CSHB 3140, A bill to be entitled An Act relating to eligibility for certain franchise tax credits.

CSHB 3140 was passed to engrossment.

CSHB 3244 ON SECOND READING
(by Gallego)

CSHB 3244, A bill to be entitled An Act relating to authorizing the Texas Department of Health to temporarily transfer money appropriated for

the purpose of a tobacco endowment program administered by the department to use for another tobacco endowment program administered by the department.

CSHB 3244 was passed to engrossment.

SB 1318 ON SECOND READING
(Woolley - House Sponsor)

SB 1318, A bill to be entitled An Act relating to the regulation of certain health spas.

SB 1318 was considered in lieu of **HB 3332**.

SB 1318 was passed to third reading.

HB 3332 - LAID ON THE TABLE SUBJECT TO CALL

Representative Woolley moved to lay **HB 3332** on the table subject to call.

The motion prevailed without objection.

CSHB 3461 ON SECOND READING
(by A. Reyna)

CSHB 3461, A bill to be entitled An Act relating to truancy and the authority of justice, municipal, and certain juvenile courts in relation to children; providing criminal penalties.

Representative Gallego moved to postpone consideration of **CSHB 3461** until 6 p.m. today.

The motion prevailed without objection.

HB 1377 ON SECOND READING
(by Menendez)

HB 1377, A bill to be entitled An Act relating to the requirements for a suit filed by the Department of Protective and Regulatory Services to terminate the parent-child relationship.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative A. Reyna, Representative Menendez offered the following committee amendment to **HB 1377**:

1. on page 1, line 19, insert "at least" after "for" and before "six months".
2. on page 1, line 20, reinsert struck language "preceding the" and add "date of the hearing on the termination held in accordance with Subsection (c)".

Amendment No. 1 was adopted without objection.

HB 1377, as amended, was passed to engrossment.

HB 115 ON SECOND READING
(by Najera)

HB 115, A bill to be entitled An Act relating to the sale of a flood-damaged motor vehicle; providing penalties.

HB 115 was passed to engrossment.

HB 267 ON SECOND READING
(by Gallego)

HB 267, A bill to be entitled An Act relating to the quality of legal representation in capital cases.

HB 267 was passed to engrossment.

CSHB 125 ON SECOND READING
(by West and Delisi)

CSHB 125, A bill to be entitled An Act relating to the mathematics section of the exit-level assessment for high school students and the replacement of the Texas Academic Skills Program with a program using components of certain secondary exit-level assessment instruments.

CSHB 125 was passed to engrossment.

SB 1444 ON SECOND READING
(Walker - House Sponsor)

SB 1444, A bill to be entitled An Act relating to the general powers and authority of water districts; providing a penalty.

SB 1444 was considered in lieu of **HB 3299**.

Representative Walker moved to postpone consideration of **SB 1444** until 10 a.m. Monday, May 14.

The motion prevailed without objection.

HB 3299 - LAID ON THE TABLE SUBJECT TO CALL

Representative Walker moved to lay **HB 3299** on the table subject to call.

The motion prevailed without objection.

CSHB 299 ON SECOND READING
(by Gallego)

CSHB 299, A bill to be entitled An Act relating to speed limits on state highways.

CSHB 299 was passed to engrossment.

HB 522 ON SECOND READING
(by Tillery, et al.)

HB 522, A bill to be entitled An Act relating to benefits for certain disabled peace officers.

HB 522 was passed to engrossment.

SB 393 ON SECOND READING
(Brimer - House Sponsor)

SB 393, A bill to be entitled An Act relating to the Uniform Electronic Transactions Act and electronic records.

SB 393 was considered in lieu of **HB 1201**.

Representative Brimer moved to postpone consideration of **SB 393** until 10 a.m. Monday, May 14.

The motion prevailed without objection.

HB 1201 - LAID ON THE TABLE SUBJECT TO CALL

Representative Brimer moved to lay **HB 1201** on the table subject to call.

The motion prevailed without objection.

HB 729 ON SECOND READING

(by **Gutierrez**)

HB 729, A bill to be entitled An Act relating to compensation for public school classroom teachers and full-time public school librarians, counselors, and nurses for additional days of service.

HB 729 was passed to engrossment. (Berman, Corte, and Hupp recorded voting no)

HB 887 ON SECOND READING

(by **Ramsay**)

HB 887, A bill to be entitled An Act relating to the application for an exemption from ad valorem taxation on the homestead of a person who is 65 or older.

HB 887 was passed to engrossment.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 5).

CSHB 920 ON SECOND READING

(by **Goodman**)

CSHB 920, A bill to be entitled An Act relating to the adoption of the Uniform Parentage Act; providing penalties.

CSHB 920 was passed to engrossment. (Craddick and Heflin recorded voting no)

CSHB 1050 ON SECOND READING

(by **Solomons**)

CSHB 1050, A bill to be entitled An Act relating to liens on real property in favor of governmental entities.

CSHB 1050 was passed to engrossment.

CSHB 1102 ON SECOND READING

(by **Hinojosa**)

CSHB 1102, A bill to be entitled An Act relating to the liability of a criminal defendant and the defendant's sureties on a personal bond or bail bond and to certain procedures in connection with a bond forfeiture.

CSHB 1102 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hinojosa moved to lay **CSHB 1102** on the table subject to call.

The motion prevailed without objection.

**HB 1104 ON SECOND READING
(by Yarbrough)**

HB 1104, A bill to be entitled An Act relating to employment classifications for unemployment purposes.

HB 1104 - LAID ON THE TABLE SUBJECT TO CALL

Representative Yarbrough moved to lay **HB 1104** on the table subject to call.

The motion prevailed without objection.

**HB 1109 ON SECOND READING
(by Goolsby and Woolley)**

HB 1109, A bill to be entitled An Act relating to unemployment compensation contributions by certain employers of domestic workers.

HB 1109 was passed to engrossment.

**CSHB 1124 ON SECOND READING
(by B. Turner and Hawley)**

CSHB 1124, A bill to be entitled An Act relating to establishing a community healthcare awareness and mentoring program for students.

CSHB 1124 was passed to engrossment.

**HB 1276 ON SECOND READING
(by Crownover)**

HB 1276, A bill to be entitled An Act relating to use of a student's legal surname in a public school.

HB 1276 was passed to engrossment.

**SB 968 ON SECOND READING
(Smithee and B. Turner - House Sponsors)**

SB 968, A bill to be entitled An Act relating to certain civil consequences of a theft involving motor fuel.

SB 968 was considered in lieu of **HB 1563**.

SB 968 was passed to third reading.

HB 1563 - LAID ON THE TABLE SUBJECT TO CALL

Representative Averitt moved to lay **HB 1563** on the table subject to call.

The motion prevailed without objection.

CSHB 1630 ON SECOND READING
(by Krusee)

CSHB 1630, A bill to be entitled An Act relating to the approval of certain permit applications by state agencies.

Amendment No. 1

Representative Puente offered the following amendment to **CSHB 1630**:

Amend **CSHB 1630** as follows:

- (1) On page 4, line 8, delete the word "or"
- (1) On page 4, line 10, add the word "or" after "Department" and delete the period
- (2) On page 4, between lines 10 and 11, insert the following:
- (9) a permit issued by the Edwards Aquifer Authority.

Amendment No. 1 was adopted without objection.

CSHB 1630 - LAID ON THE TABLE SUBJECT TO CALL

Representative Krusee moved to lay **CSHB 1630** on the table subject to call.

The motion prevailed without objection.

CSHB 2410 ON SECOND READING
(by Martinez Fischer)

CSHB 2410, A bill to be entitled An Act relating to the authority of a justice or municipal court to waive payment of fines and costs imposed on certain indigent defendants.

CSHB 2410 was passed to engrossment.

HB 1793 ON SECOND READING
(by Wise)

HB 1793, A bill to be entitled An Act relating to the application of certain alcoholic beverage regulations to the holder of a food and beverage certificate.

HB 1793 was passed to engrossment. (Giddings recorded voting no)

HB 2205 ON SECOND READING
(by Gutierrez)

HB 2205, A bill to be entitled An Act relating to attendance at juvenile justice alternative education programs.

Amendment No. 1

Representative Hardcastle offered the following amendment to **HB 2205**:

Amend **HB 2205**, House Committee Report, as follows:

On page 1, line 13 and line 19, strike "in the county" and substitute "that serves the county".

On page 2, line 2, strike "in county" and substitute "that serves the county".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Olivo offered the following amendment to **HB 2205**:

Amend **HB 2205** as follows:

(1) On page 1, between lines 4 and 5, insert the following new SECTION, appropriately numbered:

SECTION _____. Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.0081 to read as follows:

Sec. 37.0081. AGENCY REVIEW OF ALTERNATIVE EDUCATION PROGRAMS. (a) The agency shall review each school district's alternative education program prescribed under Section 37.008 for compliance by the program with:

(1) this subchapter;

(2) reporting requirements under the Public Education Information Management System (PEIMS) as prescribed under Section 42.006; and

(3) federal law and regulations.

(b) A review under Subsection (a) must include one or more on-site inspections.

(c) The commissioner shall adopt rules as necessary to implement this section, including rules relating to:

(1) the elements to be included in each review under Subsection (a);

(2) the frequency of the review; and

(3) the frequency of on-site inspections.

(2) On page 2, between lines 7 and 8, insert the following new SECTION, appropriately numbered:

SECTION _____. Section 39.073(e), Education Code, is amended to read as follows:

(e) In determining a district's accreditation rating, the agency shall consider:

(1) the district's current special education compliance status with the agency; and

(2) the results of the review of the district's alternative education program under Section 37.0081.

(3) Renumber SECTIONS of the bill appropriately.

Amendment No. 2 was adopted without objection.

HB 2205, as amended, was passed to engrossment.

CSHB 2271 ON SECOND READING
(by Howard and Isett)

CSHB 2271, A bill to be entitled An Act relating to the regulation of certain facilities as solid waste facilities.

CSHB 2271 was passed to engrossment.

CSHB 824 ON SECOND READING
(by Ellis, Zbranek, and Hilderbran)

CSHB 824, A bill to be entitled An Act relating to the exemption from ad valorem taxation of property owned by certain nonprofit county fair associations.

Amendment No. 1

Representative Hilderbran offered the following amendment to **CSHB 824**:

Amend **CSHB 824** on page 1, lines 10-17, by striking "An association that holds a license under the Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes) to conduct a horse race meeting or a greyhound race meeting with pari-mutual wagering is not entitled to an exemption under this subsection. Land or a building used to conduct a horse race meeting or a greyhound race meeting with pari-mutual wagering under that Act may not be exempted under this subsection".

Amendment No. 1 was adopted without objection.

CSHB 824, as amended, was passed to engrossment.

HB 2682 ON SECOND READING
(by Allen)

HB 2682, A bill to be entitled An Act relating to the authority of certain municipalities to dedicate tax revenue from certain reinvestment zones.

HB 2682 was passed to engrossment.

HB 3036 ON SECOND READING
(by Bosse)

HB 3036, A bill to be entitled An Act relating to the regulation of certain security personnel.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Driver, Representative Bosse offered the following committee amendment to **HB 3036**:

Amend **HB 3036** as follows:

1. On page 2, line 7 after include, strike":" and add "six hours of commission approved instruction".
2. On page 2, line 8, strike remainder of SECTION 2.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Bosse offered the following amendment to **HB 3036**:

Amend **HB 3036** as follows:

- (1) On page 2, line 22, strike "and".
- (2) On page 2, line 25, strike "or the name of the employer" and substitute "[~~or the name of the employer~~]".
- (3) On page 2, line 26, strike the period and substitute "; and
(3) performs a duty described by Section 1702.222."

Amendment No. 2 was adopted without objection.

HB 3036, as amended, was passed to engrossment.

CSHB 3152 ON SECOND READING
(by Capelo)

CSHB 3152, A bill to be entitled An Act relating to due process for physicians, dentists, and podiatrists in hospitals.

CSHB 3152 was passed to engrossment.

HB 3081 ON SECOND READING
(by Burnam and Brimer)

HB 3081, A bill to be entitled An Act relating to imposing liens on aircraft for nonpayment of fuel charges.

HB 3081 was passed to engrossment.

CSHB 3440 ON SECOND READING
(by Gallego)

CSHB 3440, A bill to be entitled An Act relating to the compensation of county sheriffs.

CSHB 3440 was passed to engrossment.

CSHB 3444 ON SECOND READING
(by Gallego)

CSHB 3444, A bill to be entitled An Act relating to health care benefit mandates and offer of coverage mandates.

CSHB 3444 was passed to engrossment.

CSHB 829 ON SECOND READING
(by Hill, Howard, Tillery, Olivo, and Y. Davis)

CSHB 829, A bill to be entitled An Act relating to the eligibility of certain areas for certain colonia funding programs.

CSHB 829 was passed to engrossment.

HB 1154 ON SECOND READING
(by Raymond)

HB 1154, A bill to be entitled An Act relating to authorizing the Health and Human Services Commission to make grants to community-based organizations to provide support for long-term care services.

HB 1154 was passed to engrossment.

CSHB 3469 ON SECOND READING
(by McClendon, Y. Davis, Thompson, Wilson, Rangel, et al.)

CSHB 3469, A bill to be entitled An Act relating to establishing a medical school at Prairie View A&M University.

CSHB 3469 was passed to engrossment. (Craddick recorded voting no)

CSHB 3667 ON SECOND READING
(by Cook)

CSHB 3667, A bill to be entitled An Act relating to insurance for certain volunteer fire departments.

CSHB 3667 was passed to engrossment. (Craddick, Denny, Hupp, Keel, and Talton recorded voting no)

CSHB 1119 ON SECOND READING
(by Dutton)

CSHB 1119, A bill to be entitled An Act relating to tort liability of governmental units.

CSHB 1119 was passed to engrossment. (Clark and Madden recorded voting no)

HB 1296 ON SECOND READING
(by Ehrhardt, Naishtat, Danburg, Villarreal, et al.)

HB 1296, A bill to be entitled An Act relating to a prohibition of discrimination by public educational institutions.

Amendment No. 1

Representative Ehrhardt offered the following amendment to **HB 1296**:

Amend **HB 1296** as follows:

(1) On page 1, line 7, between "PROHIBITED." and "A", insert the following:

(a) In this section, "sexual preference" has the following meaning only: a preference for heterosexuality, homosexuality, or bisexuality.

(b)

(2) On page 1, line 11, strike "sexual orientation" and substitute "sexual preference".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Green offered the following amendment to **HB 1296**:

Amend **HB 1296** as follows:

(1) On page 1, line 7, before the "A", insert (a).

(2) On page 1, line 10-12, strike the existing language and substitute: "institution on account of any disability, religion, or immutable characteristic including only race, gender, and national origin of the student or the student's parent."

(3) On page 1, line 12, add subsection (b) to read as follows:

(b) A violation of this statute does not create a civil cause of action.

Amendment No. 2 was withdrawn.

A record vote was requested.

HB 1296, as amended, was passed to engrossment by (Record 374): 78 Yeas, 62 Nays, 2 Present, not voting.

Yeas — Bailey; Bosse; Burnam; Capelo; Chavez; Coleman; Cook; Counts; Danburg; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; Geren; Giddings; Glaze; Gray; Gutierrez; Hardcastle; Hawley; Hinojosa; Hochberg; Hodge; Homer; Hopson; Jones, J.; Junell; Keel; King, T.; Kitchen; Lewis, G.; Longoria; Luna; Martinez Fischer; Maxey; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Najera; Noriega; Oliveira; Olivo;

Pickett; Pitts; Puente; Rangel; Raymond; Reyna, A.; Ritter; Sadler; Salinas; Solis; Thompson; Tillery; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Averitt; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Callegari; Carter; Christian; Clark; Corte; Crabb; Craddick; Crownover; Davis, J.; Delisi; Denny; Driver; Elkins; George; Goodman; Green; Grusendorf; Haggerty; Hamric; Hartnett; Heflin; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Lewis, R.; Madden; Marchant; Merritt; Miller; Morrison; Mowery; Ramsay; Reyna, E.; Seaman; Shields; Smith; Solomons; Swinford; Talton; Truitt; Williams; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker; Chisum(C).

Absent, Excused — Eiland; Hilbert; Nixon.

Absent — Alexander; Goolsby; McCall; Smithee; Telford.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

HB 3088 ON THIRD READING (by S. Turner)

HB 3088, A bill to be entitled An Act relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

HB 3088 was read third time earlier today and was postponed until this time.

Amendment No. 1

On behalf of Representative Counts, Representative S. Turner offered the following amendment to **HB 3088**:

Amend **HB 3088** on Third Reading by adding Subsection (c) to SECTION 14 of the bill, as added by Second Reading Amendment No. 1, relating to the Young Farmer Loan Guarantee Account (on page 7, between lines 12 and 13, Second Reading Engrossment), to read as follows:

(c) Any unexpended interest that accrues to the credit of any successor account to the young farmer loan guarantee account in the general revenue fund, established by the comptroller in response to Chapter 1045, Acts of the 76th Legislature, Regular Session, 1999, shall be transferred to the credit of the Texas agricultural fund at the end of each fiscal year.

Amendment No. 1 was adopted without objection.

A record vote was requested.

HB 3088, as amended, was passed by (Record 375): 131 Yeas, 2 Nays, 3 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Chavez; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Denny; Deshotel; Driver; Dukes; Dunnam;

Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Gray; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Hope; Hopson; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McClendon; McReynolds; Menendez; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Smith; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wolens; Woolley; Yarbrough; Zbraneck.

Nays — Carter; Truitt.

Present, not voting — Mr. Speaker; Chisum(C); Seaman.

Absent, Excused — Eiland; Hilbert; Nixon.

Absent — Delisi; Farabee; Goolsby; Green; Homer; Howard; McCall; Merritt; Shields; Smithee; Wohlgemuth.

STATEMENT OF VOTE

When Record No. 375 was taken, I was in the house but away from my desk. I would have voted yes.

Merritt

CSSB 1432 ON SECOND READING (A. Reyna - House Sponsor)

CSSB 1432, A bill to be entitled An Act relating to truancy and the authority of justice, municipal, and certain juvenile courts in relation to children; providing criminal penalties.

CSSB 1432 was considered in lieu of **HB 3461**.

CSSB 1432 was read second time.

Amendment No. 1

Representative A. Reyna offered the following amendment to **CSSB 1432**:

Amend **CSSB 1432** on page 6, lines 18-21, by striking "~~Each day the child remains out of school after [the warning has been given or] the child has been ordered to attend school by a [the juvenile] court may constitute a separate offense.~~" and substituting "Each day the child remains out of school [~~after the warning has been given or the child has been ordered to attend school by the juvenile court]~~ may constitute a separate offense."

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative A. Reyna offered the following amendment to **CSSB 1432**:

Amend **CSSB 1432** on page 30 as follows:

In SECTION 16 of the bill, amend Section 7.111, Education Code, by adding a new subsection (b) to read as follows:

(b) The commissioner may authorize a program and adopt an application process for graduate equivalency examination classes in public schools for students at least 16 years of age. The commissioner shall determine appropriate funding for programs under this section consistent with Sections 25.081 and 25.082 and shall require administration of appropriate assessments required under Section 39.023 as a requirement of participation in the program. The commissioner may make rules to implement this section.

Amendment No. 2 was adopted without objection.

CSSB 1432, as amended, was passed to third reading.

HB 3461 - LAID ON THE TABLE SUBJECT TO CALL

Representative A. Reyna moved to lay **HB 3461** on the table subject to call.

The motion prevailed without objection.

GENERAL STATE CALENDAR
(consideration continued)

CSHB 2108 ON SECOND READING
(by S. Turner)

CSHB 2108, A bill to be entitled An Act relating to placement into a juvenile justice alternative education program of children with disabilities who receive special education services.

CSHB 2108 was passed to engrossment.

HB 2042 ON SECOND READING
(by Danburg, Wohlgemuth, et al.)

HB 2042, A bill to be entitled An Act relating to proving a lack of consent in the prosecution of the offense of sexual assault.

HB 2042 was passed to engrossment.

HB 1883 ON SECOND READING
(by Thompson)

HB 1883, A bill to be entitled An Act relating to limitations on certain powers exercised by an attorney in fact or agent with respect to an elderly principal under a durable power of attorney.

Amendment No. 1

Representative Thompson offered the following amendment to **HB 1883**:

Amend **HB 1883** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 488, Texas Probate Code, is amended to read as follows:

Sec. 488. REVOCATION OF DURABLE POWER OF ATTORNEY OR STATUTORY DURABLE POWER OF ATTORNEY. (a) A principal may revoke a statutory durable power of attorney by:

(1) filing notice of the revocation of the statutory durable power of attorney in the office of the county clerk of the county in which the statutory durable power of attorney was recorded; and

(2) giving notice, orally or in writing, of revocation filed under Subdivision (1) of this subsection to the attorney in fact or agent.

(b) On receiving notification of a revocation of a statutory durable power of attorney, the attorney in fact or agent must return to the principal any of the principal's property administered by the attorney in fact or agent in accordance with the statutory durable power of attorney.

(c) Unless otherwise provided by the durable power of attorney, a revocation of a durable power of attorney is not effective as to a third party relying on the power of attorney until the third party receives actual notice of the revocation.

SECTION 2. Section 489, Texas Probate Code, is amended to read as follows:

Sec. 489. RECORDING DURABLE POWER OF ATTORNEY OR STATUTORY DURABLE POWER OF ATTORNEY; PROHIBITED [~~FOR REAL PROPERTY~~] TRANSACTIONS. (a) A statutory durable power of attorney and the statement of the principal required by Section 489A of this code shall be recorded in the county in which the principal resides.

(b) A durable power of attorney for a real property transaction requiring the execution and delivery of an instrument that is to be recorded, including a release, assignment, satisfaction, mortgage, security agreement, deed of trust, encumbrance, deed of conveyance, oil, gas, or other mineral lease, memorandum of a lease, lien, or other claim or right to real property, shall also be recorded in the office of the county clerk of the county in which the property is located.

(c) After execution of a durable power of attorney, the attorney in fact or agent may not engage in a real property transaction or a tangible personal property transaction pursuant to the power of attorney before the 11th day after the date on which the power of attorney is recorded.

SECTION 3. Chapter XII, Texas Probate Code, is amended by adding Sections 489A and 489B to read as follows:

Sec. 489A. REQUIRED DISCLOSURE STATEMENT FOR STATUTORY DURABLE POWER OF ATTORNEY. (a) A statutory durable power of attorney is not effective unless the principal, on or before executing the statutory durable power of attorney, signs a statement declaring that the principal has received, read, and understood the disclosure statement.

(b) A statement in substantially the form of the disclosure statement contained in the statutory durable power of attorney in Section 490 of this code has the meaning and effect prescribed by Subsection (a) of this section.

Sec. 489B. ACCOUNTING RECORDS. (a) The attorney in fact or agent of a principal empowered to act for the principal with regard to a class of transactions under a durable power of attorney or statutory durable power of attorney shall maintain appropriate records of each transaction, including an accounting of receipts and disbursements.

(b) Within the period prescribed by Subsection (c) of this section, the attorney in fact or agent shall make any transaction records available, on request, to the principal or any guardian or other personal representative of

the principal's estate, for inspection and review. If the attorney in fact or agent fails to comply with a request made under this subsection, the person making the request may file in a court of proper jurisdiction a petition for an order to enforce the request. After notice and hearing, the court may order the attorney in fact or agent to make the records available to the petitioner for inspection and review.

(c) The attorney in fact or agent shall maintain the records until at least the fourth anniversary of the date the durable power of attorney or statutory durable power of attorney expires or is expressly revoked by the principal.

SECTION 4. Section 490, Texas Probate Code, is amended to read as follows:

Sec. 490. STATUTORY DURABLE POWER OF ATTORNEY. (a) The following form is known as a "statutory durable power of attorney." A person may use a statutory durable power of attorney to grant an attorney in fact or agent powers with respect to a person's property and financial matters. A power of attorney in substantially the following form has the meaning and effect prescribed by this chapter. The validity of a power of attorney as meeting the requirements of a statutory durable power of attorney is not affected by the fact that ~~[one or more of the categories of optional powers listed in the form are struck or]~~ the form includes specific limitations on or additions to the attorney in fact's or agent's powers.

The following form is not exclusive, and other forms of power of attorney may be used.

STATUTORY DURABLE POWER OF ATTORNEY
WITH DISCLOSURE STATEMENT

A. DISCLOSURE STATEMENT: Information Concerning the Statutory
Durable Power of Attorney

THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. You are authorizing the person named as your agent (attorney-in-fact) to act with full legal power and authority on your behalf with respect to your property or financial matters without court approval or supervision. The agent (attorney-in-fact) may take any action relating to the powers you have initialed on this document. YOU SHOULD NOT APPOINT A PERSON AS YOUR AGENT (ATTORNEY-IN-FACT) UNLESS YOU HAVE COMPLETE TRUST AND CONFIDENCE IN THE PERSON. If, for example, you give your agent (attorney-in-fact) the power to handle real property transactions on your behalf, your agent (attorney-in-fact) will be able to bind you on all the transactions set out in Section 492, Texas Probate Code, including the sale of your real property. In deciding whether you want your agent to have a particular power, you should read the corresponding statutory provisions (Sections 491-504, Texas Probate Code). If you have any questions about this document or a power granted in the document, you should obtain legal advice from an attorney of your choice.

You may wish to designate a successor agent (attorney-in-fact) in the event that your agent (attorney-in-fact) is unwilling, unable, or ineligible to act as your agent (attorney-in-fact). A successor agent (attorney-in-fact) designated by you will have the same authority as the agent (attorney-in-fact) to make property or financial matter decisions for you.

EVEN AFTER YOU HAVE SIGNED THIS DOCUMENT, YOU HAVE THE RIGHT TO MAKE PROPERTY OR FINANCIAL MATTER DECISIONS FOR YOURSELF SO LONG AS YOU ARE ABLE TO DO SO.

YOU MAY REVOKE THIS POWER OF ATTORNEY AT ANY TIME IF YOU WISH TO DO SO. To revoke a statutory durable power of attorney, you must file a notice of revocation with the county clerk in the county in which the statutory durable power of attorney is recorded. You must also inform the agent (attorney-in-fact) orally or in writing that you are terminating the person's authority under the statutory durable power of attorney. If you are aware of a third party who has transacted business with the agent (attorney-in-fact) acting under the statutory durable power of attorney, you should send the third party notice that the agent (attorney-in-fact) no longer has authority to act on your behalf under the statutory durable power of attorney.

IF YOU HAVE A QUESTION ABOUT HOW YOUR AGENT (ATTORNEY-IN-FACT) IS HANDLING YOUR PROPERTY OR FINANCIAL MATTERS, YOU ARE ENTITLED TO RECEIVE AN ACCOUNTING FROM THE AGENT (ATTORNEY-IN-FACT). Your right to an accounting is described in this document. You also are entitled to have any property administered by your agent (attorney-in-fact) returned to you when you revoke the statutory durable power of attorney or when your agent (attorney-in-fact) resigns.

THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL OR HEALTH CARE DECISIONS FOR YOU. You may authorize an agent (attorney-in-fact) to make those types of decisions on your behalf under a medical power of attorney.

Sign below to acknowledge your receipt of this disclosure statement before you sign the statutory durable power of attorney to affirm that YOU HAVE BEEN GIVEN THE OPPORTUNITY TO:

(1) READ THIS DISCLOSURE STATEMENT AND THE ATTACHED STATUTORY POWERS; and

(2) ASK ABOUT THE SCOPE OF ANY POWERS THAT YOU DO NOT FULLY UNDERSTAND.

Date: _____

Principal's Signature

B. APPOINTMENT; GRANTING OF POWERS

~~[NOTICE: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE EXPLAINED IN THE DURABLE POWER OF ATTORNEY ACT, CHAPTER XII, TEXAS PROBATE CODE. IF YOU HAVE ANY QUESTIONS ABOUT THESE POWERS, OBTAIN COMPETENT LEGAL ADVICE. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL AND OTHER HEALTH-CARE DECISIONS FOR YOU. YOU MAY REVOKE THIS POWER OF ATTORNEY IF YOU LATER WISH TO DO SO.]~~

I, _____ (insert your name and address), appoint _____ (insert the name and address of the person appointed) as my agent (attorney-in-fact) to act for me in any lawful way with respect to all of the following powers that I have initialed [except for a power that I have crossed out below].

TO GRANT ALL OF THE FOLLOWING POWERS, EXCLUDING REAL PROPERTY TRANSACTIONS, INITIAL THE LINE IN FRONT OF (M) AND

IGNORE THE LINES IN FRONT OF THE OTHER POWERS LISTED IN (A) THROUGH (L).

TO GRANT A POWER, YOU MUST INITIAL THE LINE IN FRONT OF THE POWER.

TO WITHHOLD A POWER, DO NOT INITIAL THE LINE IN FRONT OF THE [YOU MUST CROSS OUT EACH] POWER [WITHHELD]. YOU MAY, BUT DO NOT NEED TO, CROSS OUT EACH POWER WITHHELD.

___ (A) [~~Real property transactions;~~] Tangible personal property transactions;

___ (B) Stock and bond transactions;

___ (C) Commodity and option transactions;

___ (D) Banking and other financial institution transactions;

___ (E) Business operating transactions;

___ (F) Insurance and annuity transactions;

___ (G) Estate, trust, and other beneficiary transactions;

___ (H) Claims and litigation;

___ (I) Personal and family maintenance;

___ (J) Benefits from social security, Medicare, Medicaid, or other governmental programs or civil or military service;

___ (K) Retirement plan transactions;

___ (L) Tax matters;

___ (M) ALL OF THE POWERS LISTED IN (A) THROUGH (L). YOU DO NOT HAVE TO INITIAL THE LINES IN FRONT OF ANY OTHER POWER THAT DOES NOT INVOLVE REAL PROPERTY TRANSACTIONS IF YOU INITIAL LINE (M).

TO GRANT A POWER INVOLVING REAL PROPERTY TRANSACTIONS, INITIAL THE LINE IN FRONT OF ONE OF THE FOLLOWING POWERS. TO GRANT A POWER INVOLVING YOUR HOMESTEAD, INITIAL THE LINE IN FRONT OF (N).

___ (N) All real property transactions, including transactions involving your homestead;

___ (O) Any real property transactions under \$50,000, excluding your homestead;

___ (P) All real property transactions, excluding your homestead.

~~[IF NO POWER LISTED ABOVE IS CROSSED OUT, THIS DOCUMENT SHALL BE CONSTRUED AND INTERPRETED AS A GENERAL POWER OF ATTORNEY AND MY AGENT (ATTORNEY IN FACT) SHALL HAVE THE POWER AND AUTHORITY TO PERFORM OR UNDERTAKE ANY ACTION I COULD PERFORM OR UNDERTAKE IF I WERE PERSONALLY PRESENT.]~~

SPECIAL INSTRUCTIONS:

Special instructions applicable to gifts (initial in front of the following sentence to have it apply):

I grant my agent (attorney in fact) the power to apply my property to make gifts, except that the amount of a gift to an individual may not exceed the amount of annual exclusions allowed from the federal gift tax for the calendar year of the gift.

ON THE FOLLOWING LINES YOU MAY GIVE SPECIAL INSTRUCTIONS LIMITING OR EXTENDING THE POWERS GRANTED TO YOUR AGENT (ATTORNEY-IN-FACT).

UNLESS YOU DIRECT OTHERWISE ABOVE, THIS POWER OF ATTORNEY IS EFFECTIVE IMMEDIATELY AND WILL CONTINUE UNTIL IT IS REVOKED.

CHOOSE ONE OF THE FOLLOWING ALTERNATIVES BY CROSSING OUT THE ALTERNATIVE NOT CHOSEN:

- (A) This power of attorney is not affected by my subsequent disability or incapacity.
- (B) This power of attorney becomes effective upon my disability or incapacity.

YOU SHOULD CHOOSE ALTERNATIVE (A) IF THIS POWER OF ATTORNEY IS TO BECOME EFFECTIVE ON THE DATE IT IS EXECUTED.

IF NEITHER (A) NOR (B) IS CROSSED OUT, IT WILL BE ASSUMED THAT YOU CHOSE ALTERNATIVE (A).

If Alternative (B) is chosen and a definition of my disability or incapacity is not contained in this power of attorney, I shall be considered disabled or incapacitated for purposes of this power of attorney if a physician certifies in writing at a date later than the date this power of attorney is executed that, based on the physician's medical examination of me, I am mentally incapable of managing my financial affairs. I authorize the physician who examines me for this purpose to disclose my physical or mental condition to another person for purposes of this power of attorney. A third party who accepts this power of attorney is fully protected from any action taken under this power of attorney that is based on the determination made by a physician of my disability or incapacity.

I agree that any third party who receives a copy of this document may act under it. Revocation of the durable power of attorney is not effective as to a third party until the third party receives actual notice of the revocation. I agree to indemnify the third party for any claims that arise against the third party because of reliance on this power of attorney.

I shall record this power of attorney and the disclosure statement in _____ County. I may revoke this power of attorney by recording a notice of revocation in the office of the county clerk in the same county in which the power of attorney is recorded and by giving my agent (attorney-in-fact) written or oral notice of the revocation.

If any agent named by me dies, becomes legally disabled, resigns, or refuses to act, I name the following (each to act alone and successively, in the order named) as successor(s) to that agent: _____.

Signed this _____ day of _____, 20 [49]____

(your signature)

(signature of witness)

YOU MAY REQUEST YOUR AGENT (ATTORNEY-IN-FACT) OR SUCCESSOR AGENT (ATTORNEY-IN-FACT) TO PROVIDE A SAMPLE SIGNATURE ON THE LINE BELOW. IF YOUR AGENT (ATTORNEY-IN-FACT) OR SUCCESSOR AGENT (ATTORNEY-IN-FACT) PROVIDES A SAMPLE SIGNATURE, YOU MUST SIGN THE CERTIFICATION TO THE RIGHT OF THE AGENT'S (ATTORNEY-IN-FACT'S) SIGNATURE.

Sample signature of agent
or successor agent

I certify that the signature
to the left of my signature is
that of my agent or successor
agent

(agent)

(principal)

(successor agent)

(principal)

(successor agent)

(principal)

THIS POWER OF ATTORNEY IS NOT EFFECTIVE UNLESS IT IS NOTARIZED AND SIGNED BY AT LEAST ONE WITNESS WHO IS NOT THE PRINCIPAL, THE AGENT (ATTORNEY-IN-FACT), SUCCESSOR AGENT (ATTORNEY-IN-FACT), OR NOTARY AND THE DISCLOSURE STATEMENT IS SIGNED BY THE PRINCIPAL.

State of _____

County of _____

Before me, the undersigned authority, on this day personally appeared
(insert name of principal) and

(insert name of witness), known to me to be the principal and witness, respectively, of this power of attorney. The principal of this power of attorney declared to me that the execution of this power of attorney is the free and voluntary act of the principal and that the principal is of sound mind. The undersigned witness stated to me that the principal of this power of attorney declared to me that the execution of this power of attorney is the free and voluntary act of the principal and that the principal is of sound mind.

Principal

Witness

Subscribed and sworn to before me by _____, principal,
and by _____, witness, this _____ day of _____, 20
(SEAL)

(signature of notarial officer)

 (printed name)

My commission expires: _____ [This document was acknowledged before
 me on

_____ (date) by _____

 [(name of principal)

[(signature of notarial officer)

[(Seal, if any, of notary) _____

[(printed name)

[My commission expires: _____]

THE ATTORNEY-IN-FACT OR AGENT, BY ACCEPTING OR ACTING UNDER THE APPOINTMENT, ASSUMES THE FIDUCIARY AND OTHER LEGAL RESPONSIBILITIES OF AN AGENT AND IS RESPONSIBLE FOR MAINTAINING APPROPRIATE RECORDS OF EACH TRANSACTION, INCLUDING AN ACCOUNTING OF RECEIPTS AND DISBURSEMENTS, UNTIL THE FOURTH ANNIVERSARY OF THE DATE THIS POWER OF ATTORNEY EXPIRES OR IS EXPRESSLY REVOKED BY THE PRINCIPAL, AS A FIDUCIARY, AN ATTORNEY-IN-FACT OR AGENT IS HELD TO THE HIGHEST STANDARDS OF GOOD FAITH, FAIR DEALING, AND LOYALTY WITH RESPECT TO THE PRINCIPAL. FAILURE TO ADHERE TO THESE STANDARDS MAY SUBJECT AN ATTORNEY-IN-FACT OR AGENT TO LEGAL ACTION. DEPENDING ON THE DEGREE OF MISCONDUCT, AN ATTORNEY-IN-FACT OR AGENT MAY BE LIABLE FOR DAMAGES OR MAY BE CHARGED WITH A CRIMINAL OFFENSE.

(b) A statutory durable power of attorney is legally sufficient under this chapter if the wording of the form complies substantially with Subsection (a) of this section, the form is properly completed, and the signature of the principal is acknowledged.

(c) If a principal initials the line in front of (M) in a statutory durable power of attorney, initials in front of another power listed in (A) through (L) of the power of attorney do not limit the powers granted by (M).

SECTION 5. This Act takes effect September 1, 2001, and the changes in law made by this Act apply only to a durable power of attorney or statutory durable power of attorney that is executed on or after that date. A durable power of attorney or statutory durable power of attorney that is executed before the effective date of this Act is governed by the law in effect on the date the power of attorney was executed, and that law is continued in effect for that purpose.

Amendment No. 1 was adopted without objection.

HB 1883, as amended, was passed to engrossment.

CSHB 2951 ON SECOND READING
(by Walker)

CSHB 2951, A bill to be entitled An Act relating to the issuance of local permits for land development projects.

CSHB 2951 was passed to engrossment.

HB 3498 ON SECOND READING
(by Thompson)

HB 3498, A bill to be entitled An Act relating to improving the collection of costs, fees, and fines in criminal cases.

Amendment No. 1 (Committee Amendment No. 1)

Representative Thompson offered the following committee amendment to **HB 3498**:

Amend **HB 3498**, on page 1, by striking lines 8-20, and inserting the following:

than January 1 of each even numbered year, the Office of Court Administration may award grants to counties and municipalities to prepare a collection plan. The grants shall reimburse the county or municipality for the cost of preparing the plan. The plan shall provide methods to improve the collection of court costs, fees and fines imposed in criminal cases. The Office of Court Administration may require that the county or municipality reimburse the state from the additional collections as a condition of the grant.

Amendment No. 1 was adopted without objection.

HB 3498, as amended, was passed to engrossment.

HB 182 ON SECOND READING
(by B. Turner)

HB 182, A bill to be entitled An Act relating to the tax rate of the Sutton County Hospital District.

HB 182 was passed to engrossment.

HB 235 ON SECOND READING
(by Hawley)

HB 235, A bill to be entitled An Act relating to liability for use of property for disaster response or recovery.

HB 235 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hawley moved to lay **HB 235** on the table subject to call.

The motion prevailed without objection.

HB 1267 ON SECOND READING
(by Dukes)

HB 1267, A bill to be entitled An Act relating to the investigation by a local law enforcement agency of certain reports alleging child abuse.

A record vote was requested.

HB 1267 was passed to engrossment by (Record 376): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Danburg;

Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Chisum(C).

Absent, Excused — Eiland; Hilbert; Nixon.

Absent — Crownover; Farabee; Homer; McCall; Smithee.

STATEMENTS OF VOTE

When Record No. 376 was taken, I was temporarily out of the house chamber. I would have voted yes.

Homer

When Record No. 376 was taken, I was temporarily out of the house chamber. I would have voted yes.

McCall

CSHB 284 ON SECOND READING (by P. King)

CSHB 284, A bill to be entitled An Act relating to service and contents of citation and answer in justice and small claims courts.

CSHB 284 was passed to engrossment.

HB 319 ON SECOND READING (by Tillery)

HB 319, A bill to be entitled An Act relating to regulation of the use of laser pointers; providing a criminal penalty.

HB 319 was passed to engrossment.

CSHB 320 ON SECOND READING (by Tillery)

CSHB 320, A bill to be entitled An Act relating to the conditions of employment for certain firefighters.

Amendment No. 1

Representative Bailey offered the following amendment to **CSHB 320**:

Amend **CSHB 320** as follows:

On page 5, line 21, after (a) strike Not later than the 60th day and add the following:

At any time.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative A. Reyna offered the following amendment to **CSHB 320**:

Amend **CSHB 320** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION __. Chapter 158, Local Government Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. LOCAL CONTROL OF SHERIFF'S
DEPARTMENT EMPLOYMENT MATTERS

Sec. 158.071. APPLICABILITY. This subchapter applies only to a county that contains the majority of the territory of a municipality that:

- (1) has a population of more than one million; and
- (2) has adopted Chapter 174.

Sec. 158.072. DEFINITIONS. In this subchapter:

- (1) "Association" means an organization:
 - (A) in which at least five percent of the peace officers and detention officers employed by the sheriff's department participate; and
 - (B) that exists for the purpose, in whole or in part, of dealing with the county concerning grievances, labor disputes, wages, rates of pay, hours of work, or conditions of work affecting the peace officers and detention officers.

(2) "Public employer" means a sheriff's department, a county, or an agency, board, or commission controlled by a county that is required to establish the wages, salaries, rates of pay, hours of work, working conditions, and other terms and conditions of employment of peace officers and detention officers employed by the sheriff's department.

Sec. 158.073. GENERAL PROVISIONS RELATING TO AGREEMENTS, RECOGNITION, AND STRIKES. (a) A county may not be denied local control over the wages, salaries, rates of pay, hours of work, or other terms and conditions of employment, to the extent the public employer and the bargaining team recognized as the sole and exclusive bargaining agent under Section 158.074 agree as provided by this subchapter. Applicable statutes and applicable local orders, ordinances, and civil service rules and regulations apply to an issue not governed by the agreement.

(b) A public employer and the recognized bargaining team may meet and confer only if the bargaining team does not advocate the illegal right to strike by public employees.

(c) A peace officer or detention officer of a sheriff's department may not engage in a strike or organized work stoppage against this state or a political subdivision of this state. A peace officer or detention officer who participates in a strike forfeits any civil service rights, reemployment rights, and other rights, benefits, or privileges the peace officer or detention officer may have as a result of the person's employment or prior employment with the sheriff's department. This subsection does not affect the right of a person to cease work if the person is not acting in concert with others in an organized work stoppage.

(d) The public employer's chief executive officer or the chief executive officer's designee shall select a group of persons to represent the public employer as its sole and exclusive bargaining agent for issues related to the employment of peace officers and detention officers by the sheriff's department.

Sec. 158.074. RECOGNITION OF PEACE OFFICERS AND DETENTION OFFICERS ASSOCIATIONS AND BARGAINING TEAM. (a) In a county that chooses to meet and confer under this subchapter, the public employer shall recognize an association submitting a petition for recognition signed by at least five percent of the peace officers and detention officers employed by the sheriff's department, excluding the sheriff and persons the sheriff may designate as exempt from a civil service system under Section 158.038(b), as an association entitled to participate in selecting the members of the bargaining team under this section.

(b) In a county that chooses to meet and confer under this chapter, the public employer shall recognize a bargaining team as the sole and exclusive bargaining agent for all of the peace officers and detention officers employed by the sheriff's department, excluding the sheriff and persons the sheriff may designate as exempt under Section 158.038(b).

(c) If only one association is recognized by the public employer under Subsection (a), that association shall determine the composition of the bargaining team.

(d) If more than one association is recognized by the public employer under Subsection (a), the recognized associations shall jointly determine the composition of the bargaining team. If the associations are unable to agree on the procedures for selecting the members of the bargaining team, the American Arbitration Association shall mediate an agreement between the associations to resolve the question concerning the composition of the bargaining team. The associations are liable for the expenses of the mediation.

(e) If at any time at least one-half of the associations recognized under Subsection (a) call for the selection of a new bargaining team, the recognized associations shall select the members of a new bargaining team in accordance with this section.

Sec. 158.075. OPEN RECORDS. (a) A proposed agreement and a document prepared and used by the sheriff's department in connection with the proposed agreement are available to the public under Chapter 552, Government Code, only after the agreement is ratified by the commissioners court.

(b) This section does not affect the application of Subchapter C, Chapter 552, Government Code, to a document prepared and used by the sheriff's department in connection with the agreement.

Sec. 158.076. RATIFICATION AND ENFORCE ABILITY OF AGREEMENT. (a) An agreement under this subchapter is enforceable and binding on the public employer, the recognized associations, and peace officers and detention officers covered by the agreement only if:

(1) the commissioners court ratified the agreement by a majority vote;

(2) the recognized associations ratified the agreement by jointly conducting a secret ballot election at which only the peace officers and detention officers of the county in the recognized associations were eligible to vote, and a majority of the votes cast at the election favored ratifying the agreement; and

(3) the sheriff of the county ratified the agreement.

(b) An agreement ratified as described by Subsection (a) may establish a procedure by which the parties agree to resolve disputes related to a right, duty, or obligation provided by the agreement, including binding arbitration on a question involving interpretation of the agreement.

(c) A state district court of a judicial district in which the county is located has jurisdiction to hear and resolve a dispute under the ratified agreement on the application of a party to the agreement aggrieved by an action or omission of the other party when the action or omission is related to a right, duty, or obligation provided by the agreement. The court may issue proper restraining orders, temporary and permanent injunctions, or any other writ, order, or process, including contempt orders, that are appropriate to enforce the agreement.

Sec. 158.077. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS.

(a) A written agreement ratified under this subchapter preempts, during the term of the agreement, and to the extent of any conflict, all contrary state statutes, local ordinances, executive orders, civil service provisions, or rules adopted by the sheriff or county or a division or agent of the sheriff or county, such as a personnel board or a civil service commission.

(b) An agreement ratified under this subchapter may not interfere with the right of a person affected by the agreement to pursue allegations of discrimination based on race, creed, color, national origin, religion, age, sex, or disability with the Commission on Human Rights or the federal Equal Employment Opportunity Commission or to pursue affirmative action litigation.

Amendment No. 2 was adopted without objection.

A record vote was requested.

CSHB 320, as amended, was passed to engrossment by (Record 377):
74 Yeas, 60 Nays, 2 Present, not voting.

Yeas — Bailey; Bosse; Burnam; Capelo; Chavez; Coleman; Cook; Counts; Danburg; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Ellis; Farrar; Flores; Gallego; Garcia; Geren; Giddings; Glaze; Gray; Gutierrez; Haggerty; Hawley; Hinojosa; Hochberg; Hodge; Hopson; Jones, D.; Jones, J.; Keel; King, P.; Kitchen; Longoria; Luna; Martinez Fischer; Maxey; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Najera; Noriega; Olivo; Pickett; Puente; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Solis; Swinford; Talton; Thompson; Tillery; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Wilson; Wise; Yarbrough; Zbranek.

Nays — Allen; Averitt; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Callegari; Carter; Christian; Clark; Corte; Crabb; Craddick; Crownover; Davis, J.; Delisi; Denny; Driver; Elkins; George; Goodman; Goolsby; Green; Grusendorf; Hamric; Hardcastle; Hartnett; Heflin; Hill; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, E.; Keffer; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Madden; Marchant; Merritt; Miller; Morrison; Mowery; Pitts; Ramsay; Seaman; Shields; Smith; Solomons; Truitt; West; Williams; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker; Chisum(C).

Absent, Excused — Eiland; Hilbert; Nixon.

Absent — Alexander; Farabee; Hilderbran; Homer; Junell; King, T.; McCall; Oliveira; Smithee; Telford; Wolens.

STATEMENTS OF VOTE

I was shown voting no on Record No. 377. I intended to vote yes.

F. Brown

When Record No. 377 was taken, I was in the house but away from my desk. I would have voted no.

Hilderbran

I was shown voting no on Record No. 377. I intended to vote yes.

Hunter

CSHB 331 ON SECOND READING (by Clark)

CSHB 331, A bill to be entitled An Act relating to requiring sex offenders released on community supervision, parole, or mandatory supervision to maintain a certain distance from any premises where children frequently gather.

CSHB 331 was passed to engrossment.

HB 447 ON SECOND READING (by G. Lewis, Grusendorf, and Olivo)

HB 447, A bill to be entitled An Act relating to discipline of public school students.

HB 447 was passed to engrossment.

CSHB 460 ON SECOND READING (by Hartnett, et al.)

CSHB 460, A bill to be entitled An Act relating to the penalty for the offense of prostitution.

Amendment No. 1

Representative Hartnett offered the following amendment to **CSHB 460**:

Amend **CSHB 460** on page 1, lines 4-18, by striking SECTION 1 of the bill and substituting the following:

SECTION 1. Section 43.02(c), Penal Code, is amended to read as follows:

(c) An offense under this section is a Class B misdemeanor, unless the actor has previously been convicted one or two times of an offense [previously] under this section, in which event it is a Class A misdemeanor. If the actor has previously been convicted three or more times of an offense under this section, the offense is a state jail felony.

Amendment No. 1 was withdrawn.

CSHB 460 was passed to engrossment.

SB 707 ON SECOND READING
(Averitt - House Sponsor)

SB 707, A bill to be entitled An Act relating to collateral protection insurance.

SB 707 was considered in lieu of **HB 540**.

Amendment No. 1

Representatives Telford and Shields offered the following amendment to **SB 707**:

Amend **SB 707** as follows:

1. On page 8, line 22, between the period and "On", insert "(a)".
2. On page 9, line 1, strike "Not" and substitute "Except as otherwise provided in subsection (b), not".
3. On page 9, between lines 7 and 8, insert the following: "(b) If not later than the 28th day after the date the creditor receives the refund, the creditor distributes the refund of the unearned premiums by an adjustment to a credit transaction of the debtor that is made effective not later than the 14th day after the date the creditor receives the refund, the creditor shall be in compliance with this section."

Amendment No. 1 was adopted without objection.

SB 707, as amended, was passed to third reading.

HB 540 - LAID ON THE TABLE SUBJECT TO CALL

Representative Shields moved to lay **HB 540** on the table subject to call.

The motion prevailed without objection.

HB 558 ON SECOND READING
(by Tillery, et al.)

HB 558, A bill to be entitled An Act relating to restitution paid by a defendant to a children's advocacy center providing services to the defendant's victim.

HB 558 was passed to engrossment.

CSHB 3348 ON SECOND READING
(by Counts)

CSHB 3348, A bill to be entitled An Act relating to the Texas Energy Resource Council; authorizing the imposition of an assessment on producers of oil, gas, and condensate.

CSHB 3348 was passed to engrossment.

CSHB 644 ON SECOND READING
(by D. Jones)

CSHB 644, A bill to be entitled An Act relating to an election to abolish the salary grievance committee in certain counties.

CSHB 644 was passed to engrossment.

CSHB 792 ON SECOND READING
(by Wolens, et al.)

CSHB 792, A bill to be entitled An Act relating to certain procedures regarding state bar disciplinary proceedings.

CSHB 792 was passed to engrossment.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today because of important business:

Bonnen on motion of Morrison.

Farabee on motion of Morrison.

HB 801 ON SECOND READING
(by Longoria, Howard, Olivo, et al.)

HB 801, A bill to be entitled An Act relating to the implementation of a public education curriculum based on scientific research.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Olivo, Representative Longoria offered the following committee amendment to **HB 801**:

Amend **HB 801** as follows:

- (1) On page 20, line 18, strike "37.055" and substitute "37.055(a)".
- (2) On page 20, line 20, strike "Sec. 37.055. PARENTAL INVOLVEMENT".
- (3) On page 21, strike lines 14-25.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Wohlgeomuth offered the following amendment to **HB 801**:

Amend **HB 801** as follows:

(1) On page 18, line 18, between "scientific research" and the period, insert "and shall employ appropriate discipline management techniques consistent with the student code of conduct adopted under Section 37.001".

(2) On page 18, strike lines 20-22 and substitute "grade level, the principal shall".

Amendment No. 2 was adopted without objection.

HB 801, as amended, was passed to engrossment.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today because of important business:

Driver on motion of Ellis.

Homer on motion of Ellis.

Telford on motion of Heflin.

McCall on motion of Madden.

The following member was granted leave of absence for the remainder of today because of important business:

Uher on motion of Heflin.

HB 141 ON SECOND READING

(by Wise)

HB 141, A bill to be entitled An Act relating to the prosecution of and punishment for the offenses of kidnaping and aggravated kidnaping.

HB 141 was passed to engrossment.

CSHB 803 ON SECOND READING

(by Junell)

CSHB 803, A bill to be entitled An Act relating to reimbursement for services provided by registered nurse first assistants.

CSHB 803 was passed to engrossment.

HB 838 ON SECOND READING

(by Hinojosa)

HB 838, A bill to be entitled An Act relating to the application of the open meetings law and the public information law to the governing body of an economic development corporation.

HB 838 was passed to engrossment.

HB 884 ON SECOND READING

(by J. Jones)

HB 884, A bill to be entitled An Act relating to an interlocal cooperation contract between a local government in this state and a local government in another state.

HB 884 - LAID ON THE TABLE SUBJECT TO CALL

Representative J. Jones moved to lay **HB 884** on the table subject to call.

The motion prevailed without objection.

HB 1014 ON SECOND READING

(by McReynolds and Farabee)

HB 1014, A bill to be entitled An Act relating to faculty compensation policies at institutions of higher education.

(Speaker in the chair)

HB 1014 was passed to engrossment.

CSHB 1093 ON SECOND READING
(by Farabee and Uher)

CSHB 1093, A bill to be entitled An Act relating to certain procedures used to deal with a criminal defendant suspected of being or determined to be incompetent to stand trial.

CSHB 1093 - LAID ON THE TABLE SUBJECT TO CALL

Representative T. King moved to lay **CSHB 1093** on the table subject to call.

The motion prevailed without objection.

CSHB 1180 ON SECOND READING
(by Capelo)

CSHB 1180, A bill to be entitled An Act relating to disclosure of a contact between a judge and an officer of a political party regarding a proceeding pending before the judge; providing a criminal penalty.

CSHB 1180 - LAID ON THE TABLE SUBJECT TO CALL

Representative Capelo moved to lay **CSHB 1180** on the table subject to call.

The motion prevailed without objection.

CSHB 1227 ON SECOND READING
(by Hamric)

CSHB 1227, A bill to be entitled An Act relating to the establishment of a pilot project by the Texas Natural Resource Conservation Commission to examine benefits of offering incentives to regulated entities to install air pollution monitoring devices linked to the commission's data system.

CSHB 1227 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hamric moved to lay **CSHB 1227** on the table subject to call.

The motion prevailed without objection.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business:

Hilderbran on motion of T. King.

CSHB 1330 ON SECOND READING
(by Zbranek)

CSHB 1330, A bill to be entitled An Act relating to the provision of Internet service by regional education service centers.

CSHB 1330 was passed to engrossment.

CSHB 1438 ON SECOND READING**(by Olivo, et al.)**

CSHB 1438, A bill to be entitled An Act relating to minimum salaries for interpreters employed in public schools to provide interpreting services to students who are deaf or hard of hearing.

CSHB 1438 was passed to engrossment.

CSHB 1456 ON SECOND READING**(by Hochberg)**

CSHB 1456, A bill to be entitled An Act relating to paramilitary training organizations; providing criminal penalties.

CSHB 1456 was passed to engrossment.

CSHB 1492 ON SECOND READING**(by Hardcastle, Keffer, Ritter, Deshotel, and Cook)**

CSHB 1492, A bill to be entitled An Act relating to notice and marking requirements for certain antenna structures.

CSHB 1492 was passed to engrossment. (Corte recorded voting no)

HB 1766 ON SECOND READING**(by B. Turner)**

HB 1766, A bill to be entitled An Act relating to administration of oaths in Texas.

Amendment No. 1

Representative B. Turner offered the following amendment to **HB 1766**:

Amend **HB 1766** as follows:

(1) On page 1, strike lines 4 and 5 and substitute the following:

SECTION 1. Section 602.002, Government Code, as amended by Chapters 325, 638, and 653, Acts of the 76th Legislature, Regular Session, 1999, is reenacted and amended to read as follows:

(2) On page 1, line 6, between "Sec. 602.002." and "An oath", insert "OATH MADE IN TEXAS."

(3) On page 2, line 3, strike "or".

(4) On page 2, line 4, strike the period and substitute a semicolon.

(5) On page 2, between lines 4 and 5, insert the following:

(12) a legislator or retired legislator;

(13) the attorney general;

(14) the secretary or clerk of a municipality in a matter pertaining to the official business of the municipality; or

(15) a peace officer described by Article 2.12, Code of Criminal Procedure, if:

(A) the oath is administered when the officer is engaged in the performance of the officer's duties; and

(B) the administration of the oath relates to the officer's duties.

SECTION 2. To the extent of any conflict, this Act prevails over another Act of the 77th Legislature, Regular Session, 2001, relating to nonsubstantive additions to and corrections in enacted codes.

(6) On page 2, line 5, strike "SECTION 2" and substitute "SECTION 3".

Amendment No. 1 was adopted without objection.

HB 1766, as amended, was passed to engrossment.

CSHB 1848 ON SECOND READING
(by Keel and Hinojosa)

CSHB 1848, A bill to be entitled An Act relating to securing the appearance of certain persons who have been released on bail; providing a criminal penalty.

CSHB 1848 was passed to engrossment.

CSHB 2076 ON SECOND READING
(by Flores)

CSHB 2076, A bill to be entitled An Act relating to the exemption of travel trailers from ad valorem taxation.

CSHB 2076 was passed to engrossment.

CSHB 2203 ON SECOND READING
(by Gutierrez, Maxey, Kitchen, Villarreal, and Burnam)

CSHB 2203, A bill to be entitled An Act relating to the construction of facilities and trails for bicycles, electric bicycles, and pedestrians and to the safe operation of bicycles and electric bicycles.

CSHB 2203 - LAID ON THE TABLE SUBJECT TO CALL

Representative Gutierrez moved to lay **CSHB 2203** on the table subject to call.

The motion prevailed without objection.

HB 2164 ON SECOND READING
(by Goolsby)

HB 2164, A bill to be entitled An Act relating to the sale of Woodlawn by the State Preservation Board.

Amendment No. 1

Representative McReynolds offered the following amendment to **HB 2164**:

Amend **HB 2164** as follows:

(1) On page 1, line 5, strike "Subsection (c)" and substitute "Subsections (c) and (d)".

(2) On page 1, between lines 13 and 14, insert:

(d) In selling Woodlawn under Subsection (c), the board shall add to the deed of Woodlawn a provision that requires the purchaser to use the property in a manner that preserves the historical character of Woodlawn, including its buildings, facades, interior and ground.

Amendment No. 1 was adopted without objection.

HB 2164, as amended, was passed to engrossment. (Craddick recorded voting no)

CSHB 218 ON SECOND READING**(by Wise, Uresti, Menendez, Olivo, Hinojosa, et al.)**

CSHB 218, A bill to be entitled An Act relating to the membership of a local workforce development board.

CSHB 218 was passed to engrossment.

CSHB 243 ON SECOND READING**(by Oliveira)**

CSHB 243, A bill to be entitled An Act relating to employment discrimination based on certain employer-imposed language requirements.

CSHB 243 - LAID ON THE TABLE SUBJECT TO CALL

Representative Oliveira moved to lay **CSHB 243** on the table subject to call.

The motion prevailed without objection.

CSHB 288 ON SECOND READING**(by Maxey, Danburg, et al.)**

CSHB 288, A bill to be entitled An Act relating to authorizing harm reduction programs to reduce the risk of HIV infection, AIDS, hepatitis B, and hepatitis C.

CSHB 288 was passed to engrossment. (Corte and Delisi recorded voting no)

CSHB 336 ON SECOND READING**(by West)**

CSHB 336, A bill to be entitled An Act relating to certain requirements in connection with the expenditure of child support payments.

CSHB 336 was passed to engrossment.

CSHB 350 ON SECOND READING**(by Wise, Uresti, Menendez, Olivo, Hinojosa, et al.)**

CSHB 350, A bill to be entitled An Act relating to authorizing county residents to file legal action to ensure that a veterans county service office is maintained as separate and distinct from other county offices.

CSHB 350 was passed to engrossment.

CSHB 385 ON SECOND READING**(by Ellis and Rangel)**

CSHB 385, A bill to be entitled An Act relating to qualifications of a constable or sheriff.

Amendment No. 1

Representative Ellis offered the following amendment to **CSHB 385**:

Amend **CSHB 385** on page 2 by striking lines 11 and 12 and substituting the following:

(b) The change in law made by this Act to Sections 85.0011 and

86.0021, Local Government Code, applies only to an officer elected after January 1, 2002.

Amendment No. 1 was adopted without objection.

CSHB 385, as amended, was passed to engrossment. (Clark recorded voting no)

CSHB 484 ON SECOND READING
(by Craddick)

CSHB 484, A bill to be entitled An Act relating to emergency response preparations for pipeline transportation of hazardous liquids, carbon dioxide, or natural gas.

CSHB 484 was passed to engrossment.

CSHB 492 ON SECOND READING
(by Pickett)

CSHB 492, A bill to be entitled An Act relating to historical reenactments on premises permitted or licensed under the Alcoholic Beverage Code.

CSHB 492 was passed to engrossment.

HB 511 ON SECOND READING
(by Keel, Hinojosa, et al.)

HB 511, A bill to be entitled An Act relating to making arrest warrants and certain affidavits made in support of the issuance of arrest warrants available for public inspection.

HB 511 was passed to engrossment.

CSHB 512 ON SECOND READING
(by Keel and Hinojosa)

CSHB 512, A bill to be entitled An Act relating to the release on bond of certain persons arrested without a warrant.

Amendment No. 1

Representative Keel offered the following amendment to **CSHB 512**:

Amend **CSHB 512** on page 1, line 16 and page 1, line 24 through page 2, line 1, by striking "the court shall release the person on personal bond" and substituting "the person must be released on personal bond".

Amendment No. 1 was adopted without objection.

CSHB 512, as amended, was passed to engrossment.

CSHB 525 ON SECOND READING
(by Bailey)

CSHB 525, A bill to be entitled An Act relating to the continuation of and to the grant-making authority of the On-site Wastewater Treatment Research Council.

CSHB 525 - LAID ON THE TABLE SUBJECT TO CALL

Representative Bailey moved to lay **CSHB 525** on the table subject to call.

The motion prevailed without objection.

**CSHB 546 ON SECOND READING
(by Noriega and Uresti)**

CSHB 546, A bill to be entitled An Act relating to judicial training.

CSHB 546 was passed to engrossment. (Corte recorded voting no)

**CSHB 613 ON SECOND READING
(by Maxey, Madden, Danburg, Truitt, and Denny)**

CSHB 613, A bill to be entitled An Act relating to a study of the feasibility of permitting the change of voter registration information by digital transmission and, if feasible, permitting voter registrars to accept changes of registration information submitted by digital transmission.

CSHB 613 was passed to engrossment.

**CSHB 653 ON SECOND READING
(by Najera, Chavez, J. Moreno, Farrar, Menendez, et al.)**

CSHB 653, A bill to be entitled An Act relating to the prosecution of and punishment for the offense of cruelty to animals.

Amendment No. 1

Representative Najera offered the following amendment to **CSHB 653**:

Amend **CSHB 653** on page 1 by striking lines 8 and 9 and substituting the following:
offense if the person [~~he~~] intentionally or knowingly:

Amendment No. 1 was adopted without objection.

CSHB 653, as amended, was passed to engrossment.

**SB 272 ON SECOND READING
(Thompson - House Sponsor)**

SB 272, A bill to be entitled An Act relating to interest charges and other costs of certain loans.

SB 272 was considered in lieu of **HB 690**.

Representative Thompson moved to postpone consideration of **SB 272** until 9 a.m. Monday, May 14.

The motion prevailed without objection.

HB 690 - LAID ON THE TABLE SUBJECT TO CALL

Representative Thompson moved to lay **HB 690** on the table subject to call.

The motion prevailed without objection.

HB 694 ON SECOND READING
(by Yarbrough)

HB 694, A bill to be entitled An Act relating to eligibility for unemployment compensation benefits of certain sheltered workshop employees who are blind.

HB 694 was passed to engrossment.

CSHB 798 ON SECOND READING
(by Gallego)

CSHB 798, A bill to be entitled An Act relating to the terms of an employment contract of a political subdivision.

CSHB 798 was passed to engrossment.

CSHB 832 ON SECOND READING
(by Madden and Chavez)

CSHB 832, A bill to be entitled An Act relating to creating an advisory committee to assist the Department of Public Safety in the certification of motor vehicle inspection stations and inspectors.

Amendment No. 1

Representative Madden offered the following amendment to **CSHB 832**:

Amend **CSHB 832** as follows:

(1) On page 1, strike lines 10-17 and substitute the following:

(1) advise the department on the department's rules relating to the operation of the emissions testing program under Subchapter F;

(2) make recommendations to the department relating to the content of rules involving the operation of the emissions testing program; and

(3) perform any other advisory function requested by the department in administering Subchapter F.

(b) The members of the commission shall appoint three members of the

(2) On page 2, strike line 16 and substitute the following: under Subchapter F before the rules are published.

(3) On page 2, lines 17 and 18, strike "public safety commissioners" and substitute "members of the Public Safety Commission".

Amendment No. 1 was adopted without objection.

CSHB 832, as amended, was passed to engrossment.

CSHB 895 ON SECOND READING
(by Coleman and Kitchen)

CSHB 895, A bill to be entitled An Act relating to a demonstration project to provide certain medications and related services through the medical assistance program.

CSHB 895 - LAID ON THE TABLE SUBJECT TO CALL

Representative Coleman moved to lay **CSHB 895** on the table subject to call.

The motion prevailed without objection.

CSHB 896 ON SECOND READING
(by Coleman and Kitchen)

CSHB 896, A bill to be entitled An Act relating to a demonstration project to provide certain services and medications through the medical assistance program to persons with HIV infection or AIDS.

CSHB 896 - LAID ON THE TABLE SUBJECT TO CALL

Representative Coleman moved to lay **CSHB 896** on the table subject to call.

The motion prevailed without objection.

HB 900 ON SECOND READING
(by Thompson)

HB 900, A bill to be entitled An Act relating to the administration of statutory probate courts and to the assignment of statutory probate court judges.

HB 900 was passed to engrossment.

SB 297 ON SECOND READING
(Noriega, Naishtat, and Burnam - House Sponsors)

SB 297, A bill to be entitled An Act relating to providing supplemental financial assistance to certain grandparents.

SB 297 was considered in lieu of **HB 902**.

SB 297 was passed to third reading.

HB 902 - LAID ON THE TABLE SUBJECT TO CALL

Representative Noriega moved to lay **HB 902** on the table subject to call.

The motion prevailed without objection.

HB 955 ON SECOND READING
(by Burnam)

HB 955, A bill to be entitled An Act relating to requiring certain parts for the repair of a motor vehicle under an insurance policy.

HB 955 was passed to engrossment. (Corte recorded voting no)

HB 956 ON SECOND READING
(by Burnam)

HB 956, A bill to be entitled An Act relating to requiring certain facilities for the repair of a motor vehicle under an insurance policy.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative G. Lewis, Representative Burnam offered the following committee amendment to **HB 956**:

Amend **HB 956** as follows:

1. On page 2, lines 17-18, strike "or recommended".

2. On page 4, line 21, strike "or recommends".

Amendment No. 1 was adopted without objection.

HB 956, as amended, was passed to engrossment. (Corte recorded voting no)

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the conference committee on **SB 1**:

Junell on motion of Solomons.

West on motion of Solomons.

Heflin on motion of Solomons.

Gallego on motion of Solomons.

CSHB 1034 ON SECOND READING

(by **Thompson**)

CSHB 1034, A bill to be entitled An Act relating to disclosure of price information in a written advertisement for certain communications services or equipment; providing a civil penalty.

CSHB 1034 was passed to engrossment. (Corte recorded voting no)

CSHB 1121 ON SECOND READING

(by **B. Turner**)

CSHB 1121, A bill to be entitled An Act relating to eligibility for enrollment in certain law enforcement training programs.

CSHB 1121 was passed to engrossment.

HB 1138 ON SECOND READING

(by **Longoria**)

HB 1138, A bill to be entitled An Act relating to the form of a proposal guaranty for a contract of the Texas Department of Transportation.

HB 1138 was passed to engrossment.

POSTPONED BUSINESS

The following bill was laid before the house as postponed business:

SB 702 ON SECOND READING

(**Oliveira - House Sponsor**)

SB 702, A bill to be entitled An Act relating to compensatory, intensive, and accelerated education in public schools.

SB 702 was considered in lieu of **HB 970**.

SB 702 was read second time.

Amendment No. 1

Representative Oliveira offered the following amendment to **SB 702**:

Amend **SB 702** as follows:

(1) On page 17, line 25, after "no more than" strike "20" and insert "18" and:

(2) On page 18, line 1, after "Section 37.008";, insert "and";

(3) On page 18, lines 2-5, strike "no more than half of any disciplinary alternative education program campus' total budget may be funded from this section's allotment; and (3)";

(4) On page 18, lines 5-6, strike "limitations of Subdivisions (1) and (2)" and substitute "limitations of Subdivision (1)" and

(5) On page 18, lines 10-11, strike "in excess of the limits established in Subsections (a) and (b)".

Amendment No. 1 was adopted without objection.

Amendment No. 2

On behalf of Representative Gallego, Representative Oliveira offered the following amendment to **SB 702**:

Amend **SB 702** as follows:

(1) On page 16, line 15, between "Subsections" and "(c)", insert "(b)".

(2) On page 16, between lines 16 and 17, insert the following:

(b) For purposes of this section, the number of educationally disadvantaged students is determined;

(1) by averaging the best six months' enrollment in the national school lunch program of free or reduced-price lunches for the preceding school year; or

(2) in the manner provided by commissioner rule, if no campus in the district participated in the national school lunch program of free or reduced-price lunches during the preceding school year.

Amendment No. 2 was adopted without objection.

SB 702, as amended, was passed to third reading.

HB 970 - LAID ON THE TABLE SUBJECT TO CALL

Representative Oliveira moved to lay **HB 970** on the table subject to call.

The motion prevailed without objection.

GENERAL STATE CALENDAR (consideration continued)

HB 1156 ON SECOND READING

(by Coleman, Maxey, Glaze, Eiland, Janek, et al.)

HB 1156, A bill to be entitled An Act relating to access to and funding for women's health care services.

HB 1156 - LAID ON THE TABLE SUBJECT TO CALL

Representative Maxey moved to lay **HB 1156** on the table subject to call.

The motion prevailed without objection.

HB 1181 ON SECOND READING
(by Capelo)

HB 1181, A bill to be entitled An Act relating to the punishment for the offense of obstruction or retaliation.

HB 1181 was passed to engrossment.

HB 3168 ON SECOND READING
(by Thompson and Gallego)

HB 3168, A bill to be entitled An Act relating to the composition of judicial districts in this state.

HB 3168 was passed to engrossment. (Clark, Craddick, Hartnett, Madden, and Talton recorded voting no)

CSHB 1203 ON SECOND READING
(by Brimer)

CSHB 1203, A bill to be entitled An Act relating to the purchase of certain insurance coverage by state agencies and to workers' compensation insurance benefits provided by certain state agencies.

CSHB 1203 was passed to engrossment.

CSHB 1213 ON SECOND READING
(by Maxey)

CSHB 1213, A bill to be entitled An Act relating to creation and implementation by the Health and Human Services Commission of family-based alternatives to the institutionalization of children.

CSHB 1213 was passed to engrossment.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today to attend a meeting of the conference committee on **SB 1**:

Coleman on motion of G. Lewis.

(Brimer in the chair)

(Homer and McCall now present)

HB 1268 ON SECOND READING
(by Dukes)

HB 1268, A bill to be entitled An Act relating to the appraisalment of real property securing a mortgage loan; providing a criminal penalty.

HB 1268 was passed to engrossment.

HB 1286 ON SECOND READING
(by Thompson, Brimer, B. Turner, R. Lewis, and Wilson)

HB 1286, A bill to be entitled An Act relating to the use of funds raised for federal office in connection with an office of state government; providing a criminal penalty.

HB 1286 was passed to engrossment.

CSHB 1380 ON SECOND READING
(by Coleman)

CSHB 1380, A bill to be entitled An Act relating to protecting, under the public information law, the identity of a victim of violence or threatened violence.

CSHB 1380 was passed to engrossment.

HB 1382 ON SECOND READING
(by Dunnam)

HB 1382, A bill to be entitled An Act relating to certain insurance carrier information required in workers' compensation proceedings.

HB 1382 was passed to engrossment. (Clark recorded voting no)

CSHB 1404 ON SECOND READING
(by Martinez Fischer and J. Moreno)

CSHB 1404, A bill to be entitled An Act relating to certain credit insurance policies.

CSHB 1404 was passed to engrossment.

CSHB 1418 ON SECOND READING
(by J. Jones, et al.)

CSHB 1418, A bill to be entitled An Act relating to certain employees of nursing homes and related institutions.

CSHB 1418 was passed to engrossment.

CSHB 1422 ON SECOND READING
(by Oliveira and Naishtat)

CSHB 1422, A bill to be entitled An Act relating to the provision of medical assistance to certain legal immigrants.

CSHB 1422 - LAID ON THE TABLE SUBJECT TO CALL

Representative Oliveira moved to lay **CSHB 1422** on the table subject to call.

The motion prevailed without objection.

HB 1425 ON SECOND READING
(by Yarbrough)

HB 1425, A bill to be entitled An Act relating to the enforcement of certain laws regarding unemployment compensation.

HB 1425 - LAID ON THE TABLE SUBJECT TO CALL

Representative Yarbrough moved to lay **HB 1425** on the table subject to call.

The motion prevailed without objection.

CSHB 1433 ON SECOND READING**(by Dunnam)**

CSHB 1433, A bill to be entitled An Act relating to prohibition on the disclosure of defense counsel's billing statements by certain insurers and on the submission of those statements to certain audits; providing a civil penalty.

CSHB 1433 was passed to engrossment. (Carter recorded voting no)

HB 1440 ON SECOND READING**(by Averitt)**

HB 1440, A bill to be entitled An Act relating to the eligibility of certain children for certain health benefit coverage.

Amendment No. 1 (Committee Amendment No. 1)

Representative Averitt offered the following committee amendment to **HB 1440**:

Amend **HB 1440** as follows:

(1) On page 1, lines 9 & 10, strike "under a specified age, which may not be less than attainment of 25 years of age" and substitute "less than 25 years old".

(2) On page 2, lines 20 & 21, strike "a specified age, which may not be less than attainment of".

(3) On page 6, line 24, strike "who is 25 years of age or older" and substitute "less than 25 years of age".

(4) On page 7, lines 5 & 6, strike "25 years of age or older" and substitute "younger than 25 years of age".

(5) On page 7, line 14, between "student" and "25", insert "under".

(6) On page 7, line 15, strike "or older".

(7) On page 9, lines 17 & 18, strike "may not be less than attainment of 25 years of age" and substitute "is 25 years of age".

(8) On page 10, lines 1 & 2, strike "may not be less than attainment of 25 years of age" and substitute "is 25 years of age".

(9) On page 12, line 17, between "child" and "25", insert "up to", strike "or older".

(10) On page 15, lines 9 & 10, strike "may not be less than attainment of 25 years of age" and substitute "is 25 years of age".

Amendment No. 1 was adopted without objection.

HB 1440, as amended, was passed to engrossment.

HB 1464 ON SECOND READING**(by Dunnam)**

HB 1464, A bill to be entitled An Act relating to a peremptory challenge based on the race, gender, or religion of a juror in a criminal case.

HB 1464 was passed to engrossment. (Clark recorded voting no)

CSHB 1505 ON SECOND READING
(by Yarbrough)

CSHB 1505, A bill to be entitled An Act relating to the regulation of plumbing; providing a penalty.

CSHB 1505 was passed to engrossment.

HB 1575 ON SECOND READING
(by Junell)

HB 1575, A bill to be entitled An Act relating to student loan repayment assistance for certain dental hygienists.

HB 1575 was passed to engrossment.

HB 1594 ON SECOND READING
(by Dunnam)

HB 1594, A bill to be entitled An Act relating to allowing a train to stand on a street, railroad crossing, or highway.

HB 1594 was passed to engrossment. (Carter recorded voting no)

HB 1606 ON SECOND READING
(by Puente)

HB 1606, A bill to be entitled An Act relating to the state law enforcement authority of certain federal border patrol agents.

HB 1606 was passed to engrossment.

CSHB 1609 ON SECOND READING
(by Averitt)

CSHB 1609, A bill to be entitled An Act relating to the scheduled benefit review and utilization review.

CSHB 1609 was passed to engrossment.

HB 1709 ON SECOND READING
(by Averitt)

HB 1709, A bill to be entitled An Act relating to assessments used to fund the Health Insurance Risk Pool; authorizing a premium tax credit.

HB 1709 was passed to engrossment.

HB 1715 ON SECOND READING
(by Thompson)

HB 1715, A bill to be entitled An Act relating to the authority of certain county judges to engage in the private practice of law.

HB 1715 was passed to engrossment. (Carter recorded voting no)

SB 7 ON SECOND READING
(Hinojosa, Kitchen, Keel, Goodman, Gutierrez, et al. - House Sponsors)

SB 7, A bill to be entitled An Act relating to the period during which a person arrested is required to be taken before a magistrate and to the

appointment and compensation of counsel to represent indigent persons accused of crime.

SB 7 was considered in lieu of **HB 1745**.

Representative Hinojosa moved to postpone consideration of **SB 7** until 10 a.m. Tuesday, May 15.

The motion prevailed without objection.

HB 1745 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hinojosa moved to lay **HB 1745** on the table subject to call.

The motion prevailed without objection.

HB 1748 ON SECOND READING
(by Giddings and S. Turner)

HB 1748, A bill to be entitled An Act relating to the creation of an unsolved crimes investigation team within the Department of Public Safety of the State of Texas.

HB 1748 was passed to engrossment.

CSHB 3305 ON SECOND READING
(by Martinez Fischer)

CSHB 3305, A bill to be entitled An Act relating to changing the deadlines and authority for ordering the election and filing for candidacy in political subdivision elections.

CSHB 3305 was passed to engrossment.

HB 1756 ON SECOND READING
(by Gutierrez)

HB 1756, A bill to be entitled An Act relating to the regulation of the practice of barbering.

HB 1756 - LAID ON THE TABLE SUBJECT TO CALL

Representative Gutierrez moved to lay **HB 1756** on the table subject to call.

The motion prevailed without objection.

CSHB 1820 ON SECOND READING
(by Madden and D. Jones)

CSHB 1820, A bill to be entitled An Act relating to the elimination of unnecessary county election precincts.

CSHB 1820 was passed to engrossment.

CSSB 1037 ON SECOND READING
(Junell - House Sponsor)

CSSB 1037, A bill to be entitled An Act relating to authorizing the

comptroller to establish a program to permit certain certified public accountants to perform certain audits.

CSSB 1037 was considered in lieu of **HB 1841**.

CSSB 1037 was passed to third reading.

HB 1841 - LAID ON THE TABLE SUBJECT TO CALL

Representative S. Turner moved to lay **HB 1841** on the table subject to call.

The motion prevailed without objection.

HB 1860 ON SECOND READING
(by S. Turner)

HB 1860, A bill to be entitled An Act relating to the applicability of the death penalty to a capital offense committed by a person younger than 18 years of age at the time of the commission of the offense.

HB 1860 was passed to engrossment. (Allen recorded voting no)

CSHB 1865 ON SECOND READING
(by Averitt, et al.)

CSHB 1865, A bill to be entitled An Act relating to enrollment in certain health benefit plans.

Representative Averitt moved to postpone consideration of **CSHB 1865** until 10 a.m. June 1.

The motion prevailed without objection.

CSHB 1892 ON SECOND READING
(by G. Lewis)

CSHB 1892, A bill to be entitled An Act relating to the threshold contract amount at which certain political subdivisions are required to engage in a competitive purchasing procedure and the criteria required to evaluate bidders in the competitive purchasing process.

CSHB 1892 was passed to engrossment.

CSHB 1915 ON SECOND READING
(by Capelo)

CSHB 1915, A bill to be entitled An Act relating to an exemption from the requirement to have a fishing license for certain mentally retarded persons.

CSHB 1915 was passed to engrossment.

HB 1928 ON SECOND READING
(by Geren)

HB 1928, A bill to be entitled An Act relating to the period of deferral in deferred disposition procedures applicable to traffic offenses.

HB 1928 was passed to engrossment.

**CSHB 1968 ON SECOND READING
(by Tillery)**

CSHB 1968, A bill to be entitled An Act relating to permissible investments, under the Public Funds Investment Act, in certificates of deposit issued by certain financial institutions.

CSHB 1968 was passed to engrossment.

**HB 2008 ON SECOND READING
(by Naishtat, Madden, and Coleman)**

HB 2008, A bill to be entitled An Act relating to indoor air quality in buildings owned or leased by state or local government.

HB 2008 was passed to engrossment.

**CSHB 2017 ON SECOND READING
(by Green)**

CSHB 2017, A bill to be entitled An Act relating to the extraterritorial jurisdiction of certain municipalities.

CSHB 2017 was passed to engrossment.

**HB 2019 ON SECOND READING
(by Dunnam)**

HB 2019, A bill to be entitled An Act relating to notice to personal automobile insurance policy holders of the consumer bill of rights published by the Texas Department of Insurance.

HB 2019 was passed to engrossment.

**HB 2036 ON SECOND READING
(by Haggerty)**

HB 2036, A bill to be entitled An Act relating to consumption on the premises of certain establishments licensed to sell alcoholic beverages.

HB 2036 was passed to engrossment.

**CSHB 2063 ON SECOND READING
(by Tillery)**

CSHB 2063, A bill to be entitled An Act relating to jury instructions in a criminal trial.

CSHB 2063 was passed to engrossment.

**HB 2074 ON SECOND READING
(by Martinez Fischer)**

HB 2074, A bill to be entitled An Act relating to a study of means to increase the supply of child care providers in this state.

HB 2074 - LAID ON THE TABLE SUBJECT TO CALL

Representative Martinez Fischer moved to lay **HB 2074** on the table subject to call.

The motion prevailed without objection.

SB 569 ON SECOND READING
(G. Lewis - House Sponsor)

SB 569, A bill to be entitled An Act relating to the use of certain revenue by, and other rights and responsibilities of, certain municipalities that have territory within the boundaries of certain airports.

SB 569 was considered in lieu of **HB 2083**.

SB 569 was passed to third reading.

HB 2083 - LAID ON THE TABLE SUBJECT TO CALL

Representative G. Lewis moved to lay **HB 2083** on the table subject to call.

The motion prevailed without objection.

CSHB 2100 ON SECOND READING
(by Eiland)

CSHB 2100, A bill to be entitled An Act relating to a specialty insurance agent license for certain persons who sell contracts regulated by the Texas Department of Banking for prepaid funeral benefits.

Representative Janek moved to postpone consideration of **CSHB 2100** until 10 a.m. June 1.

The motion prevailed without objection.

CSHB 2105 ON SECOND READING
(by Dutton)

CSHB 2105, A bill to be entitled An Act relating to the operation of the advisory committees of the supreme court.

CSHB 2105 was passed to engrossment.

HB 2106 ON SECOND READING
(by Dutton)

HB 2106, A bill to be entitled An Act relating to information on the supreme court website relating to proposed rules or forms.

HB 2106 was passed to engrossment.

HB 2125 ON SECOND READING
(by Hawley, Delisi, Hunter, and Noriega)

HB 2125, A bill to be entitled An Act relating to public school admission of military personnel and dependents under reciprocity agreements between states.

HB 2125 was passed to engrossment.

HB 2191 ON SECOND READING
(by Averitt)

HB 2191, A bill to be entitled An Act relating to availability of health benefit plan coverage under the Texas Health Insurance Risk Pool.

Amendment No. 1 (Committee Amendment No. 1)

Representative Averitt offered the following committee amendment to **HB 2191**:

Amend **HB 2191** as follows:

(1) On page 7, strike lines 2 and 3 and substitute "Interest accrues on the unpaid amount at a rate equal to the prime lending rate, as stated in the most recent issue of the Wall Street Journal, plus three (3) percent, determined as of the date such assessment is delinquent.

Amendment No. 1 was adopted without objection.

HB 2191, as amended, was passed to engrossment.

CSHB 2192 ON SECOND READING
(by Hinojosa)

CSHB 2192, A bill to be entitled An Act relating to the regulation of bail bond sureties; providing a penalty.

CSHB 2192 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hinojosa moved to lay **CSHB 2192** on the table subject to call.

The motion prevailed without objection.

CSHB 2226 ON SECOND READING
(by J. Davis)

CSHB 2226, A bill to be entitled An Act relating to the certification by a chief appraiser of certain taxable properties not included in the initial appraisal roll for a taxing unit.

CSHB 2226 was passed to engrossment.

HB 2276 ON SECOND READING
(by Giddings and F. Brown)

HB 2276, A bill to be entitled An Act relating to tuition rebate incentives for persons who complete certain degree and certificate programs without excessive credit hours.

HB 2276 was passed to engrossment.

HB 3169 ON SECOND READING
(by Thompson and Gallego)

HB 3169, A bill to be entitled An Act relating to the composition of the courts of appeals.

HB 3169 was passed to engrossment. (Craddick and Hartnett recorded voting no)

CSHB 2288 ON SECOND READING
(by Dunnam)

CSHB 2288, A bill to be entitled An Act relating to the release of a criminal defendant on bail pending appeal.

CSHB 2288 was passed to engrossment. (Carter recorded voting no)

CSHB 2387 ON SECOND READING
(by Dunnam)

CSHB 2387, A bill to be entitled An Act relating to procedures involved in certain intoxication offenses.

CSHB 2387 was passed to engrossment. (Allen recorded voting no)

CSHB 2407 ON SECOND READING
(by Gray)

CSHB 2407, A bill to be entitled An Act relating to public access to certain information and materials.

CSHB 2407 was passed to engrossment.

HB 2429 ON SECOND READING
(by Goodman)

HB 2429, A bill to be entitled An Act relating to the regulation of private child support enforcement agencies; providing a civil penalty.

HB 2429 - LAID ON THE TABLE SUBJECT TO CALL

Representative Goodman moved to lay **HB 2429** on the table subject to call.

The motion prevailed without objection.

CSHB 2435 ON SECOND READING
(by Madden, Gallego, and Danburg)

CSHB 2435, A bill to be entitled An Act relating to the regulation of certain political contributions and political expenditures.

CSHB 2435 was passed to engrossment.

HB 2445 ON SECOND READING
(by J. Davis, Bonnen, and Crabb)

HB 2445, A bill to be entitled An Act relating to lifetime workers' compensation benefits for certain employees who suffer catastrophic burns.

Amendment No. 1 (Committee Amendment No. 1)

Representative J. Davis offered the following amendment to **HB 2445**:

On lines 19 and 20, strike from "second" to "the body." and replace with as follows:

"burns that result in at least 40 percent of the body being subject to debriding or grafting; or third degree burns covering the majority of either both hands or of one hand and the head.

Amendment No. 1 was adopted without objection.

HB 2445, as amended, was passed to engrossment.

HB 1167 ON SECOND READING
(by Crabb)

HB 1167, A bill to be entitled An Act relating to the form of examination of a child in a criminal or civil proceeding.

HB 1167 was passed to engrossment.

SB 1053 ON SECOND READING

(Chavez, P. Moreno, Haggerty, Pickett, and Najera, et al. - House Sponsors)

SB 1053, A bill to be entitled An Act relating to rates and expenditures under the Medicaid and state child health plan programs in the Texas-Mexico border region.

SB 1053 was considered in lieu of **HB 2471**.

Representative Chavez moved to postpone consideration of **SB 1053** until 10 a.m. Tuesday, May 15.

The motion prevailed without objection.

HB 2471 - LAID ON THE TABLE SUBJECT TO CALL

Representative Chavez moved to lay **HB 2471** on the table subject to call.

The motion prevailed without objection.

HB 2544 ON SECOND READING

(by Naishtat)

HB 2544, A bill to be entitled An Act relating to the acquisition and disposition of land or another real property interest by a political subdivision.

Amendment No. 1

On behalf of Representative Gallego, Representative Naishtat offered the following amendment to **HB 2544**:

Amend **HB 2544** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION _____. Section 251.001, Local Government Code, is amended by adding Subsection (c) to read as follows:

(c) Unless the municipality obtains the written approval of the governing body of the county in which the property to be acquired is located, a municipality may not exercise the right of eminent domain under Subsection (a) to acquire public or private property that is located:

- (1) outside the municipality;
- (2) outside the county in which that municipality is located; and
- (3) in a county that has a population of 15,000 or less.

SECTION _____. The change in law made by Section 251.001(c), Local Government Code, as added by this Act, applies only to a municipality that files a petition under Chapter 21, Property Code, to acquire property by eminent domain on or after the effective date of this Act. A municipality that files a petition before the effective date of this Act is governed by the law in effect when the petition was filed, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted without objection.

HB 2544, as amended, was passed to engrossment.

HB 2562 ON SECOND READING
(by Dunnam)

HB 2562, A bill to be entitled An Act relating to the adoption of rules of civil procedure by the supreme court.

HB 2562 was passed to engrossment.

CSHB 2582 ON SECOND READING
(by Chavez, Gutierrez, Raymond, and Oliveira)

CSHB 2582, A bill to be entitled An Act relating to customs brokers.

CSHB 2582 was passed to engrossment.

CSHB 2673 ON SECOND READING
(by Villarreal and Luna)

CSHB 2673, A bill to be entitled An Act relating to the collection and assessment of certain information by the Texas Workforce Commission.

(Hilderbran and Farabee now present)

CSHB 2673 was passed to engrossment.

CSHB 2687 ON SECOND READING
(by Junell and Flores)

CSHB 2687, A bill to be entitled An Act relating to the program for the regulation and remediation of underground and aboveground storage tanks.

CSHB 2687 was passed to engrossment.

CSHB 1501 ON SECOND READING
(by Hupp)

CSHB 1501, A bill to be entitled An Act relating to duties imposed on a peace officer after performing a search.

CSHB 1501 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hupp moved to lay **CSHB 1501** on the table subject to call.

The motion prevailed without objection.

HB 2706 ON SECOND READING
(by A. Reyna)

HB 2706, A bill to be entitled An Act relating to a legislative, vacation, and sick leave time bank for certain peace officers and firefighters.

Amendment No. 1 (Committee Amendment No. 1)

Representative Bailey offered the following amendment to **HB 2706**:

Amend **HB 2706** by adding the following appropriately lettered subsections and relettering the subsections of the bill accordingly:

Sec. 614.011, LEGISLATIVE, VACATION AND SICK LEAVE TIME BANK. (a) This section applies only to counties with a population of more than one million and less than 1.5 million.

On page 1, line 7, strike ", VACATION, AND SICK"

On page 1, lines 8-9, strike " each month an unlimited amount of hours" and substitute "no more than one hour each month,".

On page 1, line 10, strike "vacation or compensatory" and substitute "vacation, sick or compensatory".

On page 1, line 11, strike ", vacation, and sick".

On page 1, line 13, strike ", vacation, and sick"

On page 1, lines 23-24, strike ", vacation, and sick"

On page 2, line 4, strike ", vacation, or sick"

On page 2, line 13, strike ", vacation, or sick"

(Bonnen now present)

Amendment No. 1 was adopted without objection.

HB 2706, as amended, was passed to engrossment. (Carter recorded voting no)

SB 1536 ON SECOND READING

(Chavez, Wohlgemuth, Telford, and Puente - House Sponsors)

SB 1536, A bill to be entitled An Act relating to the establishment of pilot projects to demonstrate the applications of technology in providing certain services under the medical assistance program.

SB 1536 was considered in lieu of **HB 2774**.

Representative Chavez moved to postpone consideration of **SB 1536** until 10 a.m. Tuesday, May 15.

The motion prevailed without objection.

HB 2774 - LAID ON THE TABLE SUBJECT TO CALL

Representative Chavez moved to lay **HB 2774** on the table subject to call.

The motion prevailed without objection.

CSHB 2775 ON SECOND READING

(by Deshotel)

CSHB 2775, A bill to be entitled An Act relating to an exemption for certain students from the requirements of the Texas Academic Skills Program.

Representative Deshotel moved to postpone consideration of **CSHB 2775** until 9:45 p.m. today.

The motion prevailed without objection.

CSHB 2799 ON SECOND READING

(by Hodge)

CSHB 2799, A bill to be entitled An Act relating to certain procedures for early voting by mail.

CSHB 2799 was passed to engrossment.

CSHB 2808 ON SECOND READING
(by Chavez and Solis)

CSHB 2808, A bill to be entitled An Act relating to the creation and powers of a North American Free Trade Agreement impact zone.

CSHB 2808 was passed to engrossment.

CSHB 2838 ON SECOND READING
(by Dukes)

CSHB 2838, A bill to be entitled An Act relating to the application of child support payments that exceed the court-ordered amount.

CSHB 2838 was passed to engrossment.

CSHB 1340 ON SECOND READING
(by Brimer, et al.)

CSHB 1340, A bill to be entitled An Act relating to the liability of certain hospitals that provide charity care.

CSHB 1340 was passed to engrossment.

HB 1949 ON SECOND READING
(by Keel)

HB 1949, A bill to be entitled An Act relating to the sale and dispensing of wine by winery permit holders.

HB 1949 was passed to engrossment.

(Speaker in the chair)

HB 2878 ON SECOND READING
(by Goolsby)

HB 2878, A bill to be entitled An Act relating to requirements for a private club registration permit under the Alcoholic Beverage Code.

Amendment No. 1

Representative Goolsby offered the following amendment to **HB 2878**:

Amend **HB 2878** by striking all below the enacting clause and substituting the following:

SECTION 1. Sections 32.03(b) and (d), Alcoholic Beverage Code, are amended to read as follows:

(b) The club must be an association of persons, whether unincorporated or incorporated under the laws of this state, for the promotion of some common object. A club that was originally formed as an association of persons may incorporate under the laws of this state as approved by the administrator. The commission shall issue a replacement permit to the corporate entity on the payment of a \$100 service fee.

(d) No application for membership may be approved until the application has been filed with the chairman of the membership committee or board and approved by the chairman. The committee or board may authorize the chairman or a designated agent to issue preliminary memberships without the

approval of the committee or board for a period not exceeding seven ~~three~~ days on the request of an applicant for membership. A preliminary member has all of the privileges of membership in the club. If the committee or board does not approve the application before the expiration of the preliminary membership, the club shall pay to the state the fee required of temporary members under Section 32.09 of this code. The club shall remit the fees and record and report preliminary memberships as the commission or the administrator prescribes.

SECTION 2. Chapter 32, Alcoholic Beverage Code, is amended by adding Section 32.031 to read as follows:

Sec. 32.031. PRIVATE CLUB LOCATED IN A RESTAURANT. (a) In this section, "restaurant club" means a private club that:

(1) has as its premises an undivided portion of the premises of a public restaurant; and

(2) is a holder of a food and beverage certificate.

(b) A restaurant club may contract with another entity to manage the club if the entity:

(1) is authorized to do business in this state; and

(2) complies with the same requirements applicable to private club registration permit applicants.

(c) An entity contracted to manage a restaurant club under Subsection (b) may:

(1) establish and staff a membership committee as provided by Section 32.03(c);

(2) purchase and manage the alcoholic beverage inventory of the club members;

(3) establish the price of services provided to the club members; and

(4) produce club records as required by statute or by commission rule.

(d) The bylaws of a restaurant club may establish a procedure for:

(1) waiving annual meetings;

(2) calling special meetings; and

(3) appointing officers by a management entity.

(e) If a restaurant club membership committee is established under Subsection (c)(1), the committee must be unique to the club and shall meet on or about the premises of the club. Proof of the meeting may be established by resolution or other documentation as prescribed by the administrator. The documentation must be dated and personally signed at the meeting by the committee members who attend the meeting. Upon proof of the validity of the documentation, the documentation is conclusive proof of action by the committee or board in compliance with the seven-day period referenced in Section 32.03(d).

(f) A group of 10 or more individuals who are residents of this state and at least 21 years of age may form a committee to be designated as the charter members and as the members of the liquor pool of a restaurant club. The committee may sponsor an application for a private club registration permit as a nonprofit corporation. The committee must include all original officers of the club. A restaurant club formed under this section may not serve

alcoholic beverages to members until the club has met the membership requirements in Section 32.03(e).

SECTION 3. Section 32.06(b), Alcoholic Beverage Code, is amended to read as follows:

(b) If an alcoholic beverages replacement account is used:

(1) each service check may [~~shall~~] have printed on it the percentage of the service charge that is to be deposited in the alcoholic beverages replacement account;

(2) no money other than the designated percentage of service charges may be deposited in the replacement account;

(3) the replacement of alcoholic beverages may be paid for only from money in the replacement account;

(4) the club's governing body may transfer from the replacement account to the club's general operating account any portion of the replacement account that the governing body determines is in excess of the amount that will be needed to purchase replacement alcoholic beverages, but it may make only one transfer in a calendar month; and

(5) the club shall maintain a monthly record of the total amount of alcoholic beverage service charges collected, the amount deposited in the replacement account, the amount used to purchase alcoholic beverages, and the amount transferred to the club's general operating account.

SECTION 4. Section 32.13, Alcoholic Beverage Code, is amended to read as follows:

Sec. 32.13. INSPECTION OF BOOKS AND RECORDS. (a) The records required to be maintained by a permittee under this chapter may be maintained in an electronic storage format. If a record is maintained in an electronic format, the permittee must be able to reformat the record into a legible hard copy at the request of the commission.

(b) All books and records pertaining to the operation of any permittee club, including a current listing, correct to the last day of the preceding month, of all members of the club who have liquor stored on the club premises under either the locker or pool system, shall be made available to the commission or its authorized representatives on request. A permittee may produce an electronic copy of the permittee's records to satisfy a request for inspection under this section.

(c) The commission shall provide a management entity written notice of a request for inspection of documents under this chapter on or before the seventh day before the date of the inspection. A management entity is not required to provide a listing of members that is correct to the last day of the preceding month until the 20th day of the month in which the request is made.

SECTION 5. This Act takes effect September 1, 2001.

Amendment No. 1 was adopted without objection.

HB 2878, as amended, was passed to engrossment.

HB 2926 ON SECOND READING
(by J. Jones)

HB 2926, A bill to be entitled An Act relating to the period that an

ignition interlock device must remain installed on the vehicle of a person placed on community supervision for certain intoxication offenses.

HB 2926 was passed to engrossment.

HB 2962 ON SECOND READING
(by Longoria)

HB 2962, A bill to be entitled An Act relating to obtaining bonds and insurance required for certain state construction projects.

HB 2962 was passed to engrossment.

CSHB 2970 ON SECOND READING
(by Dukes)

CSHB 2970, A bill to be entitled An Act relating to hearing requirements for an application to develop land over a closed municipal solid waste landfill.

(McCall in the chair)

CSHB 2970 was passed to engrossment.

HB 3001 ON SECOND READING
(by Uresti)

HB 3001, A bill to be entitled An Act relating to effective dates for tax abatements.

HB 3001 was passed to engrossment.

SB 1710 ON SECOND READING
(Uresti - House Sponsor)

SB 1710, A bill to be entitled An Act relating to requirements regarding and terms of local tax abatement agreements.

SB 1710 was considered in lieu of **HB 3005**.

SB 1710 was passed to third reading.

HB 3005 - LAID ON THE TABLE SUBJECT TO CALL

Representative Uresti moved to lay **HB 3005** on the table subject to call.

The motion prevailed without objection.

CSHB 2536 ON SECOND READING
(by Maxey)

CSHB 2536, A bill to be entitled An Act relating to disciplinary action against certain police officers or firefighters.

CSHB 2536 was passed to engrossment. (Carter recorded voting no)

HB 3027 ON SECOND READING
(by Dunnam)

HB 3027, A bill to be entitled An Act relating to resident tuition for certain nonresident students with a parent residing in the state.

HB 3027 was passed to engrossment. (Carter recorded voting no)

HB 3066 ON SECOND READING
(by Chisum)

HB 3066, A bill to be entitled An Act relating to the ballot issues of a local option election.

HB 3066 was passed to engrossment.

CSHB 1921 ON SECOND READING
(by Maxey)

CSHB 1921, A bill to be entitled An Act relating to the continuation of adoption assistance after the 18th birthday of certain children.

CSHB 1921 was passed to engrossment.

CSHB 3114 ON SECOND READING
(by Ritter)

CSHB 3114, A bill to be entitled An Act relating to the continuation or modification of community supervision for certain defendants.

CSHB 3114 - LAID ON THE TABLE SUBJECT TO CALL

Representative Ritter moved to lay **CSHB 3114** on the table subject to call.

The motion prevailed without objection.

CSHB 3154 ON SECOND READING
(by Capelo)

CSHB 3154, A bill to be entitled An Act relating to the establishment of an asthma and allergy research advisory committee in the Texas Department of Health.

CSHB 3154 was passed to engrossment.

SB 368 ON SECOND READING
(Maxey - House Sponsor)

SB 368, A bill to be entitled An Act relating to permanency planning procedures for children in state institutions.

SB 368 was considered in lieu of **HB 2717**.

Amendment No. 1

Representative Maxey offered the following amendment to **SB 368**:

Amend **SB 368** by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.055 to read as follows:

Sec. 531.055. FAMILY-BASED ALTERNATIVES FOR CHILDREN. (a) The purpose of the system of family-based alternatives required by this section is to further the state's policy of providing for a child's basic needs for safety, security, and stability through ensuring that a child becomes a part of a successful permanent family as soon as possible.

(b) In achieving the purpose described by Subsection (a), the system is intended to be operated in a manner that recognizes that parents are a valued and integral part of the process established under the system. The system shall encourage parents to participate in all decisions affecting their children and shall respect the authority of parents, other than parents whose parental rights have been terminated, to make decisions regarding their children.

(c) In this section:

(1) "Child" means a person younger than 22 years of age who has a physical or developmental disability or who is medically fragile.

(2) "Family-based alternative" means a family setting in which the family provider or providers are specially trained to provide support and in-home care for children with disabilities or children who are medically fragile.

(3) "Institution" means any congregate care facility, including:

(A) a nursing home;

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

(C) a group home operated by the Texas Department of Mental Health and Mental Retardation; and

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

(4) "Waiver services" means services provided under:

(A) the Medically Dependent Children Program;

(B) the Community Living Assistance and Support Services Program;

(C) the Home and Community-based Waiver Services Program, including the HCS-OBRA Program;

(D) the Mental Retardation-Local Authority Pilot Project (MRLA);

(E) the Deaf, Blind, and Multiply Disabled Program; and

(F) any other Section 1915(c) waiver program that provides long-term care services for children.

(d) The commission shall contract with a community organization, including a faith-based community organization, or a nonprofit organization for the development and implementation of a system under which a child who cannot reside with the child's birth family may receive necessary services in a family-based alternative instead of an institution. To be eligible for the contract under this subsection, an organization must possess knowledge regarding the support needs of children with disabilities and their families. For purposes of this subsection, a community organization, including a faith-based community organization, or a nonprofit organization does not include:

(1) any governmental entity; or

(2) any quasi-governmental entity to which a state agency delegates its authority and responsibility for planning, supervising, providing, or ensuring the provision of state services.

(e) The contractor may subcontract for one or more components of implementation of the system with:

(1) community organizations, including faith-based community organizations;

(2) nonprofit organizations;

(3) governmental entities; or

(4) quasi-governmental entities to which state agencies delegate authority and responsibility for planning, supervising, providing, or ensuring the provision of state services.

(f) The commission shall begin implementation of the system in areas of this state with high numbers of children who reside in institutions.

(g) Each affected health and human services agency shall cooperate with the contractor and any subcontractors and take all action necessary to implement the system and comply with the requirements of this section. The commission has final authority to make any decisions and resolve any disputes regarding the system.

(h) The system may be administered in cooperation with public and private entities.

(i) The system must provide for:

(1) recruiting and training alternative families to provide services for children;

(2) comprehensively assessing each child in need of services and each alternative family available to provide services, as necessary to identify the most appropriate alternative family for placement of the child;

(3) providing to a child's parents or guardian information regarding the availability of a family-based alternative;

(4) identifying each child residing in an institution and offering support services, including waiver services, that would enable the child to return to the child's birth family or be placed in a family-based alternative; and

(5) determining through a child's permanency plan other circumstances in which the child must be offered waiver services, including circumstances in which changes in an institution's status affect the child's placement or the quality of services received by the child.

(j) In complying with the requirement imposed by Subsection (i)(3), the commission shall ensure that the procedures for providing information to parents or a guardian permit and encourage the participation of an individual who is not affiliated with the institution in which the child resides or with an institution in which the child could be placed.

(k) In placing a child in a family-based alternative, the system may use a variety of placement options, including an arrangement in which shared parenting occurs between the alternative family and the child's birth family. Regardless of the option used, a family-based alternative placement must be designed to be a long-term arrangement, except in cases in which the child's birth family chooses to return the child to their home. In cases in which the birth family's parental rights have been terminated, adoption of the child by the child's alternative family is an available option.

(l) The commission or the contractor may solicit and accept gifts, grants, and donations to support the system's functions under this section.

(m) In designing the system, the commission shall consider and, when appropriate, incorporate current research and recommendations developed by other public and private entities involved in analyzing public policy relating to children residing in institutions.

(n) As necessary to implement this section, the commission shall:

(1) ensure that an appropriate number of openings for waiver services that become available as a result of funding for the purpose of transferring persons with disabilities into community-based services are made available to both children and adults;

(2) ensure that service definitions applicable to waiver services are modified as necessary to permit the provision of waiver services through family-based alternatives;

(3) ensure that procedures are implemented for making a level of care determination for each child and identifying the most appropriate waiver service for the child, including procedures under which the director of long-term care for the commission, after considering any preference of the child's birth family or alternative family, resolves disputes among agencies about the most appropriate waiver service; and

(4) require that the health and human services agency responsible for providing a specific waiver service to a child also assume responsibility for identifying any necessary transition activities or services.

(o) Not later than January 1 of each year, the commission shall report to the legislature on the implementation of the system. The report must include a statement of:

(1) the number of children currently receiving care in an institution;

(2) the number of children placed in a family-based alternative under the system during the preceding year;

(3) the number of children who left an institution during the preceding year under an arrangement other than a family-based alternative under the system or for another reason unrelated to the availability of a family-based alternative under the system;

(4) the number of children waiting for an available placement in a family-based alternative under the system; and

(5) the number of alternative families trained and available to accept placement of a child under the system.

SECTION _____. Effective September 1, 2003, or a later date on which the Texas Department of Aging and Disability Services assumes the functions of the Texas Department on Aging, as provided by Chapter 1505, Acts of the 76th Legislature, Regular Session, 1999, a reference in Section 531.055, Government Code, as added by this Act, to the commission means the Texas Department of Aging and Disability Services. This section of this Act has no effect if the Texas Department of Aging and Disability Services does not assume the functions of the Texas Department on Aging.

SECTION _____. Notwithstanding Section 531.055(o), Government Code, as added by this Act, the Health and Human Services Commission shall submit the report required by that section beginning with the report due on January 1, 2003.

SECTION _____. The Health and Human Services Commission shall:

(1) take all action necessary to ensure that requests for proposals necessary to implement Section 531.055, Government Code, as added by this Act, are issued as soon as possible after the effective date of this Act; and

(2) include implementation timelines in any contract executed by the commission after receiving responses to the requests for proposals.

SECTION _____. The Health and Human Services Commission is required to implement Section 531.055, Government Code, as added by this Act, only if the legislature appropriates money specifically for that purpose or the commission determines that other sources of funding, including other legislative appropriations, federal funds, gifts, grants, or donations, are available for that purpose. If funding is available only for specific provisions of Section 531.055, Government Code, as added by this Act, the Health and Human Services Commission shall implement those provisions to the extent practicable, regardless of the lack of available funding for the other provisions of that section.

Amendment No. 1 was adopted without objection.

SB 368, as amended, was passed to third reading.

HB 2717 - LAID ON THE TABLE SUBJECT TO CALL

Representative Maxey moved to lay **HB 2717** on the table subject to call.

The motion prevailed without objection.

CSHB 3182 ON SECOND READING
(by Danburg)

CSHB 3182, A bill to be entitled An Act relating to primary election dates and procedures and related dates, deadlines, and procedures.

CSHB 3182 was passed to engrossment.

CSHB 3205 ON SECOND READING
(by J. Jones)

CSHB 3205, A bill to be entitled An Act relating to the purchase or lease of certain motor vehicles by certain regional transit authorities.

CSHB 3205 was passed to engrossment.

CSHB 3210 ON SECOND READING
(by Naishtat, Chavez, Thompson, and Danburg)

CSHB 3210, A bill to be entitled An Act relating to the creation of a state self-sufficiency program for certain immigrants who are victims of battery or extreme cruelty.

CSHB 3210 was passed to engrossment.

HB 3235 ON SECOND READING
(by A. Reyna)

HB 3235, A bill to be entitled An Act relating to the Pan American Games trust fund and revenue dedicated to that fund.

HB 3235 was passed to engrossment. (Carter recorded voting no)

CSHB 3242 ON SECOND READING
(by Olivo)

CSHB 3242, A bill to be entitled An Act relating to a permit to apply certain sludge on a land application unit.

CSHB 3242 was passed to engrossment.

CSSB 1472 ON SECOND READING
(Williams - House Sponsor)

CSSB 1472, A bill to be entitled An Act relating to the general property deposit paid by a student of a public institution of higher education.

CSSB 1472 was considered in lieu of **HB 3261**.

CSSB 1472 was passed to third reading.

HB 3261 - LAID ON THE TABLE SUBJECT TO CALL

Representative Williams moved to lay **HB 3261** on the table subject to call.

The motion prevailed without objection.

CSHB 3267 ON SECOND READING
(by G. Lewis)

CSHB 3267, A bill to be entitled An Act relating to establishing at Prairie View A&M University a center for relationship violence prevention and intervention.

CSHB 3267 - LAID ON THE TABLE SUBJECT TO CALL

Representative G. Lewis moved to lay **HB 3267** on the table subject to call.

The motion prevailed without objection.

CSHB 3300 ON SECOND READING
(by Solis, et al.)

CSHB 3300, A bill to be entitled An Act relating to the adoption of the 21st Century Technology College and Careers Act.

CSHB 3300 was passed to engrossment.

POSTPONED BUSINESS

The following bill was laid before the house as postponed business:

CSHB 2775 ON SECOND READING
(by Deshotel)

CSHB 2775, A bill to be entitled An Act relating to an exemption for certain students from the requirements of the Texas Academic Skills Program.

CSHB 2775 was passed to engrossment.

GENERAL STATE CALENDAR
(consideration continued)

HB 3324 ON SECOND READING
(by Solomons)

HB 3324, A bill to be entitled An Act relating to the requirement that an ignition interlock device be installed on the vehicle of a person placed on community supervision for certain intoxication offenses.

HB 3324 was passed to engrossment.

CSHB 3325 ON SECOND READING
(by Solomons)

CSHB 3325, A bill to be entitled An Act relating to rules adopted by the Supreme Court of Texas regarding the practice of law in this state by attorneys licensed in other jurisdictions.

CSHB 3325 was passed to engrossment.

HB 3455 ON SECOND READING
(by Tillery)

HB 3455, A bill to be entitled An Act relating to provision of certain automobile damage information to an applicant for motor vehicle liability insurance.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative J. Moreno, Representative Dunnam offered the following committee amendment to **HB 3455**:

Amend **HB 3455** as follows:

- (1) On page 1, line 16, strike "insurance agent" and substitute "insurer."
- (2) On page 1, line 18, strike "agent" and substitute "insurer."

Amendment No. 1 was adopted without objection.

HB 3455, as amended, was passed to engrossment.

HB 3472 ON SECOND READING
(by Bailey)

HB 3472, A bill to be entitled An Act relating to mediation of certain claims brought by a public employee who reports a violation of law.

HB 3472 - LAID ON THE TABLE SUBJECT TO CALL

Representative Dunnam moved to lay **HB 3472** on the table subject to call.

The motion prevailed without objection.

CSHB 3486 ON SECOND READING
(by Tillery)

CSHB 3486, A bill to be entitled An Act relating to the creation of family home child care pilot programs for certain children under four years of age.

CSHB 3486 was passed to engrossment.

CSHB 3505 ON SECOND READING
(by Maxey)

CSHB 3505, A bill to be entitled An Act relating to the authority of the attorney general to fund the establishment of an information and notification system for crime victims with the compensation to victims of crime fund.

CSHB 3505 was passed to engrossment.

CSHB 3506 ON SECOND READING
(by Maxey)

CSHB 3506, A bill to be entitled An Act relating to fees charged by a notary public.

CSHB 3506 was passed to engrossment.

CSHB 3578 ON SECOND READING
(by Villarreal)

CSHB 3578, A bill to be entitled An Act relating to the use of certain child care development funds for quality child care programs.

CSHB 3578 was passed to engrossment.

CSHB 2048 ON SECOND READING
(by Burnam, Dutton, S. Turner, and Thompson)

CSHB 2048, A bill to be entitled An Act relating to the punishment for a capital felony committed by a person who is younger than 18 years of age at the time of committing the felony.

CSHB 2048 was passed to engrossment.

HB 318 ON SECOND READING
(by Tillery)

HB 318, A bill to be entitled An Act relating to the eligibility for unemployment benefits of individuals who are unemployed due to certain labor disputes.

HB 318 was passed to engrossment. (Carter recorded voting no)

HB 2215 ON SECOND READING
(by Crabb, et al.)

HB 2215, A bill to be entitled An Act relating to the disannexation of certain areas annexed on or after December 1, 1996, by certain municipalities.

Amendment No. 1

Representative Bosse offered the following amendment to **HB 2215**:

Amend **HB 2215** by adding a new Section 2 to the bill to read as follows and by renumbering the existing Section 2 appropriately:

SECTION 2. Subchapter G, Chapter 43, Local Government Code, is amended by adding Section 43.150 to read as follows:

Sec. 43.150. DISANNEXATION BY PETITION FOLLOWING FAILURE TO PROVIDE SERVICES. (a) In this section, "full municipal services" means water and wastewater services and other services listed in Section 43.056(b).

(b) This section applies only to an area that:

- (1) was annexed by a general-law municipality before June 1, 1980;
- (2) includes at least 200 contiguous acres;
- (3) is uninhabited or contains fewer than one occupied residence or business structure for every two acres and fewer than three occupied residences or business structures on any one acre; and

(4) has not been provided full municipal services since the date of the annexation.

(c) The governing body of the municipality shall adopt an ordinance disannexing the area, or any part of the area, from the municipality if the governing body receives a petition from the owners of the area, or the part of the area, requesting the disannexation. The ordinance must be adopted before the 45th day after the date the petition is received. The disannexation takes effect on the date the ordinance is adopted.

(d) The petition must:

(1) include a statement requesting the disannexation and include a legal description of the area to be disannexed;

(2) contain the printed name, signature, residence or business address, and date of signing of each owner of the area to be disannexed; and

(3) be signed by each owner during the 120 days before the date the petition is filed with the governing body.

(e) If the governing body fails to adopt the ordinance as required by this section, an owner who signed the petition may file suit in a district court in the county in which the area to be disannexed is located. In the suit, the owner may seek a writ of mandamus compelling the governing body to adopt the required ordinance. The court shall award an owner who prevails in the suit any attorney's fees, court costs, and other expenses reasonably incurred in connection with the suit.

Amendment No. 1 was adopted without objection.

HB 2215, as amended, was passed to engrossment.

RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

CSHCR 203 (by Thompson), Granting RFD & Associates, Inc. permission to sue the State of Texas and the Office of Attorney General Subject to Chapter 107, Civil Practices and Remedies Code.

Amendment No. 1

On behalf of Representative Junell, Representative Thompson offered the following amendment to **CSHCR 203**:

Amend **CSHCR 203** as follows:

(1) On page 2, between lines 10 and 11, insert the following:

RESOLVED, that the suit authorized by this resolution shall be brought in Travis County; and, be it further

(2) On page 2, line 19, strike "; and, be it further" and substitute a period.

(3) On page 2, strike lines 20-26,

Amendment No. 1 was adopted without objection.

CSHCR 203, as amended, was adopted without objection.

CSHCR 89 (by Oliveira), Urging the Congress of the United States and the United States Department of Transportation to give priority funding to the construction of the Rio Grande Valley segment of Interstate 69.

Amendment No. 1

Representative Gutierrez offered the following amendment to **CSHCR 89**:

Amend **CSHCR 89** on page 3, line 2, by striking "construction of the Rio Grande Valley and Laredo segments" and substituting "construction of all segments".

Amendment No. 1 was adopted without objection.

CSHCR 89, as amended, was adopted without objection.

HCR 122 (by Hill), Urging public schools to implement character education and citizenship programs that focus on basic documents of American democracy.

HCR 122 was adopted without objection.

HCR 116 (by Deshotel), Directing the General Services Commission to rename the Jefferson County State School in Beaumont to honor former Representative Al Price.

HCR 116 was adopted without objection.

On motion of Representative Chavez, the names of all the members of the house were added to **HCR 116** as signers thereof.

(Speaker in the chair)

HCR 242 (by Uher), Granting Gulf Marine Institute of Technology permission to sue the state and the General Land Office.

Amendment No. 1

On behalf of Representative Junell, Representative Hinojosa offered the following amendment to **HCR 242**:

Amend **HCR 242**, on page 2, between lines 19 and 20, by inserting the following:

RESOLVED, That the suit authorized by this resolution shall be brought in Travis County; and, be it further

RESOLVED, That the total of all damages awarded in the suit authorized by this resolution, including any court costs, attorney's fees, and prejudgement interest awarded under law, may not exceed \$3 million, that Gulf Marine Institute of Technology may not plead an amount in excess of that amount in a suit authorized by this resolution, and that this is the total amount that may be recovered with respect to the contractual agreement that is the subject of this resolution in all actions brought with respect to that agreement; and, be it further

Amendment No. 1 was adopted without objection.

HCR 242, as amended, was adopted without objection.

HCR 79 (by Gutierrez and Chavez), Urging Congress to take steps to further the creation of port authorities on the Texas-Mexico border.

HCR 79 - LAID ON THE TABLE SUBJECT TO CALL

Representative Gutierrez moved to lay **HCR 79** on the table subject to call.

The motion prevailed without objection.

HCR 85 (by Chavez), Memorializing congress to fund county and municipal inspections of overweight traffic within 20 miles of the border.

HCR 85 - LAID ON THE TABLE SUBJECT TO CALL

Representative Chavez moved to lay **HCR 85** on the table subject to call.

The motion prevailed without objection.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of illness:

R. Lewis on motion of Brimer.

The following member was granted leave of absence for the remainder of today because of important personal business in the district:

Sadler on motion of Gallego.

The following member was granted leave of absence for the remainder of today because of a doctor's appointment in the district:

Marchant on motion of Elkins.

(Driver, Heflin, Telford, and West now present)

**HB 2388 ON THIRD READING
(by Chisum, Hardcastle, B. Turner, and West)
CONSTITUTIONAL RULE SUSPENDED**

Representative Chisum moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 2388** on its third reading and final passage.

(Gallego and Junell now present)

The vote of the house was taken on the constitutional rule suspension and the vote was announced yeas 114, nays 19.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 378): 115 Yeas, 19 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Cook; Counts; Craddick; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Geren; Giddings; Glaze;

Goodman; Goolsby; Gray; Gutierrez; Haggerty; Hamric; Hardcastle; Hawley; Hilderbran; Hinojosa; Hochberg; Hodge; Homer; Hopson; Hunter; Isett; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Longoria; Luna; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Morrison; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Smith; Solis; Solomons; Swinford; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Williams; Wise; Wohlgenuth; Wolens; Woolley; Yarbrough; Zbranek.

Nays — Callegari; Corte; Crabb; George; Green; Hartnett; Heflin; Hill; Hope; Howard; Hupp; Janek; Madden; Miller; Mowery; Seaman; Shields; Talton; Truitt.

Present, not voting — Mr. Speaker(C); Danburg.

Absent, Excused — Eiland; Hilbert; Lewis, R.; Marchant; Nixon; Sadler; Uher.

Absent, Excused, Committee Meeting — Coleman.

Absent — Garcia; Grusendorf; Jones, D.; Moreno, P.; Smithee; Wilson.

The speaker stated that the motion to suspend the constitutional rule prevailed by the above vote.

The speaker laid **HB 2388** before the house on its third reading and final passage.

HB 2388, A bill to be entitled An Act relating to the provision of telecommunications services to permanent residential or business premises that are not included in a certificated service area.

HB 2388 was passed.

MOTION TO USE ONE RECORD VOTE TO SUSPEND CONSTITUTIONAL RULE

On motion of Representative Chisum and by unanimous consent, the house agreed to use the record vote taken to suspend the constitutional three day rule on **HB 2388** as the record vote on the motion to suspend the constitutional three day rule for each bill for which such a motion is made, with the understanding that if any one member objects to using the vote recorded on **HB 2388**, a separate vote will be taken on the motion to suspend the constitutional three day rule for that bill. (Heflin recorded voting no)

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of illness:

D. Jones on motion of Counts.

The following member was granted leave of absence for the remainder of today because of important personal business:

Wilson on motion of Keel.

The following members were granted leaves of absence for the remainder of today because of important business:

Garcia on motion of Puente.

Smithee on motion of Counts.

P. Moreno on motion of Rangel.

HB 726 ON THIRD READING
(by B. Turner)
CONSTITUTIONAL RULE SUSPENDED

Representative B. Turner moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 726**.

The motion prevailed without objection.

The speaker laid **HB 726** before the house on its third reading and final passage.

HB 726, A bill to be entitled An Act relating to procedures and policies concerning the duration, eligibility for renewal, and assumption of costs of criminal justice grant projects.

HB 726 was passed.

HB 126 ON THIRD READING
(by West and Kuempel)
CONSTITUTIONAL RULE SUSPENDED

Representative West moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 126**.

The motion prevailed without objection.

The speaker laid **HB 126** before the house on its third reading and final passage.

HB 126, A bill to be entitled An Act relating to the prosecution of and the punishment for the offense of disorderly conduct involving unreasonable noise.

HB 126 was passed. (Craddick, Heflin, and Talton recorded voting no)

HB 2806 ON THIRD READING
(by Kitchen, Merritt, S. Turner, Najera, and Menendez)
CONSTITUTIONAL RULE SUSPENDED

Representative Kitchen moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2806**.

The motion prevailed without objection.

The speaker laid **HB 2806** before the house on its third reading and final passage.

HB 2806, A bill to be entitled An Act relating to disconnection of natural gas service.

HB 2806 was passed. (Heflin recorded voting no)

HB 152 ON THIRD READING
(by F. Brown, Rangel, West, Giddings, et al.)
CONSTITUTIONAL RULE SUSPENDED

Representative F. Brown moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 152**.

The motion prevailed without objection.

The speaker laid **HB 152** before the house on its third reading and final passage.

HB 152, A bill to be entitled An Act relating to a pilot program to provide for reduced undergraduate tuition during a summer term or session at certain institutions of higher education.

HB 152 was passed.

HB 423 ON THIRD READING
(by Tillery)
MOTION TO SUSPEND CONSTITUTIONAL RULE

Representative Tillery moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 423**.

There was objection to the motion.

Representative Tillery moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 423** on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by (Record 379): 85 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Alexander; Averitt; Bailey; Bosse; Brown, F.; Capelo; Chavez; Chisum; Cook; Counts; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Geren; Giddings; Glaze; Goodman; Gray; Gutierrez; Hardcastle; Hawley; Hinojosa; Hochberg; Hodge; Homer; Hopson; Hunter; Jones, J.; Junell; King, P.; King, T.; Kitchen; Kolkhorst; Kuempel; Lewis, G.; Longoria; Luna; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Morrison; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Ritter; Salinas; Solis; Swinford; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Berman; Bonnen; Brimer; Brown, B.; Callegari; Carter; Christian; Clark; Corte; Crabb; Craddick; Crownover; Davis, J.; Delisi; Denny; Driver; George; Goolsby; Green; Haggerty; Hamric; Hartnett; Heflin; Hilderbran; Hill; Hope; Howard; Hupp; Isett; Janek; Jones, E.; Keel; Keffer; Krusee; Madden; Miller; Mowery; Reyna, E.; Seaman; Shields; Smith; Solomons; Talton; Truitt; Williams; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C); Danburg.

Absent, Excused — Eiland; Garcia; Hilbert; Jones, D.; Lewis, R.; Marchant; Moreno, P.; Nixon; Sadler; Smithee; Uher; Wilson.

Absent, Excused, Committee Meeting — Coleman.

Absent — Burnam; Grusendorf.

HB 543 ON THIRD READING
(by **Deshotel, Ellis, and F. Brown**)
MOTION TO SUSPEND CONSTITUTIONAL RULE

Representative Deshotel moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 543**.

There was objection to the motion.

Representative Deshotel moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 543** on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by (Record 380): 82 Yeas, 49 Nays, 2 Present, not voting.

Yeas — Alexander; Averitt; Bailey; Bosse; Brown, F.; Burnam; Capelo; Chavez; Chisum; Cook; Counts; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Geren; Giddings; Glaze; Gray; Gutierrez; Haggerty; Hardcastle; Hinojosa; Hochberg; Hodge; Homer; Hopson; Hunter; Jones, E.; Jones, J.; Junell; Kitchen; Kolkhorst; Kuempel; Lewis, G.; Longoria; Luna; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Moreno, J.; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Ritter; Salinas; Solis; Swinford; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Berman; Bonnen; Brimer; Brown, B.; Callegari; Carter; Christian; Clark; Corte; Crabb; Craddick; Crownover; Davis, J.; Delisi; Denny; Driver; George; Goolsby; Green; Hamric; Hartnett; Heflin; Hilderbran; Hill; Hope; Howard; Hupp; Isett; Janek; Keel; Keffer; King, P.; Krusee; Madden; Merritt; Miller; Morrison; Mowery; Reyna, E.; Seaman; Shields; Smith; Solomons; Talton; Truitt; Williams; Wohlgenuth; Woolley.

Present, not voting — Mr. Speaker(C); Danburg.

Absent, Excused — Eiland; Garcia; Hilbert; Jones, D.; Lewis, R.; Marchant; Moreno, P.; Nixon; Sadler; Smithee; Uher; Wilson.

Absent, Excused, Committee Meeting — Coleman.

Absent — Goodman; Grusendorf; Hawley; King, T.

HB 596 ON THIRD READING
(by **Goodman**)
CONSTITUTIONAL RULE SUSPENDED

Representative Goodman moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 596**.

The motion prevailed without objection.

The speaker laid **HB 596** before the house on its third reading and final passage.

HB 596, A bill to be entitled An Act relating to the modification of an order in a suit affecting the parent-child relationship; providing a penalty.

HB 596 was passed.

HB 599 ON THIRD READING
(by Goodman, Danburg, Hinojosa, and Ehrhardt)
CONSTITUTIONAL RULE SUSPENDED

Representative Goodman moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 599**.

The motion prevailed without objection.

The speaker laid **HB 599** before the house on its third reading and final passage.

HB 599, A bill to be entitled An Act relating to the unlawful possession of a firearm by a person who has been adjudicated as having engaged in certain delinquent conduct.

HB 599 was passed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of illness:

Merritt on motion of Glaze.

HB 704 ON THIRD READING
(by Delisi)
MOTION TO SUSPEND CONSTITUTIONAL RULE

Representative Delisi moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 704**.

There was objection to the motion.

Representative Delisi moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 704** on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by (Record 381): 82 Yeas, 37 Nays, 1 Present, not voting.

Yeas — Alexander; Averitt; Bailey; Bonnen; Brimer; Brown, B.; Brown, F.; Callegari; Carter; Chisum; Christian; Clark; Cook; Counts; Crabb; Craddick; Crownover; Davis, J.; Delisi; Denny; Driver; Dukes; Elkins; Ellis; Gallego; George; Goodman; Goolsby; Green; Gutierrez; Haggerty; Hamric; Hardcastle; Hawley; Hilderbran; Hill; Hinojosa; Hochberg; Hope; Howard; Hunter; Hupp; Isett; Jones, E.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Madden; Maxey; McCall; Menendez; Miller;

Morrison; Naishtat; Najera; Oliveira; Pickett; Pitts; Ramsay; Ritter; Seaman; Shields; Smith; Solomons; Swinford; Talton; Thompson; Truitt; Turner, B.; West; Williams; Wise; Wohlgemuth; Wolens; Woolley.

Nays — Berman; Bosse; Chavez; Corte; Danburg; Davis, Y.; Deshotel; Dunnam; Dutton; Edwards; Ehrhardt; Farabee; Farrar; Flores; Geren; Glaze; Heflin; Hodge; Homer; Hopson; Janek; Longoria; Luna; Martinez Fischer; McReynolds; Moreno, J.; Noriega; Olivo; Puente; Rangel; Reyna, A.; Salinas; Solis; Tillery; Uresti; Villarreal; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Garcia; Hilbert; Jones, D.; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Uher; Wilson.

Absent, Excused, Committee Meeting — Coleman.

Absent — Allen; Burnam; Capelo; Giddings; Gray; Grusendorf; Hartnett; Jones, J.; McClendon; Mowery; Raymond; Reyna, E.; Telford; Turner, S.; Walker; Yarbrough.

HB 910 ON THIRD READING
(by Gutierrez, Hinojosa, Flores, Wise, and Solis)
CONSTITUTIONAL RULE SUSPENDED

Representative Gutierrez moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 910**.

The motion prevailed without objection.

The speaker laid **HB 910** before the house on its third reading and final passage.

HB 910, A bill to be entitled An Act relating to the establishment of The Texas A&M University System Health Science Center South Texas Center for Rural Public Health.

(Junell in the chair)

HB 910 was passed. (Heflin recorded voting no)

HB 2154 ON THIRD READING
(by Averitt)
CONSTITUTIONAL RULE SUSPENDED

Representative Averitt moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2154**.

The motion prevailed without objection.

The chair laid **HB 2154** before the house on its third reading and final passage.

HB 2154, A bill to be entitled An Act relating to charges for default on a motor vehicle retail installment contract.

HB 2154 was passed.

HB 927 ON THIRD READING
(by Hill)
MOTION TO SUSPEND CONSTITUTIONAL RULE

Representative Hill moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 927**.

There was objection to the motion.

Representative Hill moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 927** on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by (Record 382): 64 Yeas, 42 Nays, 11 Present, not voting.

Yeas — Alexander; Allen; Averitt; Berman; Brown, B.; Brown, F.; Callegari; Christian; Clark; Cook; Counts; Crabb; Craddick; Crownover; Davis, J.; Denny; Elkins; Farabee; Geren; Glaze; Goodman; Gutierrez; Hamric; Hardcastle; Hawley; Hilderbran; Hinojosa; Homer; Hope; Hopson; Howard; Hunter; Jones, E.; Keel; Keffer; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Lewis, G.; Madden; McReynolds; Morrison; Pitts; Ramsay; Rangel; Raymond; Reyna, E.; Salinas; Seaman; Smith; Solomons; Swinford; Telford; Thompson; Villarreal; Walker; West; Wise; Wohlgemuth; Wolens; Woolley; Zbranek.

Nays — Bailey; Bonnen; Bosse; Brimer; Corte; Danburg; Davis, Y.; Delisi; Driver; Edwards; Farrar; Gallego; Goolsby; Gray; Green; Haggerty; Heflin; Hill; Hochberg; Hupp; Isett; Janek; Kitchen; Longoria; Luna; Martinez Fischer; Moreno, J.; Mowery; Naishtat; Najera; Noriega; Olivo; Pickett; Puente; Reyna, A.; Shields; Solis; Talton; Tillery; Truitt; Uresti; Yarbrough.

Present, not voting — Mr. Speaker; Dutton; Ellis; George; Hartnett; Junell(C); Maxey; Menendez; Oliveira; Turner, B.; Turner, S.

Absent, Excused — Eiland; Garcia; Hilbert; Jones, D.; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Uher; Wilson.

Absent, Excused, Committee Meeting — Coleman.

Absent — Burnam; Capelo; Carter; Chavez; Chisum; Deshotel; Dukes; Dunnam; Ehrhardt; Flores; Giddings; Grusendorf; Hodge; Jones, J.; McCall; McClendon; Miller; Ritter; Williams.

HB 788 ON THIRD READING
(by Swinford, et al.)
CONSTITUTIONAL RULE SUSPENDED

Representative Swinford moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 788**.

The motion prevailed without objection.

The chair laid **HB 788** before the house on its third reading and final passage.

HB 788, A bill to be entitled An Act relating to value-added processing of agricultural goods into fuel ethanol and biodiesel and the fuel ethanol and biodiesel incentive program.

HB 788 was passed.

HB 949 ON THIRD READING
(by Averitt, Thompson, et al.)
CONSTITUTIONAL RULE SUSPENDED

Representative Averitt moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 949**.

The motion prevailed without objection.

The chair laid **HB 949** before the house on its third reading and final passage.

HB 949, A bill to be entitled An Act relating to premium rates for certain small employer health benefit plans.

HB 949 was passed.

HB 3349 ON THIRD READING
(by Ehrhardt)
CONSTITUTIONAL RULE SUSPENDED

Representative Ehrhardt moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3349**.

The motion prevailed without objection.

The chair laid **HB 3349** before the house on its third reading and final passage.

HB 3349, A bill to be entitled An Act relating to providing a means by which abandoned property can be conveyed with clear title to be used for housing for low-income individuals or families.

HB 3349 was passed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Corte on motion of Edwards.

HB 1125 ON THIRD READING
(by Swinford)
CONSTITUTIONAL RULE SUSPENDED

Representative Swinford moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1125**.

The motion prevailed without objection.

The chair laid **HB 1125** before the house on its third reading and final passage.

HB 1125, A bill to be entitled An Act relating to transfer of certain railroad right-of-way.

HB 1125 was passed.

HB 1218 ON THIRD READING
(by Chavez, Naishtat, Coleman, et al.)
CONSTITUTIONAL RULE SUSPENDED

Representative Chavez moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1218**.

The motion prevailed without objection.

The chair laid **HB 1218** before the house on its third reading and final passage.

HB 1218, A bill to be entitled An Act relating to nutritional assistance for certain legal immigrants.

HB 1218 was passed. (Heflin recorded voting no)

HB 1468 ON THIRD READING
(by Pitts)
CONSTITUTIONAL RULE SUSPENDED

Representative Pitts moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1468**.

The motion prevailed without objection.

The chair laid **HB 1468** before the house on its third reading and final passage.

HB 1468, A bill to be entitled An Act relating to the calculation of ad valorem tax rates for certain taxing units.

HB 1468 was passed.

HB 1499 ON THIRD READING
(by Uresti)
CONSTITUTIONAL RULE SUSPENDED

Representative Uresti moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1499**.

The motion prevailed without objection.

The chair laid **HB 1499** before the house on its third reading and final passage.

HB 1499, A bill to be entitled An Act relating to conditions imposed by a judge on a defendant placed on deferred adjudication community supervision.

HB 1499 was passed. (Allen recorded voting no)

HB 2453 ON THIRD READING
(by Berman)
CONSTITUTIONAL RULE SUSPENDED

Representative Berman moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2453**.

There was objection to the motion.

Representative Berman moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 2453** on its third reading and final passage.

The motion prevailed by (Record 383): 102 Yeas, 20 Nays, 5 Present, not voting.

Yeas — Alexander; Allen; Averitt; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Callegari; Carter; Chavez; Chisum; Christian; Clark; Cook; Counts; Crabb; Craddick; Crownover; Davis, J.; Delisi; Denny; Driver; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Flores; Gallego; George; Geren; Giddings; Goodman; Green; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Hilderbran; Hill; Hinojosa; Hochberg; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Jones, E.; Keel; Keffer; King, P.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Longoria; Madden; Maxey; McCall; McClendon; McReynolds; Menendez; Miller; Morrison; Mowery; Naishtat; Najera; Noriega; Oliveira; Pickett; Pitts; Ramsay; Raymond; Reyna, A.; Ritter; Seaman; Shields; Smith; Solomons; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Villarreal; Walker; West; Williams; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbrank.

Nays — Bailey; Danburg; Davis, Y.; Deshotel; Dunnam; Farrar; Glaze; Gray; Heflin; Janek; King, T.; Luna; Martinez Fischer; Moreno, J.; Olivo; Puente; Rangel; Salinas; Solis; Tillery.

Present, not voting — Mr. Speaker; Dutton; Junell(C); Reyna, E.; Uresti.

Absent, Excused — Corte; Eiland; Garcia; Hilbert; Jones, D.; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Uher; Wilson.

Absent, Excused, Committee Meeting — Coleman.

Absent — Burnam; Capelo; Dukes; Goolsby; Grusendorf; Hodge; Jones, J.; Turner, S.

The chair laid **HB 2453** before the house on its third reading and final passage.

HB 2453, A bill to be entitled An Act relating to conditions for issuance of certain revenue bonds by the Veterans' Land Board.

HB 2453 was passed.

STATEMENTS OF VOTE

I was shown voting no on Record No. 383. I intended to vote yes.

Deshotel

I was shown voting no on Record No. 383. I intended to vote yes.

Gray

HB 1752 ON THIRD READING
(by Gutierrez, Thompson, Haggerty, Chavez, and Davis)
CONSTITUTIONAL RULE SUSPENDED

Representative Gutierrez moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1752**.

There was objection to the motion.

Representative Gutierrez moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 1752** on its third reading and final passage.

The motion prevailed by (Record 384): 115 Yeas, 12 Nays, 4 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Cook; Counts; Crabb; Craddick; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Hilderbran; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Isett; Jones, E.; Jones, J.; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Kuempel; Lewis, G.; Longoria; Luna; Madden; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Miller; Moreno, J.; Morrison; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Ritter; Salinas; Smith; Solis; Solomons; Swinford; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; Williams; Wise; Wolens; Woolley; Yarbrough; Zbranek.

Nays — Berman; Bonnen; George; Heflin; Hill; Hupp; Janek; Krusee; Mowery; Shields; Talton; Wohlgemuth.

Present, not voting — Mr. Speaker; Danburg; Dutton; Junell(C).

Absent, Excused — Corte; Eiland; Garcia; Hilbert; Jones, D.; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Uher; Wilson.

Absent, Excused, Committee Meeting — Coleman.

Absent — Grusendorf; Reyna, E.; Seaman; West.

The chair laid **HB 1752** before the house on its third reading and final passage.

HB 1752, A bill to be entitled An Act relating to motor vehicle insurance verification and creating the motor vehicle insurance verification program; providing criminal penalties.

HB 1752 was passed. (Shields recorded voting no)

STATEMENT OF VOTE

I was shown voting no on Record No. 384. I intended to vote yes.

Krusee

HB 1823 ON THIRD READING
(by Howard)
MOTION TO SUSPEND CONSTITUTIONAL RULE

Representative Howard moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1823**.

There was objection to the motion.

Representative Howard moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 1823** on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by (Record 385): 93 Yeas, 26 Nays, 4 Present, not voting.

Yeas — Alexander; Allen; Averitt; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Callegari; Carter; Chavez; Chisum; Christian; Clark; Cook; Counts; Crabb; Craddick; Crownover; Davis, J.; Delisi; Denny; Deshotel; Driver; Dukes; Edwards; Elkins; Ellis; Farabee; Gallego; George; Goodman; Goolsby; Green; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Hilderbran; Hill; Hinojosa; Hochberg; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Jones, E.; Keel; Keffer; King, P.; Kolkhorst; Kruse; Kuempel; Lewis, G.; Madden; Maxey; McCall; McReynolds; Miller; Morrison; Mowery; Naishtat; Noriega; Oliveira; Pitts; Ramsay; Raymond; Reyna, A.; Reyna, E.; Ritter; Seaman; Shields; Smith; Solomons; Swinford; Talton; Telford; Truitt; Turner, B.; Villarreal; Walker; West; Wise; Wohlgemuth; Wolens; Woolley; Zbranek.

Nays — Bailey; Danburg; Davis, Y.; Dunnam; Dutton; Farrar; Flores; Glaze; Gray; Heflin; Janek; King, T.; Kitchen; Longoria; Luna; Martinez Fischer; Moreno, J.; Najera; Olivo; Pickett; Rangel; Salinas; Solis; Tillery; Uresti; Williams.

Present, not voting — Mr. Speaker; Junell(C); Menendez; Puente.

Absent, Excused — Corte; Eiland; Garcia; Hilbert; Jones, D.; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Uher; Wilson.

Absent, Excused, Committee Meeting — Coleman.

Absent — Burnam; Capelo; Ehrhardt; Geren; Giddings; Grusendorf; Hodge; Jones, J.; McClendon; Thompson; Turner, S.; Yarbrough.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Alexander on motion of Averitt.

HB 1853 ON THIRD READING
(by Maxey)
MOTION TO SUSPEND CONSTITUTIONAL RULE

Representative Maxey moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1853**.

There was objection to the motion.

Representative Maxey moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 1853** on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by (Record 386): 84 Yeas, 43 Nays, 3 Present, not voting.

Yeas — Allen; Averitt; Bailey; Bosse; Burnam; Capelo; Chavez; Chisum; Clark; Cook; Counts; Crabb; Danburg; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Ellis; Farabee; Farrar; Flores; Gallego; Geren; Giddings; Glaze; Goodman; Gray; Gutierrez; Hardcastle; Hilderbran; Hinojosa; Hochberg; Hodge; Homer; Hopson; Hunter; Isett; Jones, J.; Keel; King, T.; Kitchen; Kuempel; Lewis, G.; Longoria; Luna; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Moreno, J.; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Ritter; Salinas; Solis; Swinford; Telford; Thompson; Tillery; Turner, B.; Uresti; Villarreal; Walker; West; Wise; Wolens; Yarbrough; Zbranek.

Nays — Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Callegari; Carter; Christian; Craddick; Crownover; Davis, J.; Delisi; Denny; George; Goolsby; Green; Haggerty; Hamric; Hawley; Heflin; Hill; Hope; Howard; Hupp; Janek; Jones, E.; Keffer; King, P.; Kolkhorst; Krusee; Madden; Miller; Morrison; Mowery; Seaman; Shields; Smith; Solomons; Talton; Truitt; Williams; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker; Hartnett; Junell(C).

Absent, Excused — Alexander; Corte; Eiland; Garcia; Hilbert; Jones, D.; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Uher; Wilson.

Absent, Excused, Committee Meeting — Coleman.

Absent — Elkins; Grusendorf; Reyna, E.; Turner, S.

HB 1959 ON THIRD READING
(by Naishtat, Chavez, and Noriega)

MOTION TO SUSPEND CONSTITUTIONAL RULE

Representative Naishtat moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1959**.

There was objection to the motion.

Representative Naishtat moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 1959** on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by (Record 387): 89 Yeas, 40 Nays, 4 Present, not voting.

Yeas — Allen; Averitt; Bailey; Berman; Bosse; Brimer; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Cook; Counts; Davis, J.; Davis, Y.;

Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; George; Giddings; Glaze; Goodman; Gray; Gutierrez; Haggerty; Hardcastle; Hawley; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Hunter; Jones, J.; Keel; King, T.; Kitchen; Kuempel; Lewis, G.; Longoria; Luna; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Moreno, J.; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Ritter; Salinas; Solis; Solomons; Swinford; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Wise; Wolens; Yarbrough; Zbranek.

Nays — Bonnen; Brown, B.; Callegari; Christian; Clark; Crabb; Craddick; Crownover; Delisi; Denny; Driver; Geren; Goolsby; Green; Hamric; Heflin; Hilderbran; Hill; Howard; Hupp; Isett; Janek; Jones, E.; Keffer; King, P.; Kolkhorst; Krusee; Madden; Miller; Morrison; Mowery; Reyna, E.; Seaman; Shields; Smith; Talton; Truitt; Williams; Wohlgenuth; Woolley.

Present, not voting — Mr. Speaker; Danburg; Hartnett; Junell(C).

Absent, Excused — Alexander; Corte; Eiland; Garcia; Hilbert; Jones, D.; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Uher; Wilson.

Absent, Excused, Committee Meeting — Coleman.

Absent — Grusendorf.

HB 2118 ON THIRD READING
(by Olivo, S. Turner, Delisi, Dutton, and Dunnam)
CONSTITUTIONAL RULE SUSPENDED

Representative Olivo moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2118**.

The motion prevailed without objection.

The chair laid **HB 2118** before the house on its third reading and final passage.

HB 2118, A bill to be entitled An Act relating to the requirements for high school graduation.

HB 2118 was passed. (Heflin recorded voting no)

HB 3530 ON THIRD READING
(by Wise and Solomons)
CONSTITUTIONAL RULE SUSPENDED

Representative Wise moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3530**.

The motion prevailed without objection.

The chair laid **HB 3530** before the house on its third reading and final passage.

HB 3530, A bill to be entitled An Act relating to a surety bond obtained for a public project and executed by a surety company.

HB 3530 was passed.

HB 2138 ON THIRD READING
(by Marchant)
CONSTITUTIONAL RULE SUSPENDED

Representative Elkins moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2138**.

The motion prevailed without objection.

The chair laid **HB 2138** before the house on its third reading and final passage.

HB 2138, A bill to be entitled An Act relating to the confidentiality of the location or sale price of certain real property sold or purchased by the state.

HB 2138 was passed.

HB 2155 ON THIRD READING
(by Averitt)
CONSTITUTIONAL RULE SUSPENDED

Representative Averitt moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2155**.

The motion prevailed without objection.

The chair laid **HB 2155** before the house on its third reading and final passage.

HB 2155, A bill to be entitled An Act relating to the operation of state banks, state trust companies, and certain financial holding companies in the financial services industry.

HB 2155 was passed.

HB 2186 ON THIRD READING
(by Y. Davis)
CONSTITUTIONAL RULE SUSPENDED

Representative Y. Davis moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2186**.

The motion prevailed without objection.

The chair laid **HB 2186** before the house on its third reading and final passage.

HB 2186, A bill to be entitled An Act relating to charges assessed by a landlord under a commercial lease.

HB 2186 was passed.

HB 3284 ON THIRD READING
(by Hope)
CONSTITUTIONAL RULE SUSPENDED

Representative Hope moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3284**.

There was objection to the motion.

Representative Hope moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 3284** on its third reading and final passage.

The motion prevailed by (Record 388): 103 Yeas, 16 Nays, 3 Present, not voting.

Yeas — Allen; Averitt; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Callegari; Carter; Chavez; Chisum; Christian; Clark; Cook; Counts; Crabb; Craddick; Crownover; Davis, J.; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Flores; Gallego; Goodman; Goolsby; Gray; Green; Gutierrez; Haggerty; Hamric; Hardcastle; Hawley; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Isett; Jones, E.; Jones, J.; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Longoria; Madden; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Ramsay; Raymond; Reyna, A.; Reyna, E.; Ritter; Seaman; Solis; Solomons; Swinford; Talton; Telford; Thompson; Turner, B.; Walker; West; Williams; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough.

Nays — Bailey; Burnam; Davis, Y.; Glaze; Hartnett; Heflin; Hilderbran; Hupp; Janek; Luna; Rangel; Salinas; Shields; Tillery; Uresti; Zbranek.

Present, not voting — Mr. Speaker; Danburg; Junell(C).

Absent, Excused — Alexander; Corte; Eiland; Garcia; Hilbert; Jones, D.; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Uher; Wilson.

Absent, Excused, Committee Meeting — Coleman.

Absent — Capelo; Dunnam; Farrar; George; Geren; Giddings; Grusendorf; Puente; Smith; Truitt; Turner, S.; Villarreal.

The chair laid **HB 3284** before the house on its third reading and final passage.

HB 3284, A bill to be entitled An Act relating to emissions requirements for certain motor vehicles in a fleet.

HB 3284 was passed. (Heflin recorded voting no)

POSTPONED BUSINESS

The following bill was laid before the house as postponed business:

CSSB 789 ON SECOND READING

CSSB 789, A bill to be entitled An Act relating to the regulation and reimbursement of telemedicine medical services.

CSSB 789 was considered in lieu of **HB 1615**.

CSSB 789 was read second time.

Amendment No. 1

Representative Maxey offered the following amendment to **CSSB 789**:

Amend **CSSB 789** as follows:

(1) In Section 1 of the bill, in amended Section 531.0216(b), Government Code, strike added Subdivision (4) (House committee printing, page 1, lines 19-22), and substitute the following:

(4) consult with the Texas Department of Health and the telemedicine advisory committee to establish procedures to:

(A) identify clinical evidence supporting delivery of health care services using a telecommunications system by January 1, 2001;

(B) establish pilot studies for telemedicine medical service delivery; and

(C) annually review health care services, considering new clinical findings, to determine whether reimbursement for particular services should be denied or authorized;

(2) In Section 17 of the bill, in added Section 32.053(f), Human Resources Code (House committee printing, page 22, line 6), strike "and".

(3) In Section 17 of the bill, in added Section 32.053(f), Human Resources Code (House committee printing, page 22, line 9), between "commission" and the period, insert the following:

"; and

(5) the home and community support services agency that is providing services using home telemonitoring system equipment pays for the equipment".

(4) In Section 18 of the bill, in added Section 533.101, Health and Safety Code (House committee printing, page 24, between lines 4 and 5), add a new Subsection (d) to read as follows:

(d) If appropriate treatment services are not available, a person with mental illness does not have to be diverted from the criminal justice system.

Amendment No. 1 was adopted without objection.

CSSB 789, as amended, was passed to third reading. (Heflin record voting no)

HB 1615 - LAID ON THE TABLE SUBJECT TO CALL

Representative Maxey moved to lay **HB 1615** on the table subject to call.

The motion prevailed without objection.

HB 2383 ON THIRD READING

(by Allen)

CONSTITUTIONAL RULE SUSPENDED

Representative Allen moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2383**.

There was objection to the motion.

Representative Allen moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 2383** on its third reading and final passage.

The motion prevailed by (Record 389): 103 Yeas, 17 Nays, 3 Present, not voting.

Yeas — Allen; Averitt; Berman; Bosse; Brimer; Brown, B.; Brown, F.; Callegari; Carter; Chavez; Chisum; Christian; Clark; Cook; Counts; Crabb; Craddick; Crownover; Davis, J.; Delisi; Denny; Deshotel; Driver; Dukes; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Flores; Gallego; George; Geren; Giddings; Goodman; Goolsby; Gray; Green; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Jones, E.; Keel; Keffer; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Lewis, G.; Longoria; Madden; Martinez Fischer; Maxey; McCall; Menendez; Miller; Morrison; Mowery; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Ramsay; Raymond; Reyna, A.; Reyna, E.; Ritter; Seaman; Shields; Smith; Solomons; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Walker; West; Williams; Wise; Wohlgemuth; Wolens; Woolley.

Nays — Bailey; Bonnen; Davis, Y.; Dunnam; Dutton; Farrar; Heflin; Janek; Kitchen; Luna; Moreno, J.; Puente; Rangel; Salinas; Solis; Tillery; Uresti.

Present, not voting — Mr. Speaker; Danburg; Junell(C).

Absent, Excused — Alexander; Corte; Eiland; Garcia; Hilbert; Jones, D.; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Uher; Wilson.

Absent, Excused, Committee Meeting — Coleman.

Absent — Burnam; Capelo; Glaze; Grusendorf; Jones, J.; McClendon; McReynolds; Turner, S.; Villarreal; Yarbrough; Zbranek.

The chair laid **HB 2383** before the house on its third reading and final passage.

HB 2383, A bill to be entitled An Act relating to certain grounds for the denial of an application for, the refusal to renew, and the suspension of a license as a licensed chemical dependency counselor and for the restriction of a counselor intern.

HB 2383 was passed.

HB 2452 ON THIRD READING
(by Hochberg)
CONSTITUTIONAL RULE SUSPENDED

Representative Hochberg moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2452**.

The motion prevailed without objection.

The chair laid **HB 2452** before the house on its third reading and final passage.

HB 2452, A bill to be entitled An Act relating to the establishment of a medical board for University Interscholastic League athletic competitions and to parental involvement in decisions about student participation in the competitions.

HB 2452 was passed.

HB 2723 ON THIRD READING
(by Raymond)
CONSTITUTIONAL RULE SUSPENDED

Representative Raymond moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2723**.

There was objection to the motion.

Representative Raymond moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 2723** on its third reading and final passage.

The motion prevailed by (Record 390): 103 Yeas, 14 Nays, 4 Present, not voting.

Yeas — Allen; Averitt; Bailey; Berman; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Cook; Counts; Craddick; Davis, J.; Denny; Deshotel; Driver; Dunnam; Dutton; Edwards; Ehrhardt; Ellis; Farabee; Farrar; Flores; Gallego; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Gutierrez; Haggerty; Hamric; Hardcastle; Hawley; Hilderbran; Hinojosa; Hochberg; Homer; Hope; Hopson; Howard; Hunter; Jones, E.; Jones, J.; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Longoria; Martinez Fischer; Maxey; McCall; McReynolds; Menendez; Miller; Moreno, J.; Morrison; Naishtat; Najera; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Solis; Solomons; Swinford; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Williams; Wise; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Nays — Bonnen; Clark; Crownover; Delisi; Elkins; Heflin; Hupp; Janek; Madden; Shields; Smith; Talton; Truitt; Woolley.

Present, not voting — Mr. Speaker; Danburg; Hartnett; Junell(C).

Absent, Excused — Alexander; Corte; Eiland; Garcia; Hilbert; Jones, D.; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Uher; Wilson.

Absent, Excused, Committee Meeting — Coleman.

Absent — Crabb; Davis, Y.; Dukes; George; Grusendorf; Hill; Hodge; Isett; Luna; McClendon; Mowery; Noriega; Rangel.

The chair laid **HB 2723** before the house on its third reading and final passage.

HB 2723, A bill to be entitled An Act relating to civil actions involving persons who file complaints with governmental agencies.

HB 2723 was passed.

HB 2740 ON THIRD READING
(by B. Turner)
CONSTITUTIONAL RULE SUSPENDED

Representative B. Turner moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2740**.

The motion prevailed without objection.

The chair laid **HB 2740** before the house on its third reading and final passage.

HB 2740, A bill to be entitled An Act relating to the distribution of money to certain counties for the payment of extraordinary costs of prosecution.

HB 2740 was passed.

HB 2744 ON THIRD READING
(by Carter, Hawley, Clark, and Chisum)
CONSTITUTIONAL RULE SUSPENDED

Representative Carter moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2744**.

There was objection to the motion.

Representative Carter moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 2744** on its third reading and final passage.

The motion prevailed by (Record 391): 100 Yeas, 16 Nays, 4 Present, not voting.

Yeas — Allen; Averitt; Berman; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Carter; Chisum; Christian; Clark; Cook; Counts; Crabb; Craddick; Crownover; Davis, J.; Denny; Deshotel; Driver; Dukes; Edwards; Elkins; Ellis; Farabee; Flores; Gallego; George; Geren; Goodman; Goolsby; Gray; Green; Gutierrez; Haggerty; Hamric; Hardcastle; Hawley; Hilderbran; Hill; Hinojosa; Hochberg; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Jones, E.; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Longoria; Madden; Martinez Fischer; Maxey; McCall; Menendez; Miller; Morrison; Mowery; Naishtat; Najera; Noriega; Oliveira; Pickett; Pitts; Puente; Ramsay; Raymond; Reyna, A.; Reyna, E.; Ritter; Seaman; Smith; Solis; Solomons; Swinford; Telford; Thompson; Truitt; Turner, B.; Uresti; Villarreal; Walker; West; Williams; Wise; Wohlgemuth; Wolens; Woolley.

Nays — Bailey; Bonnen; Davis, Y.; Dunnam; Dutton; Farrar; Heflin; Janek; Luna; Moreno, J.; Olivo; Rangel; Salinas; Shields; Talton; Tillery.

Present, not voting — Mr. Speaker; Danburg; Hartnett; Junell(C).

Absent, Excused — Alexander; Corte; Eiland; Garcia; Hilbert; Jones, D.; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Uher; Wilson.

Absent, Excused, Committee Meeting — Coleman.

Absent — Capelo; Chavez; Delisi; Ehrhardt; Giddings; Glaze; Grusendorf; Hodge; Jones, J.; McClendon; McReynolds; Turner, S.; Yarbrough; Zbranek.

The chair laid **HB 2744** before the house on its third reading and final passage.

HB 2744, A bill to be entitled An Act relating to emergency services and rural fire prevention districts.

HB 2744 was passed.

HB 2803 ON THIRD READING
(by Uresti and A. Reyna)
CONSTITUTIONAL RULE SUSPENDED

Representative Uresti moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2803**.

The motion prevailed without objection.

The chair laid **HB 2803** before the house on its third reading and final passage.

HB 2803, A bill to be entitled An Act relating to refund or retention by a landlord of a security deposit under a commercial lease.

HB 2803 was passed.

HB 2903 ON THIRD READING
(by Burnam)
CONSTITUTIONAL RULE SUSPENDED

Representative Burnam moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2903**.

The motion prevailed without objection.

The chair laid **HB 2903** before the house on its third reading and final passage.

HB 2903, A bill to be entitled An Act relating to compensation for the training of and for services rendered at a polling place by certain election officers.

HB 2903 was passed.

HB 3049 ON THIRD READING
(by Ramsay)
CONSTITUTIONAL RULE SUSPENDED

Representative Ramsay moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3049**.

There was objection to the motion.

Representative Ramsay moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 3049** on its third reading and final passage.

The motion prevailed by (Record 392): 105 Yeas, 10 Nays, 7 Present, not voting.

Yeas — Allen; Averitt; Bailey; Berman; Brimer; Brown, B.; Brown, F.; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Cook; Counts; Crabb; Crownover; Davis, J.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam;

Edwards; Elkins; Ellis; Farabee; Flores; Gallego; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Gutierrez; Haggerty; Hamric; Hardcastle; Hawley; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Isett; Jones, E.; Jones, J.; Keel; Keffer; King, P.; King, T.; Kitchen; Krusee; Kuempel; Lewis, G.; Longoria; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Miller; Morrison; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Solis; Solomons; Swinford; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Wise; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Nays — Craddick; Heflin; Hupp; Janek; Mowery; Shields; Smith; Talton; Williams; Woolley.

Present, not voting — Mr. Speaker; Danburg; Farrar; Hartnett; Junell(C); Moreno, J.; Truitt.

Absent, Excused — Alexander; Corte; Eiland; Garcia; Hilbert; Jones, D.; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Uher; Wilson.

Absent, Excused, Committee Meeting — Coleman.

Absent — Bonnen; Bosse; Burnam; Clark; Davis, Y.; Dutton; Ehrhardt; George; Grusendorf; Kolkhorst; Luna; Madden.

STATEMENT OF VOTE

When Record No. 392 was taken, my vote failed to register. I would have voted no.

Bonnen

The chair laid **HB 3049** before the house on its third reading and final passage.

HB 3049, A bill to be entitled An Act relating to the use of interest earned on motor vehicle inventory tax escrow accounts.

HB 3049 was passed. (Craddick recorded voting no)

HB 1026 ON THIRD READING

(by Deshotel)

CONSTITUTIONAL RULE SUSPENDED

Representative Deshotel moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1026**.

The motion prevailed without objection.

The chair laid **HB 1026** before the house on its third reading and final passage.

HB 1026, A bill to be entitled An Act relating to naming certain state buildings.

HB 1026 was passed.

HB 3140 ON THIRD READING
(by Swinford)
CONSTITUTIONAL RULE SUSPENDED

Representative Swinford moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3140**.

The motion prevailed without objection.

The chair laid **HB 3140** before the house on its third reading and final passage.

HB 3140, A bill to be entitled An Act relating to eligibility for certain franchise tax credits.

HB 3140 was passed.

HB 3244 ON THIRD READING
(by Gallego)
CONSTITUTIONAL RULE SUSPENDED

Representative Gallego moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3244**.

The motion prevailed without objection.

The chair laid **HB 3244** before the house on its third reading and final passage.

HB 3244, A bill to be entitled An Act relating to authorizing the Texas Department of Health to temporarily transfer money appropriated for the purpose of a tobacco endowment program administered by the department to use for another tobacco endowment program administered by the department.

HB 3244 was passed.

HB 1377 ON THIRD READING
(by Menendez)
CONSTITUTIONAL RULE SUSPENDED

Representative Menendez moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1377**.

The motion prevailed without objection.

The chair laid **HB 1377** before the house on its third reading and final passage.

HB 1377, A bill to be entitled An Act relating to the requirements for a suit filed by the Department of Protective and Regulatory Services to terminate the parent-child relationship.

HB 1377 was passed.

HB 115 ON THIRD READING
(by Najera)
CONSTITUTIONAL RULE SUSPENDED

Representative Najera moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 115**.

The motion prevailed without objection.

The chair laid **HB 115** before the house on its third reading and final passage.

HB 115, A bill to be entitled An Act relating to the sale of a flood-damaged motor vehicle; providing penalties.

HB 115 was passed.

HB 267 ON THIRD READING
(by Gallego)
CONSTITUTIONAL RULE SUSPENDED

Representative Gallego moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 267**.

The motion prevailed without objection.

The chair laid **HB 267** before the house on its third reading and final passage.

HB 267, A bill to be entitled An Act relating to the quality of legal representation in capital cases.

HB 267 was passed.

HB 125 ON THIRD READING
(by West and Delisi)
CONSTITUTIONAL RULE SUSPENDED

Representative West moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 125**.

The motion prevailed without objection.

The speaker laid **HB 125** before the house on its third reading and final passage.

HB 125, A bill to be entitled An Act relating to the mathematics section of the exit-level assessment for high school students and the replacement of the Texas Academic Skills Program with a program using components of certain secondary exit-level assessment instruments.

HB 125 was passed.

CONSTITUTIONAL RULE SUSPENSION - POINT OF ORDER

Representative Dutton raised a point of order against further consideration of any bills on third reading on the grounds that the order of the calendar required under the rules was not being followed in that some bills were being skipped, thereby resulting in bills being taken out of order. The chair overruled the point of order.

Representative Dutton raised a point of order under Rule 14, Section 4, in that notice to take bills out of their regular order had not been given. The chair overruled the point of order, stating that earlier in the day, the speaker had given notice to the house of his intent, upon completion of the calendar or at midnight, whichever occurred first, to recognize members to suspend the constitutional three day rule on house bills passed on second reading. Futhermore, as the house had completed consideration of the calendar for Thursday, there was no order of business to suspend, and if the house failed or the author did not seek to be recognized to suspend the constitutional three day rule on a particular bill, the chair stated it was in order to proceed to the next bill.

HB 299 ON THIRD READING
(by Gallego)
CONSTITUTIONAL RULE SUSPENDED

Representative Gallego moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 299**.

The motion prevailed without objection.

The chair laid **HB 299** before the house on its third reading and final passage.

HB 299, A bill to be entitled An Act relating to speed limits on state highways.

HB 299 was passed.

HB 522 ON THIRD READING
(by Tillery et al.)
CONSTITUTIONAL RULE SUSPENDED

Representative Tillery moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 522**.

The motion prevailed without objection.

The chair laid **HB 522** before the house on its third reading and final passage.

HB 522, A bill to be entitled An Act relating to benefits for certain disabled peace officers.

HB 522 was passed.

HB 729 ON THIRD READING
(by Gutierrez)
MOTION TO SUSPEND CONSTITUTIONAL RULE

Representative Gutierrez moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 729**.

There was objection to the motion.

Representative Gutierrez moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 729** on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by (Record 393): 98 Yeas, 26 Nays, 4 Present, not voting.

Yeas — Allen; Averitt; Bailey; Berman; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Clark; Cook; Counts; Crabb; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Gutierrez; Haggerty; Hardcastle; Hawley; Hill; Hinojosa; Hochberg; Hodge; Homer; Hopson; Howard; Hunter; Jones, E.; Jones, J.; Keel; Keffer; King, P.; Kitchen; Kolkhorst; Kuempel; Lewis, G.; Longoria; Luna; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Moreno, J.; Mowery; Naishtat; Najera; Noriega; Olivo; Pickett; Pitts; Puente; Ramsay; Raymond; Reyna, A.; Ritter;

Salinas; Solis; Solomons; Swinford; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Wise; Wolens; Yarbrough; Zbranek.

Nays — Bonnen; Callegari; Christian; Craddick; Crownover; Delisi; Denny; Green; Hamric; Heflin; Hupp; Isett; Janek; Krusee; Madden; Miller; Morrison; Reyna, E.; Seaman; Shields; Smith; Talton; Truitt; Williams; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker; Danburg; Hartnett; Junell(C).

Absent, Excused — Alexander; Corte; Eiland; Garcia; Hilbert; Jones, D.; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Uher; Wilson.

Absent, Excused, Committee Meeting — Coleman.

Absent — Grusendorf; Hilderbran; Hope; King, T.; Oliveira; Rangel.

STATEMENT OF VOTE

When Record No. 393 was taken, my vote failed to register. I would have voted yes.

Hilderbran

HB 887 ON THIRD READING

(by Ramsay)

CONSTITUTIONAL RULE SUSPENDED

Representative Ramsay moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 887**.

The motion prevailed without objection.

The chair laid **HB 887** before the house on its third reading and final passage.

HB 887, A bill to be entitled An Act relating to the application for an exemption from ad valorem taxation on the homestead of a person who is 65 or older.

HB 887 was passed.

HB 920 ON THIRD READING

(by Goodman)

CONSTITUTIONAL RULE SUSPENDED

Representative Goodman moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 920**.

The motion prevailed without objection.

The chair laid **HB 920** before the house on its third reading and final passage.

HB 920, A bill to be entitled An Act relating to the adoption of the Uniform Parentage Act; providing penalties.

HB 920 was passed.

HB 1050 ON THIRD READING
(by Solomons)
CONSTITUTIONAL RULE SUSPENDED

Representative Solomons moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1050**.

The motion prevailed without objection.

The chair laid **HB 1050** before the house on its third reading and final passage.

HB 1050, A bill to be entitled An Act relating to liens on real property in favor of governmental entities.

HB 1050 was passed.

HB 1109 ON THIRD READING
(by Goolsby and Woolley)
CONSTITUTIONAL RULE SUSPENDED

Representative Goolsby moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1109**.

The motion prevailed without objection.

The chair laid **HB 1109** before the house on its third reading and final passage.

HB 1109, A bill to be entitled An Act relating to unemployment compensation contributions by certain employers of domestic workers.

HB 1109 was passed.

HB 1124 ON THIRD READING
(by B. Turner and Hawley)
CONSTITUTIONAL RULE SUSPENDED

Representative B. Turner moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1124**.

The motion prevailed without objection.

The chair laid **HB 1124** before the house on its third reading and final passage.

HB 1124, A bill to be entitled An Act relating to establishing a community healthcare awareness and mentoring program for students.

HB 1124 was passed.

HB 1276 ON THIRD READING
(by Crownover)
CONSTITUTIONAL RULE SUSPENDED

Representative Crownover moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1276**.

There was objection to the motion.

Representative Crownover moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 1276** on its third reading and final passage.

The motion prevailed by (Record 394): 111 Yeas, 18 Nays, 3 Present, not voting.

Yeas — Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Carter; Chavez; Chisum; Christian; Clark; Cook; Counts; Crabb; Craddick; Crownover; Davis, J.; Delisi; Denny; Driver; Dukes; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Gallego; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Jones, E.; Jones, J.; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Longoria; Madden; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Ramsay; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Solomons; Swinford; Telford; Thompson; Truitt; Turner, B.; Turner, S.; Villarreal; Walker; West; Williams; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Nays — Danburg; Davis, Y.; Deshotel; Dunnam; Dutton; Farrar; Flores; Gutierrez; Heflin; Hinojosa; Janek; Luna; Rangel; Raymond; Solis; Talton; Tillery; Uresti.

Present, not voting — Mr. Speaker; Capelo; Junell(C).

Absent, Excused — Alexander; Corte; Eiland; Garcia; Hilbert; Jones, D.; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Uher; Wilson.

Absent, Excused, Committee Meeting — Coleman.

Absent — Grusendorf; Puente.

The chair laid **HB 1276** before the house on its third reading and final passage.

HB 1276, A bill to be entitled An Act relating to use of a student's legal surname in a public school.

HB 1276 was passed.

HB 2410 ON THIRD READING
(by Martínez Fischer)
CONSTITUTIONAL RULE SUSPENDED

Representative Martínez Fischer moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2410**.

The motion prevailed without objection.

The chair laid **HB 2410** before the house on its third reading and final passage.

HB 2410, A bill to be entitled An Act relating to the authority of a justice or municipal court to waive payment of fines and costs imposed on certain indigent defendants.

HB 2410 was passed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Heflin on motion of Pickett.

HB 1793 ON THIRD READING (by Wise) CONSTITUTIONAL RULE SUSPENDED

Representative Wise moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1793**.

The motion prevailed without objection.

The chair laid **HB 1793** before the house on its third reading and final passage.

HB 1793, A bill to be entitled An Act relating to the application of certain alcoholic beverage regulations to the holder of a food and beverage certificate.

HB 1793 was passed.

HB 2205 ON THIRD READING (by Gutierrez) CONSTITUTIONAL RULE SUSPENDED

Representative Gutierrez moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2205**.

The motion prevailed without objection.

The chair laid **HB 2205** before the house on its third reading and final passage.

HB 2205, A bill to be entitled An Act relating to attendance at juvenile justice alternative education programs.

HB 2205 was passed.

HB 2271 ON THIRD READING (by Howard and Isett) CONSTITUTIONAL RULE SUSPENDED

Representative Howard moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2271**.

The motion prevailed without objection.

The chair laid **HB 2271** before the house on its third reading and final passage.

HB 2271, A bill to be entitled An Act relating to the regulation of certain facilities as solid waste facilities.

HB 2271 was passed.

HB 824 ON THIRD READING
(by Ellis, Zbranek, and Hilderbran)
CONSTITUTIONAL RULE SUSPENDED

Representative Ellis moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 824**.

The motion prevailed without objection.

The chair laid **HB 824** before the house on its third reading and final passage.

HB 824, A bill to be entitled An Act relating to the exemption from ad valorem taxation of property owned by certain nonprofit county fair associations.

HB 824 was passed.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of illness:

Solomons on motion of Pickett.

The following members were granted leaves of absence for the remainder of today because of important business:

Woolley on motion of G. Lewis.

Delisi on motion of G. Lewis.

HB 2682 ON THIRD READING
(by Allen)
CONSTITUTIONAL RULE SUSPENDED

Representative Allen moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2682**.

The motion prevailed without objection.

The chair laid **HB 2682** before the house on its third reading and final passage.

HB 2682, A bill to be entitled An Act relating to the authority of certain municipalities to dedicate tax revenue from certain reinvestment zones.

HB 2682 was passed.

HB 3036 ON THIRD READING
(by Bosse)
CONSTITUTIONAL RULE SUSPENDED

Representative Bosse moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3036**.

The motion prevailed without objection.

The chair laid **HB 3036** before the house on its third reading and final passage.

HB 3036, A bill to be entitled An Act relating to the regulation of certain security personnel.

HB 3036 was passed.

HB 3152 ON THIRD READING
(by Capelo)
CONSTITUTIONAL RULE SUSPENDED

Representative Capelo moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3152**.

The motion prevailed without objection.

The chair laid **HB 3152** before the house on its third reading and final passage.

HB 3152, A bill to be entitled An Act relating to due process for physicians, dentists, and podiatrists in hospitals.

HB 3152 was passed.

HB 3081 ON THIRD READING
(by Burnam and Brimer)
CONSTITUTIONAL RULE SUSPENDED

Representative Burnam moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3081**.

The motion prevailed without objection.

The chair laid **HB 3081** before the house on its third reading and final passage.

HB 3081, A bill to be entitled An Act relating to imposing liens on aircraft for nonpayment of fuel charges.

HB 3081 was passed.

HB 3440 ON THIRD READING
(by Gallego)
MOTION TO SUSPEND CONSTITUTIONAL RULE

Representative Gallego moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3440**.

There was objection to the motion.

Representative Gallego moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 3440** on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by (Record 395): 85 Yeas, 35 Nays, 4 Present, not voting.

Yeas — Allen; Averitt; Bailey; Berman; Bosse; Brimer; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Cook; Counts; Davis, Y.; Deshotel; Dukes; Dunnam; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; George; Geren; Giddings; Glaze; Goodman; Gray; Gutierrez; Haggerty; Hardcastle; Hawley; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Hunter; Jones, J.; Keel; Kitchen; Kolkhorst; Kuempel; Lewis, G.; Longoria; Luna; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Moreno, J.; Najera; Noriega; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Ritter; Salinas; Solis; Swinford; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Wise; Wolens; Yarbrough; Zbranek.

Nays — Bonnen; Brown, B.; Callegari; Christian; Clark; Crabb; Craddick; Crownover; Davis, J.; Denny; Driver; Dutton; Goolsby; Green; Hamric; Hill; Howard; Hupp; Isett; Janek; Jones, E.; Keffer; King, P.; Krusee; Madden; Miller; Morrison; Mowery; Reyna, E.; Seaman; Shields; Smith; Talton; Williams; Wohlgemuth.

Present, not voting — Mr. Speaker; Danburg; Hartnett; Junell(C).

Absent, Excused — Alexander; Corte; Delisi; Eiland; Garcia; Heflin; Hilbert; Jones, D.; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Solomons; Uher; Wilson; Woolley.

Absent, Excused, Committee Meeting — Coleman.

Absent — Grusendorf; Hilderbran; King, T.; Naishtat; Oliveira; Truitt.

STATEMENT OF VOTE

When Record No. 395 was taken, my vote failed to register. I would have voted no.

Hilderbran

HB 3440 - STATEMENT

I was disappointed that Representatives Craddick and Wohlgemuth objected to suspending the rules to allow consideration of **HB 3440**. The bill would have allowed the state to supplement the salaries of certain county sheriffs—just as it does now for county attorneys and certain other county employees.

Sheriffs serve a vital function as the chief law enforcement officers of a county. Each session, the legislature adds to their duties and responsibilities. Many are woefully underpaid. It is unfortunate that the failure to suspend did not allow the legislature to recognize the importance of law enforcement in general and county sheriffs in particular.

Gallego

HB 3444 ON THIRD READING

(by Gallego)

CONSTITUTIONAL RULE SUSPENDED

Representative Gallego moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3444**.

The motion prevailed without objection.

The chair laid **HB 3444** before the house on its third reading and final passage.

HB 3444, A bill to be entitled An Act relating to health care benefit mandates and offer of coverage mandates.

HB 3444 was passed.

HB 829 ON THIRD READING
(by Hill, Howard, Tillery, Olivo, and Y. Davis)
CONSTITUTIONAL RULE SUSPENDED

Representative Hill moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 829**.

There was objection to the motion.

Representative Hill moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 829** on its third reading and final passage.

The motion prevailed by (Record 396): 104 Yeas, 6 Nays, 3 Present, not voting.

Yeas — Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Cook; Counts; Craddick; Crownover; Davis, J.; Denny; Deshotel; Driver; Dunnam; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Flores; Gallego; George; Geren; Goodman; Goolsby; Gray; Green; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Jones, E.; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Longoria; Madden; Martinez Fischer; Maxey; McCall; McReynolds; Menendez; Miller; Morrison; Mowery; Naishtat; Najera; Olivo; Pickett; Pitts; Ramsay; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Swinford; Talton; Thompson; Tillery; Truitt; Turner, B.; Villarreal; Walker; West; Williams; Wise; Wohlgemuth; Wolens; Yarbrough; Zbrank.

Nays — Dutton; Farrar; Hupp; Isett; Janek; Moreno, J.

Present, not voting — Mr. Speaker; Danburg; Junell(C).

Absent, Excused — Alexander; Corte; Delisi; Eiland; Garcia; Heflin; Hilbert; Jones, D.; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Solomons; Uher; Wilson; Woolley.

Absent, Excused, Committee Meeting — Coleman.

Absent — Crabb; Davis, Y.; Dukes; Giddings; Glaze; Grusendorf; Jones, J.; Luna; McClendon; Noriega; Oliveira; Puente; Rangel; Solis; Telford; Turner, S.; Uresti.

The chair laid **HB 829** before the house on its third reading and final passage.

HB 829, A bill to be entitled An Act relating to the eligibility of certain areas for certain colonia funding programs.

HB 829 was passed.

HB 1154 ON THIRD READING
(by Raymond)
CONSTITUTIONAL RULE SUSPENDED

Representative Raymond moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1154**.

The motion prevailed without objection.

The chair laid **HB 1154** before the house on its third reading and final passage.

HB 1154, A bill to be entitled An Act relating to authorizing the Health and Human Services Commission to make grants to community-based organizations to provide support for long-term care services.

HB 1154 was passed.

HB 3469 ON THIRD READING
(by McClendon, Y. Davis, Thompson, Wilson, Raymond, et al)
CONSTITUTIONAL RULE SUSPENDED

Representative McClendon moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3469**.

The motion prevailed without objection.

The chair laid **HB 3469** before the house on its third reading and final passage.

HB 3469, A bill to be entitled An Act relating to establishing a medical school at Prairie View A&M University.

HB 3469 was passed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Kolkhorst on motion of Morrison.

HB 3667 ON THIRD READING
(by Cook)
CONSTITUTIONAL RULE SUSPENDED

Representative Cook moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3667**.

The motion prevailed without objection.

The chair laid **HB 3667** before the house on its third reading and final passage.

HB 3667, A bill to be entitled An Act relating to insurance for certain volunteer fire departments.

HB 3667 was passed.

HB 1119 ON THIRD READING

(by **Dutton**)

MOTION TO SUSPEND CONSTITUTIONAL RULE

Representative Dutton moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1119**.

There was objection to the motion.

Representative Dutton moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 1119** on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by (Record 397): 76 Yeas, 41 Nays, 4 Present, not voting.

Yeas — Allen; Averitt; Bailey; Bosse; Brown, F.; Capelo; Chavez; Chisum; Cook; Counts; Davis, Y.; Deshotel; Dukes; Dunnam; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Geren; Giddings; Glaze; Goodman; Gray; Gutierrez; Hardcastle; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Hunter; Jones, J.; Kitchen; Kuempel; Lewis, G.; Longoria; Luna; Martinez Fischer; Maxey; McClendon; McReynolds; Menendez; Moreno, J.; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Rangel; Raymond; Reyna, A.; Ritter; Salinas; Shields; Solis; Swinford; Thompson; Tillery; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Wise; Wolens; Yarbrough; Zbranek.

Nays — Berman; Bonnen; Brimer; Brown, B.; Callegari; Christian; Clark; Craddock; Crownover; Davis, J.; Denny; Driver; Dutton; George; Goolsby; Green; Hamric; Hawley; Hilderbran; Hill; Howard; Hupp; Isett; Janek; Jones, E.; Keel; Keffer; King, P.; Krusee; Madden; McCall; Miller; Morrison; Mowery; Reyna, E.; Seaman; Smith; Talton; Truitt; Williams; Wohlgemuth.

Present, not voting — Mr. Speaker; Danburg; Hartnett; Junell(C).

Absent, Excused — Alexander; Corte; Delisi; Eiland; Garcia; Heflin; Hilbert; Jones, D.; Kolkhorst; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Solomons; Uher; Wilson; Woolley.

Absent, Excused, Committee Meeting — Coleman.

Absent — Burnam; Carter; Crabb; Grusendorf; Haggerty; King, T.; Ramsay; Telford.

HB 1296 - NO ACTION TAKEN

The author did not wish to be recognized to move to suspend the constitutional rule.

HB 2108 ON THIRD READING

(by **S. Turner**)

CONSTITUTIONAL RULE SUSPENDED

Representative S. Turner moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2108**.

The motion prevailed without objection.

The chair laid **HB 2108** before the house on its third reading and final passage.

HB 2108, A bill to be entitled An Act relating to placement into a juvenile justice alternative education program of children with disabilities who receive special education services.

HB 2108 was passed.

HB 2042 ON THIRD READING
(by Danburg, Wohlgemuth, et al.)
CONSTITUTIONAL RULE SUSPENDED

Representative Danburg moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2042**.

The motion prevailed without objection.

The chair laid **HB 2042** before the house on its third reading and final passage.

HB 2042, A bill to be entitled An Act relating to proving a lack of consent in the prosecution of the offense of sexual assault.

HB 2042 was passed.

HB 1883 ON THIRD READING
(by Thompson)
CONSTITUTIONAL RULE SUSPENDED

Representative Thompson moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1883**.

The motion prevailed without objection.

The chair laid **HB 1883** before the house on its third reading and final passage.

HB 1883, A bill to be entitled An Act relating to limitations on certain powers exercised by an attorney in fact or agent with respect to an elderly principal under a durable power of attorney.

HB 1883 was passed.

HB 3498 ON THIRD READING
(by Thompson)
CONSTITUTIONAL RULE SUSPENDED

Representative Thompson moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3498**.

The motion prevailed without objection.

The chair laid **HB 3498** before the house on its third reading and final passage.

HB 3498, A bill to be entitled An Act relating to improving the collection of costs, fees, and fines in criminal cases.

HB 3498 was passed.

HB 2951 ON THIRD READING
(by Walker)
MOTION TO SUSPEND CONSTITUTIONAL RULE

Representative Walker moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2951**.

There was objection to the motion.

Representative Walker moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 2951** on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by (Record 398): 47 Yeas, 64 Nays, 4 Present, not voting.

Yeas — Allen; Averitt; Brimer; Brown, B.; Brown, F.; Capelo; Chavez; Clark; Denny; Deshotel; Dukes; Gallego; Goolsby; Gray; Green; Gutierrez; Haggerty; Hamric; Hilderbran; Hinojosa; Howard; Hunter; Hupp; Isett; Keel; King, T.; Krusee; Kuempel; Lewis, G.; Madden; McCall; McReynolds; Miller; Mowery; Najera; Noriega; Oliveira; Pitts; Ritter; Shields; Tillery; Villarreal; Walker; West; Wise; Wohlgemuth; Wolens.

Nays — Bailey; Berman; Bonnen; Callegari; Carter; Chisum; Christian; Cook; Counts; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Driver; Dunnam; Dutton; Edwards; Ehrhardt; Ellis; Farabee; Flores; George; Geren; Glaze; Goodman; Hardcastle; Hawley; Hill; Hochberg; Homer; Hope; Hopson; Janek; Jones, E.; Jones, J.; Keffer; King, P.; Kitchen; Longoria; Martinez Fischer; McClendon; Menendez; Moreno, J.; Morrison; Naishtat; Olivo; Pickett; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Salinas; Seaman; Smith; Swinford; Talton; Thompson; Truitt; Turner, B.; Williams; Zbranek.

Present, not voting — Mr. Speaker; Hartnett; Junell(C); Maxey.

Absent, Excused — Alexander; Corte; Delisi; Eiland; Garcia; Heflin; Hilbert; Jones, D.; Kolkhorst; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Solomons; Uher; Wilson; Woolley.

Absent, Excused, Committee Meeting — Coleman.

Absent — Bosse; Burnam; Crabb; Elkins; Farrar; Giddings; Grusendorf; Hodge; Luna; Solis; Telford; Turner, S.; Uresti; Yarbrough.

HB 182 ON THIRD READING
(by B. Turner)
CONSTITUTIONAL RULE SUSPENDED

Representative B. Turner moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 182**.

The motion prevailed without objection.

The chair laid **HB 182** before the house on its third reading and final passage.

HB 182, A bill to be entitled An Act relating to the tax rate of the Sutton County Hospital District.

HB 182 was passed.

HB 1267 ON THIRD READING
(by Dukes)
CONSTITUTIONAL RULE SUSPENDED

Representative Dukes moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1267**.

The motion prevailed without objection.

The chair laid **HB 1267** before the house on its third reading and final passage.

HB 1267, A bill to be entitled An Act relating to the investigation by a local law enforcement agency of certain reports alleging child abuse.

HB 1267 was passed.

HB 284 ON THIRD READING
(by P. King)
CONSTITUTIONAL RULE SUSPENDED

Representative P. King moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 284**.

The motion prevailed without objection.

The chair laid **HB 284** before the house on its third reading and final passage.

HB 284, A bill to be entitled An Act relating to service and contents of citation and answer in justice and small claims courts.

HB 284 was passed.

HB 319 ON THIRD READING
(by Tillery)
CONSTITUTIONAL RULE SUSPENDED

Representative Tillery moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 319**.

The motion prevailed without objection.

The chair laid **HB 319** before the house on its third reading and final passage.

HB 319, A bill to be entitled An Act relating to regulation of the use of laser pointers; providing a criminal penalty.

HB 319 was passed.

HB 320 ON THIRD READING
(by Tillery)
MOTION TO SUSPEND CONSTITUTIONAL RULE

Representative Tillery moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 320**.

There was objection to the motion.

Representative Tillery moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 320** on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by (Record 399): 76 Yeas, 37 Nays, 4 Present, not voting.

Yeas — Allen; Averitt; Bailey; Bosse; Brown, F.; Burnam; Capelo; Chavez; Chisum; Cook; Deshotel; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Geren; Giddings; Glaze; Goodman; Gray; Gutierrez; Hinojosa; Hochberg; Hodge; Homer; Hopson; Hunter; Jones, J.; Keel; King, P.; King, T.; Kitchen; Kuempel; Lewis, G.; Longoria; Martinez Fischer; Maxey; McClendon; McReynolds; Menendez; Moreno, J.; Morrison; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Solis; Swinford; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Wolens; Yarbrough; Zbranek.

Nays — Berman; Bonnen; Brimer; Brown, B.; Callegari; Carter; Christian; Clark; Craddick; Davis, J.; Denny; Driver; George; Goolsby; Haggerty; Hamric; Hardcastle; Hilderbran; Hill; Hope; Hupp; Isett; Janek; Jones, E.; Keffer; Krusee; Madden; McCall; Miller; Mowery; Seaman; Shields; Smith; Truitt; Williams; Wise; Wohlgemuth.

Present, not voting — Mr. Speaker; Danburg; Hartnett; Junell(C).

Absent, Excused — Alexander; Corte; Delisi; Eiland; Garcia; Heflin; Hilbert; Jones, D.; Kolkhorst; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Solomons; Uher; Wilson; Woolley.

Absent, Excused, Committee Meeting — Coleman.

Absent — Counts; Crabb; Crownover; Davis, Y.; Dukes; Green; Grusendorf; Hawley; Howard; Luna; Naishtat; Talton.

HB 331 ON THIRD READING

(by Clark)

CONSTITUTIONAL RULE SUSPENDED

Representative Clark moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 331**.

There was objection to the motion.

Representative Clark moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 331** on its third reading and final passage.

The motion prevailed by (Record 400): 94 Yeas, 13 Nays, 3 Present, not voting.

Yeas — Allen; Averitt; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Carter; Chavez; Chisum; Christian; Clark; Cook; Counts; Craddick; Crownover; Davis, J.; Denny; Deshotel; Driver;

Dunnam; Edwards; Elkins; Ellis; Farabee; Gallego; George; Giddings; Goodman; Goolsby; Gray; Green; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Jones, E.; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lewis, G.; Madden; Maxey; McCall; McClendon; McReynolds; Menendez; Miller; Morrison; Mowery; Naishtat; Najera; Oliveira; Olivo; Pickett; Pitts; Ramsay; Raymond; Reyna, A.; Reyna, E.; Ritter; Seaman; Shields; Smith; Swinford; Talton; Truitt; Turner, B.; Turner, S.; Villarreal; Walker; West; Williams; Wohlgemuth; Wolens.

Nays — Bailey; Dutton; Farrar; Glaze; Isett; Janek; Martinez Fischer; Moreno, J.; Rangel; Salinas; Tillery; Uresti; Wise.

Present, not voting — Mr. Speaker; Danburg; Junell(C).

Absent, Excused — Alexander; Corte; Delisi; Eiland; Garcia; Heflin; Hilbert; Jones, D.; Kolkhorst; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Solomons; Uher; Wilson; Woolley.

Absent, Excused, Committee Meeting — Coleman.

Absent — Capelo; Crabb; Davis, Y.; Dukes; Ehrhardt; Flores; Geren; Grusendorf; Jones, J.; Kitchen; Longoria; Luna; Noriega; Puente; Solis; Telford; Thompson; Yarbrough; Zbranek.

The chair laid **HB 331** before the house on its third reading and final passage.

HB 331, A bill to be entitled An Act relating to requiring sex offenders released on community supervision, parole, or mandatory supervision to maintain a certain distance from any premises where children frequently gather.

HB 331 was passed.

STATEMENT OF VOTE

I was shown voting no on Record No. 400. I intended to vote yes.

Wise

HB 447 ON THIRD READING (by G. Lewis, Grusendorf, and Olivo) **CONSTITUTIONAL RULE SUSPENDED**

Representative G. Lewis moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 447**.

The motion prevailed without objection.

The chair laid **HB 447** before the house on its third reading and final passage.

HB 447, A bill to be entitled An Act relating to discipline of public school students.

HB 447 was passed.

HB 460 ON THIRD READING
(by Hartnett, et al.)
CONSTITUTIONAL RULE SUSPENDED

Representative Hartnett moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 460**.

The motion prevailed without objection.

The chair laid **HB 460** before the house on its third reading and final passage.

HB 460, A bill to be entitled An Act relating to the penalty for the offense of prostitution.

HB 460 was passed.

HB 558 ON THIRD READING
(by Tillery, et al.)
CONSTITUTIONAL RULE SUSPENDED

Representative Tillery moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 558**.

The motion prevailed without objection.

The chair laid **HB 558** before the house on its third reading and final passage.

HB 558, A bill to be entitled An Act relating to restitution paid by a defendant to a children's advocacy center providing services to the defendant's victim.

HB 558 was passed.

HB 3348 ON THIRD READING
(by Counts)
CONSTITUTIONAL RULE SUSPENDED

Representative Counts moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3348**.

The motion prevailed without objection.

The chair laid **HB 3348** before the house on its third reading and final passage.

HB 3348, A bill to be entitled An Act relating to the Texas Energy Resource Council; authorizing the imposition of an assessment on producers of oil, gas, and condensate.

HB 3348 was passed.

HB 644 ON THIRD READING
(by D. Jones)
CONSTITUTIONAL RULE SUSPENDED

Representative Counts moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 644**.

The motion prevailed without objection.

The chair laid **HB 644** before the house on its third reading and final passage.

HB 644, A bill to be entitled An Act relating to an election to abolish the salary grievance committee in certain counties.

HB 644 was passed.

HB 792 ON THIRD READING
(by Wolens, et al.)
CONSTITUTIONAL RULE SUSPENDED

Representative Wolens moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 792**.

The motion prevailed without objection.

The chair laid **HB 792** before the house on its third reading and final passage.

HB 792, A bill to be entitled An Act relating to certain procedures regarding state bar disciplinary proceedings.

HB 792 was passed.

HB 801 ON THIRD READING
(by Longoria, Howard, Olivo, et al.)
CONSTITUTIONAL RULE SUSPENDED

Representative Longoria moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 801**.

The motion prevailed without objection.

The chair laid **HB 801** before the house on its third reading and final passage.

HB 801, A bill to be entitled An Act relating to the implementation of a public education curriculum based on scientific research.

HB 801 was passed.

HB 141 ON THIRD READING
(by Wise)
CONSTITUTIONAL RULE SUSPENDED

Representative Wise moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 141**.

The motion prevailed without objection.

The chair laid **HB 141** before the house on its third reading and final passage.

HB 141, A bill to be entitled An Act relating to the prosecution of and punishment for the offenses of kidnapping and aggravated kidnapping.

HB 141 was passed.

HB 803 ON THIRD READING
(by Junell)
CONSTITUTIONAL RULE SUSPENDED

Representative Wolens moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 803**.

The motion prevailed without objection.

The chair laid **HB 803** before the house on its third reading and final passage.

HB 803, A bill to be entitled An Act relating to reimbursement for services provided by registered nurse first assistants.

HB 803 was passed.

HB 838 ON THIRD READING
(by Hinojosa)
CONSTITUTIONAL RULE SUSPENDED

Representative Hinojosa moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 838**.

The motion prevailed without objection.

The chair laid **HB 838** before the house on its third reading and final passage.

HB 838, A bill to be entitled An Act relating to the application of the open meetings law and the public information law to the governing body of an economic development corporation.

HB 838 was passed.

HB 1014 ON THIRD READING
(by McReynolds and Farabee)
CONSTITUTIONAL RULE SUSPENDED

Representative McReynolds moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1014**.

The motion prevailed without objection.

The chair laid **HB 1014** before the house on its third reading and final passage.

HB 1014, A bill to be entitled An Act relating to faculty compensation policies at institutions of higher education.

HB 1014 was passed.

HB 1330 ON THIRD READING
(by Zbranek)
CONSTITUTIONAL RULE SUSPENDED

Representative Zbranek moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1330**.

The motion prevailed without objection.

The chair laid **HB 1330** before the house on its third reading and final passage.

HB 1330, A bill to be entitled An Act relating to the provision of Internet service by regional education service centers.

HB 1330 was passed.

HB 1438 ON THIRD READING

(by **Olivo, et al.**)

MOTION TO SUSPEND CONSTITUTIONAL RULE

Representative Olivo moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1438**.

There was objection to the motion.

Representative Olivo moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 1438** on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by (Record 401): 88 Yeas, 29 Nays, 4 Present, not voting.

Yeas — Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Cook; Counts; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Ellis; Farabee; Farrar; Flores; Gallego; George; Geren; Giddings; Goodman; Goolsby; Gray; Gutierrez; Hardcastle; Hawley; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Hunter; Isett; Jones, J.; Keel; King, T.; Kitchen; Kuempel; Lewis, G.; Longoria; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Moreno, J.; Morrison; Mowery; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Solis; Swinford; Telford; Thompson; Tillery; Turner, B.; Uresti; Villarreal; Walker; West; Wise; Wolens; Yarbrough; Zbrank.

Nays — Brimer; Brown, B.; Callegari; Christian; Clark; Craddick; Crownover; Davis, J.; Denny; Green; Haggerty; Hamric; Hilderbran; Howard; Hupp; Janek; Jones, E.; Keffer; King, P.; Krusee; Madden; Miller; Seaman; Shields; Smith; Talton; Truitt; Williams; Wohlgemuth.

Present, not voting — Mr. Speaker; Danburg; Hartnett; Junell(C).

Absent, Excused — Alexander; Corte; Delisi; Eiland; Garcia; Heflin; Hilbert; Jones, D.; Kolkhorst; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Solomons; Uher; Wilson; Woolley.

Absent, Excused, Committee Meeting — Coleman.

Absent — Crabb; Davis, Y.; Elkins; Glaze; Grusendorf; Hill; Luna; Turner, S.

HB 1456 ON THIRD READING

(by **Hochberg**)

MOTION TO SUSPEND CONSTITUTIONAL RULE

Representative Hochberg moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1456**.

There was objection to the motion.

Representative Hochberg moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 1456** on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by (Record 402): 80 Yeas, 36 Nays, 4 Present, not voting.

Yeas — Allen; Averitt; Bailey; Bosse; Brimer; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Cook; Counts; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Ellis; Farabee; Farrar; Flores; Gallego; Geren; Giddings; Goodman; Gray; Gutierrez; Haggerty; Hardcastle; Hawley; Hinojosa; Hochberg; Hodge; Homer; Hopson; Hunter; Isett; Jones, J.; King, T.; Kitchen; Kuempel; Lewis, G.; Longoria; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Moreno, J.; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Ritter; Salinas; Solis; Swinford; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Wise; Wolens; Yarbrough; Zbraneck.

Nays — Berman; Bonnen; Brown, B.; Callegari; Christian; Clark; Crabb; Craddick; Crownover; Davis, J.; Denny; Driver; George; Green; Hamric; Hilderbran; Hill; Hope; Hupp; Janek; Jones, E.; Keel; Keffer; King, P.; Krusee; Madden; Miller; Morrison; Reyna, E.; Seaman; Shields; Smith; Talton; Truitt; Williams; Wohlgemuth.

Present, not voting — Mr. Speaker; Danburg; Hartnett; Junell(C).

Absent, Excused — Alexander; Corte; Delisi; Eiland; Garcia; Heflin; Hilbert; Jones, D.; Kolkhorst; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Solomons; Uher; Wilson; Woolley.

Absent, Excused, Committee Meeting — Coleman.

Absent — Davis, Y.; Elkins; Glaze; Goolsby; Grusendorf; Howard; Luna; Mowery; Naishtat.

HB 1492 ON THIRD READING
(by Hardcastle, Keffer, Ritter, Deshotel, and Cook)
CONSTITUTIONAL RULE SUSPENDED

Representative Hardcastle moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1492**.

The motion prevailed without objection.

The chair laid **HB 1492** before the house on its third reading and final passage.

HB 1492, A bill to be entitled An Act relating to notice and marking requirements for certain antenna structures.

HB 1492 was passed.

HB 1766 ON THIRD READING
(by B. Turner)
CONSTITUTIONAL RULE SUSPENDED

Representative B. Turner moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1766**.

The motion prevailed without objection.

The chair laid **HB 1766** before the house on its third reading and final passage.

HB 1766, A bill to be entitled An Act relating to administration of oaths in Texas.

HB 1766 was passed.

HB 1848 ON THIRD READING
(by Keel and Hinojosa)
CONSTITUTIONAL RULE SUSPENDED

Representative Keel moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1848**.

The motion prevailed without objection.

The chair laid **HB 1848** before the house on its third reading and final passage.

HB 1848, A bill to be entitled An Act relating to securing the appearance of certain persons who have been released on bail; providing a criminal penalty.

HB 1848 was passed.

HB 2076 ON THIRD READING
(by Flores)
CONSTITUTIONAL RULE SUSPENDED

Representative Flores moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2076**.

The motion prevailed without objection.

The chair laid **HB 2076** before the house on its third reading and final passage.

HB 2076, A bill to be entitled An Act relating to the exemption of travel trailers from ad valorem taxation.

HB 2076 was passed.

HB 2164 ON THIRD READING
(by Goolsby)
CONSTITUTIONAL RULE SUSPENDED

Representative Goolsby moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2164**.

The motion prevailed without objection.

The chair laid **HB 2164** before the house on its third reading and final passage.

HB 2164, A bill to be entitled An Act relating to the sale of Woodlawn by the State Preservation Board.

HB 2164 was passed.

HB 218 ON THIRD READING
(by Wise, Uresti, Menendez, Olivo, Hinojosa, et al.)
CONSTITUTIONAL RULE SUSPENDED

Representative Wise moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 218**.

The motion prevailed without objection.

The chair laid **HB 218** before the house on its third reading and final passage.

HB 218, A bill to be entitled An Act relating to the membership of a local workforce development board.

HB 218 was passed.

HB 288 - NO ACTION TAKEN

The author did not wish to be recognized to move to suspend the constitutional rule.

HB 336 ON THIRD READING
(by West)
CONSTITUTIONAL RULE SUSPENDED

Representative West moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 336**.

The motion prevailed without objection.

The chair laid **HB 336** before the house on its third reading and final passage.

HB 336, A bill to be entitled An Act relating to certain requirements in connection with the expenditure of child support payments.

HB 336 was passed.

HB 350 ON THIRD READING
(by Wise, Uresti, Menendez, Olivo, Hinojosa, et al.)
CONSTITUTIONAL RULE SUSPENDED

Representative Wise moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 350**.

The motion prevailed without objection.

The chair laid **HB 350** before the house on its third reading and final passage.

HB 350, A bill to be entitled An Act relating to authorizing county residents to file legal action to ensure that a veterans county service office is maintained as separate and distinct from other county offices.

HB 350 was passed.

HB 385 ON THIRD READING

(by **Ellis and Rangel**)

MOTION TO SUSPEND CONSTITUTIONAL RULE

Representative Ellis moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 385**.

There was objection to the motion.

Representative Ellis moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 385** on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by (Record 403): 87 Yeas, 31 Nays, 4 Present, not voting.

Yeas — Allen; Averitt; Bailey; Berman; Bosse; Brimer; Burnam; Capelo; Carter; Chavez; Chisum; Cook; Counts; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Geren; Giddings; Goodman; Goolsby; Gray; Gutierrez; Haggerty; Hardcastle; Hawley; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Hunter; Jones, E.; Jones, J.; Keel; Kitchen; Kuempel; Lewis, G.; Longoria; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Moreno, J.; Morrison; Mowery; Naishtat; Najera; Noriega; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Solis; Swinford; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Wise; Wolens; Zbranek.

Nays — Bonnen; Brown, B.; Brown, F.; Callegari; Christian; Clark; Crabb; Craddick; Crownover; Davis, J.; George; Green; Hamric; Hilderbran; Hill; Howard; Hupp; Isett; Janek; Keffer; King, P.; Krusee; Madden; Miller; Seaman; Shields; Smith; Talton; Truitt; Williams; Wohlgenuth.

Present, not voting — Mr. Speaker; Danburg; Hartnett; Junell(C).

Absent, Excused — Alexander; Corte; Delisi; Eiland; Garcia; Heflin; Hilbert; Jones, D.; Kolkhorst; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Solomons; Uher; Wilson; Woolley.

Absent, Excused, Committee Meeting — Coleman.

Absent — Davis, Y.; Glaze; Grusendorf; King, T.; Luna; Oliveira; Yarbrough.

STATEMENT OF VOTE

I was shown voting yes on Record No. 403. I intended to vote no.

Allen

HB 484 ON THIRD READING

(by **Craddick**)

MOTION TO SUSPEND CONSTITUTIONAL RULE

Representative Craddick moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 484**.

There was objection to the motion.

Representative Craddick moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 484** on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by (Record 404): 82 Yeas, 31 Nays, 3 Present, not voting.

Yeas — Allen; Averitt; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Carter; Chisum; Christian; Clark; Crabb; Craddick; Crownover; Davis, J.; Denny; Driver; Edwards; Elkins; Ellis; George; Goodman; Goolsby; Gray; Green; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Hilderbran; Hill; Hinojosa; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Jones, E.; Jones, J.; Keel; Keffer; King, P.; Krusee; Kuempel; Lewis, G.; Madden; McCall; Miller; Morrison; Mowery; Najera; Pickett; Pitts; Ramsay; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Swinford; Talton; Telford; Tillery; Truitt; Turner, B.; Turner, S.; Villarreal; Walker; West; Williams; Wise; Wohlgemuth; Wolens.

Nays — Bailey; Bosse; Capelo; Deshotel; Dukes; Dunnam; Dutton; Farabee; Farrar; Flores; Gallego; Gutierrez; Hochberg; Janek; Kitchen; Longoria; Martinez Fischer; Maxey; McClendon; McReynolds; Menendez; Moreno, J.; Naishtat; Noriega; Olivo; Puente; Rangel; Solis; Uresti; Yarbrough; Zbraneck.

Present, not voting — Mr. Speaker; Danburg; Junell(C).

Absent, Excused — Alexander; Corte; Delisi; Eiland; Garcia; Heflin; Hilbert; Jones, D.; Kolkhorst; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Solomons; Uher; Wilson; Woolley.

Absent, Excused, Committee Meeting — Coleman.

Absent — Chavez; Cook; Counts; Davis, Y.; Ehrhardt; Geren; Giddings; Glaze; Grusendorf; King, T.; Luna; Oliveira; Thompson.

HB 492 ON THIRD READING

(by Pickett)

CONSTITUTIONAL RULE SUSPENDED

Representative Pickett moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 492**.

The motion prevailed without objection.

The chair laid **HB 492** before the house on its third reading and final passage.

HB 492, A bill to be entitled An Act relating to historical reenactments on premises permitted or licensed under the Alcoholic Beverage Code.

HB 492 was passed.

HB 511 ON THIRD READING

(by Keel, Hinojosa, et al.)

CONSTITUTIONAL RULE SUSPENDED

Representative Keel moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 511**.

The motion prevailed without objection.

The chair laid **HB 511** before the house on its third reading and final passage.

HB 511, A bill to be entitled An Act relating to making arrest warrants and certain affidavits made in support of the issuance of arrest warrants available for public inspection.

HB 511 was passed.

HB 512 ON THIRD READING
(by Keel and Hinojosa)
CONSTITUTIONAL RULE SUSPENDED

Representative Keel moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 512**.

The motion prevailed without objection.

The chair laid **HB 512** before the house on its third reading and final passage.

HB 512, A bill to be entitled An Act relating to the release on bond of certain persons arrested without a warrant.

HB 512 was passed.

HB 546 ON THIRD READING
(by Noriega and Uresti)
CONSTITUTIONAL RULE SUSPENDED

Representative Noriega moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 546**.

The motion prevailed without objection.

The chair laid **HB 546** before the house on its third reading and final passage.

HB 546, A bill to be entitled An Act relating to judicial training.

HB 546 was passed.

HB 613 - NO ACTION TAKEN

The author did not wish to be recognized to move to suspend the constitutional rule.

HB 653 ON THIRD READING
(by Najera, Chavez, J. Moreno, Farrar, and Menendez)
CONSTITUTIONAL RULE SUSPENDED

Representative Najera moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 653**.

The motion prevailed without objection.

The chair laid **HB 653** before the house on its third reading and final passage.

HB 653, A bill to be entitled An Act relating to the prosecution of and punishment for the offense of cruelty to animals.

HB 653 was passed.

HB 694 ON THIRD READING
(by Yarbrough)
CONSTITUTIONAL RULE SUSPENDED

Representative Yarbrough moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 694**.

The motion prevailed without objection.

The chair laid **HB 694** before the house on its third reading and final passage.

HB 694, A bill to be entitled An Act relating to eligibility for unemployment compensation benefits of certain sheltered workshop employees who are blind.

HB 694 was passed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of illness:

Danburg on motion of Hawley.

HB 798 ON THIRD READING
(by Gallego)
CONSTITUTIONAL RULE SUSPENDED

Representative Gallego moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 798**.

The motion prevailed without objection.

The chair laid **HB 798** before the house on its third reading and final passage.

HB 798, A bill to be entitled An Act relating to the terms of an employment contract of a political subdivision.

HB 798 was passed.

HB 832 ON THIRD READING
(by Madden and Chavez)
MOTION TO SUSPEND CONSTITUTIONAL RULE

Representative Madden moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 832**.

There was objection to the motion.

Representative Madden moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 832** on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by (Record 405): 84 Yeas, 31 Nays, 2 Present, not voting.

Yeas — Allen; Averitt; Bailey; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Cook; Counts; Crabb; Craddick; Crownover; Davis, J.; Denny; Driver; Edwards; Elkins; Ellis; George; Goodman; Goolsby; Green; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Jones, E.; Jones, J.; Keel; Keffer; King, P.; King, T.; Kitchen; Krusee; Kuempel; Madden; McCall; Menendez; Morrison; Mowery; Najera; Oliveira; Pickett; Pitts; Ramsay; Raymond; Reyna, A.; Reyna, E.; Salinas; Shields; Smith; Swinford; Talton; Tillery; Truitt; Turner, B.; Walker; West; Wise; Wohlgemuth; Wolens; Yarbrough.

Nays — Bosse; Deshotel; Dukes; Dunnam; Dutton; Ehrhardt; Farabee; Farrar; Flores; Gallego; Gutierrez; Janek; Longoria; Martinez Fischer; Maxey; McClendon; McReynolds; Moreno, J.; Naishtat; Noriega; Olivo; Puente; Rangel; Ritter; Seaman; Solis; Turner, S.; Uresti; Villarreal; Williams; Zbranek.

Present, not voting — Mr. Speaker; Junell(C).

Absent, Excused — Alexander; Corte; Danburg; Delisi; Eiland; Garcia; Heflin; Hilbert; Jones, D.; Kolkhorst; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Solomons; Uher; Wilson; Woolley.

Absent, Excused, Committee Meeting — Coleman.

Absent — Davis, Y.; Geren; Giddings; Glaze; Gray; Grusendorf; Lewis, G.; Luna; Miller; Telford; Thompson.

HB 900 - NO ACTION TAKEN

The author did not wish to be recognized to move to suspend the constitutional rule.

HB 955 - NO ACTION TAKEN

The author did not wish to be recognized to move to suspend the constitutional rule.

HB 956 - NO ACTION TAKEN

The author did not wish to be recognized to move to suspend the constitutional rule.

HB 1034 ON THIRD READING

(by Thompson)

CONSTITUTIONAL RULE SUSPENDED

Representative Thompson moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1034**.

The motion prevailed without objection.

The chair laid **HB 1034** before the house on its third reading and final passage.

HB 1034, A bill to be entitled An Act relating to disclosure of price information in a written advertisement for certain communications services or equipment; providing a civil penalty.

HB 1034 was passed.

HB 1121 ON THIRD READING
(by B. Turner)
CONSTITUTIONAL RULE SUSPENDED

Representative B. Turner moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1121**.

The motion prevailed without objection.

The chair laid **HB 1121** before the house on its third reading and final passage.

HB 1121, A bill to be entitled An Act relating to eligibility for enrollment in certain law enforcement training programs.

HB 1121 was passed.

HB 1138 ON THIRD READING
(by Longoria)
CONSTITUTIONAL RULE SUSPENDED

Representative Longoria moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1138**.

The motion prevailed without objection.

The chair laid **HB 1138** before the house on its third reading and final passage.

HB 1138, A bill to be entitled An Act relating to the form of a proposal guaranty for a contract of the Texas Department of Transportation.

HB 1138 was passed.

HB 1181 ON THIRD READING
(by Capelo)
CONSTITUTIONAL RULE SUSPENDED

Representative Capelo moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1181**.

The motion prevailed without objection.

The chair laid **HB 1181** before the house on its third reading and final passage.

HB 1181, A bill to be entitled An Act relating to the punishment for the offense of obstruction or retaliation.

HB 1181 was passed.

HB 3168 - NO ACTION TAKEN

The author did not wish to be recognized to move to suspend the constitutional rule.

HB 1203 ON THIRD READING
(by Brimer)
CONSTITUTIONAL RULE SUSPENDED

Representative Brimer moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1203**.

The motion prevailed without objection.

The chair laid **HB 1203** before the house on its third reading and final passage.

HB 1203, A bill to be entitled An Act relating to the purchase of certain insurance coverage by state agencies and to workers' compensation insurance benefits provided by certain state agencies.

HB 1203 was passed.

HB 1213 ON THIRD READING
(by Maxey)
CONSTITUTIONAL RULE SUSPENDED

Representative Maxey moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1213**.

The motion prevailed without objection.

The chair laid **HB 1213** before the house on its third reading and final passage.

HB 1213, A bill to be entitled An Act relating to creation and implementation by the Health and Human Services Commission of family-based alternatives to the institutionalization of children.

HB 1213 was passed.

HB 1268 ON THIRD READING
(by Dukes)
CONSTITUTIONAL RULE SUSPENDED

Representative Dukes moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1268**.

The motion prevailed without objection.

The chair laid **HB 1268** before the house on its third reading and final passage.

HB 1268, A bill to be entitled An Act relating to the appraisalment of real property securing a mortgage loan; providing a criminal penalty.

HB 1268 was passed.

HB 1286 - NO ACTION TAKEN

The Author did not wish to be recognized to move to suspend the constitutional rule.

HB 1380 ON THIRD READING
(by Coleman)
CONSTITUTIONAL RULE SUSPENDED

Representative McClendon moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1380**.

The motion prevailed without objection.

The chair laid **HB 1380** before the house on its third reading and final passage.

HB 1380, A bill to be entitled An Act relating to protecting, under the public information law, the identity of a victim of violence or threatened violence.

HB 1380 was passed.

HB 1382 - NO ACTION TAKEN

The author did not wish to be recognized to move to suspend the constitutional rule.

HB 1404 ON THIRD READING
(by Martinez Fischer and J. Moreno)
CONSTITUTIONAL RULE SUSPENDED

Representative Martinez Fischer moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1404**.

The motion prevailed without objection.

The chair laid **HB 1404** before the house on its third reading and final passage.

HB 1404, A bill to be entitled An Act relating to certain credit insurance policies.

HB 1404 was passed.

HB 1418 ON THIRD READING
(by J. Jones, et al.)
CONSTITUTIONAL RULE SUSPENDED

Representative J. Jones moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1418**.

The motion prevailed without objection.

The chair laid **HB 1418** before the house on its third reading and final passage.

HB 1418, A bill to be entitled An Act relating to certain employees of nursing homes and related institutions.

HB 1418 was passed.

HB 1433 ON THIRD READING
(by Dunnam)
MOTION TO SUSPEND CONSTITUTIONAL RULE

Representative Dunnam moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1433**.

There was objection to the motion.

Representative Dunnam moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 1433** on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by (Record 406): 78 Yeas, 38 Nays, 4 Present, not voting.

Yeas — Allen; Averitt; Bailey; Bosse; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Clark; Cook; Counts; Crabb; Crownover; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Farabee; Farrar; Flores; Gallego; Geren; Giddings; Goodman; Gray; Gutierrez; Hardcastle; Hawley; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Hunter; Jones, J.; King, T.; Kitchen; Lewis, G.; Longoria; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Moreno, J.; Morrison; Naishtat; Najera; Noriega; Olivo; Pickett; Pitts; Puente; Rangel; Raymond; Reyna, A.; Ritter; Salinas; Solis; Swinford; Telford; Thompson; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Wise; Wolens; Yarbrough; Zbranek.

Nays — Berman; Bonnen; Brimer; Brown, B.; Callegari; Christian; Craddick; Davis, J.; Denny; Driver; Elkins; George; Green; Haggerty; Hamric; Hilderbran; Hill; Howard; Hupp; Isett; Janek; Keel; Keffer; King, P.; Krusee; Kuempel; Madden; Miller; Mowery; Reyna, E.; Seaman; Shields; Smith; Talton; Tillery; Truitt; Williams; Wohlgemuth.

Present, not voting — Mr. Speaker; Grusendorf; Hartnett; Junell(C).

Absent, Excused — Alexander; Corte; Danburg; Delisi; Eiland; Garcia; Heflin; Hilbert; Jones, D.; Kolkhorst; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Solomons; Uher; Wilson; Woolley.

Absent, Excused, Committee Meeting — Coleman.

Absent — Davis, Y.; Ellis; Glaze; Goolsby; Jones, E.; Luna; Oliveira; Ramsay.

HB 1440 ON THIRD READING
(by Averitt)
CONSTITUTIONAL RULE SUSPENDED

Representative Averitt moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1440**.

The motion prevailed without objection.

The chair laid **HB 1440** before the house on its third reading and final passage.

HB 1440, A bill to be entitled An Act relating to the eligibility of certain children for certain health benefit coverage.

HB 1440 was passed.

HB 1464 ON THIRD READING

(by **Dunnam**)

MOTION TO SUSPEND CONSTITUTIONAL RULE

Representative **Dunnam** moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1464**.

There was objection to the motion.

Representative **Dunnam** moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 1464** on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by (Record 407): 72 Yeas, 43 Nays, 2 Present, not voting.

Yeas — Allen; Averitt; Bailey; Bosse; Brown, F.; Burnam; Capelo; Carter; Chavez; Cook; Counts; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Ellis; Farabee; Farrar; Flores; Gallego; Giddings; Goodman; Goolsby; Gray; Gutierrez; Hardcastle; Hawley; Hinojosa; Hochberg; Hodge; Homer; Hopson; Hunter; Jones, J.; King, T.; Kitchen; Lewis, G.; Longoria; Martinez Fischer; Maxey; McClendon; McReynolds; Menendez; Moreno, J.; Naishtat; Najera; Noriega; Olivo; Pickett; Pitts; Puente; Rangel; Raymond; Reyna, A.; Ritter; Salinas; Solis; Swinford; Telford; Thompson; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Wise; Wolens; Yarbrough; Zbraneck.

Nays — Berman; Bonnen; Brimer; Brown, B.; Callegari; Christian; Clark; Craddick; Crownover; Davis, J.; Denny; Driver; Elkins; George; Green; Haggerty; Hamric; Hilderbran; Hill; Hope; Howard; Hupp; Isett; Janek; Keel; Keffer; King, P.; Krusee; Kuempel; Madden; McCall; Miller; Morrison; Mowery; Reyna, E.; Seaman; Shields; Smith; Talton; Tillery; Truitt; Williams; Wohlgemuth.

Present, not voting — Mr. Speaker; Junell(C).

Absent, Excused — Alexander; Corte; Danburg; Delisi; Eiland; Garcia; Heflin; Hilbert; Jones, D.; Kolkhorst; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Solomons; Uher; Wilson; Woolley.

Absent, Excused, Committee Meeting — Coleman.

Absent — Chisum; Crabb; Davis, Y.; Geren; Glaze; Grusendorf; Hartnett; Jones, E.; Luna; Oliveira; Ramsay.

HB 1505 ON THIRD READING

(by **Yarbrough**)

CONSTITUTIONAL RULE SUSPENDED

Representative **Yarbrough** moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1505**.

The motion prevailed without objection.

The chair laid **HB 1505** before the house on its third reading and final passage.

HB 1505, A bill to be entitled An Act relating to the regulation of plumbing; providing a penalty.

HB 1505 was passed.

HB 1575 ON THIRD READING
(by Junell)
CONSTITUTIONAL RULE SUSPENDED

Representative Brimer moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1575**.

The motion prevailed without objection.

The chair laid **HB 1575** before the house on its third reading and final passage.

HB 1575, A bill to be entitled An Act relating to student loan repayment assistance for certain dental hygienists.

HB 1575 was passed.

HB 1594 ON THIRD READING
(by Dunnam)
CONSTITUTIONAL RULE SUSPENDED

Representative Dunnam moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1594**.

There was objection to the motion.

Representative Dunnam moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 1594** on its third reading and final passage.

The motion prevailed by (Record 408): 113 Yeas, 5 Nays, 3 Present, not voting.

Yeas — Allen; Averitt; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Chavez; Chisum; Christian; Clark; Cook; Counts; Crabb; Craddick; Crownover; Davis, J.; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Gutierrez; Haggerty; Hamric; Hardcastle; Hawley; Hilderbran; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Hunter; Hupp; Isett; Jones, E.; Jones, J.; Keel; Keffer; King, P.; King, T.; Kitchen; Krusee; Kuempel; Lewis, G.; Longoria; Madden; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Najera; Noriega; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Shields; Smith; Solis; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Turner, S.; Uresti; Villarreal; West; Williams; Wise; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Nays — Bailey; Carter; Hill; Janek; Tillery.

Present, not voting — Mr. Speaker; Hartnett; Junell(C).

Absent, Excused — Alexander; Corte; Danburg; Delisi; Eiland; Garcia; Heflin; Hilbert; Jones, D.; Kolkhorst; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Solomons; Uher; Wilson; Woolley.

Absent, Excused, Committee Meeting — Coleman.

Absent — Davis, Y.; Grusendorf; Howard; Luna; Oliveira; Seaman; Walker.

The chair laid **HB 1594** before the house on its third reading and final passage.

HB 1594, A bill to be entitled An Act relating to allowing a train to stand on a street, railroad crossing, or highway.

HB 1594 was passed.

HB 1606 ON THIRD READING

(by Puente)

CONSTITUTIONAL RULE SUSPENDED

Representative Puente moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1606**.

The motion prevailed without objection.

The chair laid **HB 1606** before the house on its third reading and final passage.

HB 1606, A bill to be entitled An Act relating to the state law enforcement authority of certain federal border patrol agents.

HB 1606 was passed.

HB 1609 ON THIRD READING

(by Averitt)

CONSTITUTIONAL RULE SUSPENDED

Representative Averitt moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1609**.

The motion prevailed without objection.

The chair laid **HB 1609** before the house on its third reading and final passage.

HB 1609, A bill to be entitled An Act relating to the scheduled benefit review and utilization review.

HB 1609 was passed.

HB 1709 ON THIRD READING

(by Averitt)

CONSTITUTIONAL RULE SUSPENDED

Representative Averitt moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1709**.

The motion prevailed without objection.

The chair laid **HB 1709** before the house on its third reading and final passage.

HB 1709, A bill to be entitled An Act relating to assessments used to fund the Health Insurance Risk Pool; authorizing a premium tax credit.

HB 1709 was passed.

HB 1715 ON THIRD READING
(by Thompson)
CONSTITUTIONAL RULE SUSPENDED

Representative Thompson moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1715**.

The motion prevailed without objection.

The chair laid **HB 1715** before the house on its third reading and final passage.

HB 1715, A bill to be entitled An Act relating to the authority of certain county judges to engage in the private practice of law.

HB 1715 was passed. (Carter recorded voting no)

HB 1748 ON THIRD READING
(by Giddings and S. Turner)
CONSTITUTIONAL RULE SUSPENDED

Representative Giddings moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1748**.

The motion prevailed without objection.

The chair laid **HB 1748** before the house on its third reading and final passage.

HB 1748, A bill to be entitled An Act relating to the creation of an unsolved crimes investigation team within the Department of Public Safety of the State of Texas.

HB 1748 was passed.

HB 3305 ON THIRD READING
(by Martinez Fischer)
CONSTITUTIONAL RULE SUSPENDED

Representative Martinez Fischer moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3305**.

The motion prevailed without objection.

The chair laid **HB 3305** before the house on its third reading and final passage.

HB 3305, A bill to be entitled An Act relating to changing the deadlines and authority for ordering the election and filing for candidacy in political subdivision elections.

HB 3305 was passed.

HB 1820 ON THIRD READING
(by Madden and D. Jones)
CONSTITUTIONAL RULE SUSPENDED

Representative Madden moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1820**.

The motion prevailed without objection.

The chair laid **HB 1820** before the house on its third reading and final passage.

HB 1820, A bill to be entitled An Act relating to the elimination of unnecessary county election precincts.

HB 1820 was passed.

HB 1860 - NO ACTION TAKEN

The author did not wish to be recognized to move to suspend the constitutional rule.

HB 1892 ON THIRD READING
(by G. Lewis)
CONSTITUTIONAL RULE SUSPENDED

Representative G. Lewis moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1892**.

The motion prevailed without objection.

The chair laid **HB 1892** before the house on its third reading and final passage.

HB 1892, A bill to be entitled An Act relating to the threshold contract amount at which certain political subdivisions are required to engage in a competitive purchasing procedure and the criteria required to evaluate bidders in the competitive purchasing process.

HB 1892 was passed.

HB 1915 ON THIRD READING
(by Capelo)
CONSTITUTIONAL RULE SUSPENDED

Representative Capelo moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1915**.

The motion prevailed without objection.

The chair laid **HB 1915** before the house on its third reading and final passage.

HB 1915, A bill to be entitled An Act relating to an exemption from the requirement to have a fishing license for certain mentally retarded persons.

HB 1915 was passed.

HB 1928 ON THIRD READING
(by Geren)
CONSTITUTIONAL RULE SUSPENDED

Representative Geren moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1928**.

The motion prevailed without objection.

The chair laid **HB 1928** before the house on its third reading and final passage.

HB 1928, A bill to be entitled An Act relating to the period of deferral in deferred disposition procedures applicable to traffic offenses.

HB 1928 was passed.

HB 1968 ON THIRD READING
(by Tillery)
CONSTITUTIONAL RULE SUSPENDED

Representative Tillery moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1968**.

The motion prevailed without objection.

The chair laid **HB 1968** before the house on its third reading and final passage.

HB 1968, A bill to be entitled An Act relating to permissible investments, under the Public Funds Investment Act, in certificates of deposit issued by certain financial institutions.

HB 1968 was passed.

HB 2008 ON THIRD READING
(by Naishtat, Madden, and Coleman)
CONSTITUTIONAL RULE SUSPENDED

Representative Naishtat moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2008**.

The motion prevailed without objection.

The chair laid **HB 2008** before the house on its third reading and final passage.

HB 2008, A bill to be entitled An Act relating to indoor air quality in buildings owned or leased by state or local government.

HB 2008 was passed.

HB 2017 ON THIRD READING
(by Green)
MOTION TO SUSPEND CONSTITUTIONAL RULE

Representative Green moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2017**.

There was objection to the motion.

Representative Green moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 2017** on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by (Record 409): 75 Yeas, 31 Nays, 3 Present, not voting.

Yeas — Allen; Averitt; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Callegari; Carter; Chisum; Christian; Clark; Cook; Counts; Crabb; Craddick; Crownover; Davis, J.; Denny; Driver; Dunnam; Edwards; Elkins; George; Goodman; Goolsby; Gray; Green; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Jones, E.; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lewis, G.; Madden; McCall; McReynolds; Miller; Morrison; Mowery; Pitts; Ramsay; Raymond; Reyna, A.; Reyna, E.; Seaman; Shields; Smith; Swinford; Talton; Tillery; Truitt; Turner, B.; Walker; West; Williams; Wise; Wohlgemuth; Wolens.

Nays — Bailey; Deshotel; Dukes; Dutton; Ehrhardt; Farabee; Farrar; Flores; Gallego; Gutierrez; Hochberg; Janek; Kitchen; Longoria; Martinez Fischer; Maxey; McClendon; Menendez; Moreno, J.; Naishtat; Najera; Noriega; Olivo; Pickett; Puente; Rangel; Salinas; Solis; Uresti; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Junell(C); Thompson.

Absent, Excused — Alexander; Corte; Danburg; Delisi; Eiland; Garcia; Heflin; Hilbert; Jones, D.; Kolkhorst; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Solomons; Uher; Wilson; Woolley.

Absent, Excused, Committee Meeting — Coleman.

Absent — Bosse; Burnam; Capelo; Chavez; Davis, Y.; Ellis; Geren; Giddings; Glaze; Grusendorf; Hinojosa; Hodge; Jones, J.; Luna; Oliveira; Ritter; Telford; Turner, S.; Villarreal.

HB 2019 ON THIRD READING
(by Dunnam)
CONSTITUTIONAL RULE SUSPENDED

Representative Dunnam moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2019**.

The motion prevailed without objection.

The chair laid **HB 2019** before the house on its third reading and final passage.

HB 2019, A bill to be entitled An Act relating to notice to personal automobile insurance policy holders of the consumer bill of rights published by the Texas Department of Insurance.

HB 2019 was passed.

HB 2036 ON THIRD READING
(by Haggerty)
CONSTITUTIONAL RULE SUSPENDED

Representative Haggerty moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2036**.

The motion prevailed without objection.

The chair laid **HB 2036** before the house on its third reading and final passage.

HB 2036, A bill to be entitled An Act relating to consumption on the premises of certain establishments licensed to sell alcoholic beverages.

HB 2036 was passed.

HB 2063 - NO ACTION TAKEN

The author did not wish to be recognized to move to suspend the constitutional rule.

HB 2105 - NO ACTION TAKEN

The author did not wish to be recognized to move to suspend the constitutional rule.

HB 2106 - NO ACTION TAKEN

The author did not wish to be recognized to move to suspend the constitutional rule.

HB 2125 ON THIRD READING
(by Hawley, Delisi, Hunter, and Noriega)
CONSTITUTIONAL RULE SUSPENDED

Representative Hawley moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2125**.

The motion prevailed without objection.

The chair laid **HB 2125** before the house on its third reading and final passage.

HB 2125, A bill to be entitled An Act relating to public school admission of military personnel and dependents under reciprocity agreements between states.

HB 2125 was passed.

HB 2191 ON THIRD READING
(by Averitt)
CONSTITUTIONAL RULE SUSPENDED

Representative Averitt moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2191**.

The motion prevailed without objection.

The chair laid **HB 2191** before the house on its third reading and final passage.

HB 2191, A bill to be entitled An Act relating to availability of health benefit plan coverage under the Texas Health Insurance Risk Pool.

HB 2191 was passed.

HB 2226 ON THIRD READING
(by **J. Davis**)
CONSTITUTIONAL RULE SUSPENDED

Representative J. Davis moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2226**.

The motion prevailed without objection.

The chair laid **HB 2226** before the house on its third reading and final passage.

HB 2226, A bill to be entitled An Act relating to the certification by a chief appraiser of certain taxable properties not included in the initial appraisal roll for a taxing unit.

HB 2226 was passed.

HB 2276 ON THIRD READING
(by **Giddings and F. Brown**)
CONSTITUTIONAL RULE SUSPENDED

Representative Giddings moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2276**.

The motion prevailed without objection.

The chair laid **HB 2276** before the house on its third reading and final passage.

HB 2276, A bill to be entitled An Act relating to tuition rebate incentives for persons who complete certain degree and certificate programs without excessive credit hours.

HB 2276 was passed.

HB 3169 - NO ACTION TAKEN

The author did not wish to be recognized to move to suspend the constitutional rule.

HB 2288 ON THIRD READING
(by **Dunnam**)
CONSTITUTIONAL RULE SUSPENDED

Representative Dunnam moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2288**.

The motion prevailed without objection.

The chair laid **HB 2288** before the house on its third reading and final passage.

HB 2288, A bill to be entitled An Act relating to the release of a criminal defendant on bail pending appeal.

HB 2288 was passed. (Carter recorded voting no)

HB 2387 - NO ACTION TAKEN

The author did not wish to be recognized to move to suspend the constitutional rule.

HB 2407 ON THIRD READING

(by Gray)

CONSTITUTIONAL RULE SUSPENDED

Representative Haggerty moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2407**.

The motion prevailed without objection.

The chair laid **HB 2407** before the house on its third reading and final passage.

HB 2407, A bill to be entitled An Act relating to public access to certain information and materials.

HB 2407 was passed.

HB 2435 - NO ACTION TAKEN

The author did not wish to be recognized to move to suspend the constitutional rule.

HB 2445 ON THIRD READING

(by J. Davis, Bonnen, and Crabb)

CONSTITUTIONAL RULE SUSPENDED

Representative J. Davis moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2445**.

The motion prevailed without objection.

The chair laid **HB 2445** before the house on its third reading and final passage.

HB 2445, A bill to be entitled An Act relating to lifetime workers' compensation benefits for certain employees who suffer catastrophic burns.

HB 2445 was passed.

HB 1167 ON THIRD READING

(by Crabb)

CONSTITUTIONAL RULE SUSPENDED

Representative Crabb moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1167**.

The motion prevailed without objection.

The chair laid **HB 1167** before the house on its third reading and final passage.

HB 1167, A bill to be entitled An Act relating to the form of examination of a child in a criminal or civil proceeding.

HB 1167 was passed.

HB 2544 ON THIRD READING
(by Naishtat)
CONSTITUTIONAL RULE SUSPENDED

Representative Naishtat moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2544**.

The motion prevailed without objection.

The chair laid **HB 2544** before the house on its third reading and final passage.

HB 2544, A bill to be entitled An Act relating to the acquisition and disposition of land or another real property interest by a political subdivision.

HB 2544 was passed.

HB 2562 - NO ACTION TAKEN

The author did not wish to be recognized to move to suspend the constitutional rule.

HB 2582 ON THIRD READING
(by Chavez, Gutierrez, Raymond, and Oliveira)
CONSTITUTIONAL RULE SUSPENDED

Representative Chavez moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2582**.

The motion prevailed without objection.

The chair laid **HB 2582** before the house on its third reading and final passage.

HB 2582, A bill to be entitled An Act relating to customs brokers.

HB 2582 was passed.

HB 2673 ON THIRD READING
(by Villarreal and Luna)
CONSTITUTIONAL RULE SUSPENDED

Representative Villarreal moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2673**.

The motion prevailed without objection.

The chair laid **HB 2673** before the house on its third reading and final passage.

HB 2673, A bill to be entitled An Act relating to the collection and assessment of certain information by the Texas Workforce Commission.

HB 2673 was passed.

HB 2687 ON THIRD READING
(by Junell and Flores)
CONSTITUTIONAL RULE SUSPENDED

Representative Flores moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2687**.

The motion prevailed without objection.

The chair laid **HB 2687** before the house on its third reading and final passage.

HB 2687, A bill to be entitled An Act relating to the program for the regulation and remediation of underground and aboveground storage tanks.

HB 2687 was passed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Berman on motion of Hupp.

HB 2706 ON THIRD READING
(by A. Reyna)
CONSTITUTIONAL RULE SUSPENDED

Representative A. Reyna moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2706**.

The motion prevailed without objection.

The chair laid **HB 2706** before the house on its third reading and final passage.

HB 2706, A bill to be entitled An Act relating to a legislative, vacation, and sick leave time bank for certain peace officers and firefighters.

HB 2706 was passed.

HB 2775 ON THIRD READING
(by Deshotel)
CONSTITUTIONAL RULE SUSPENDED

Representative Deshotel moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2775**.

The motion prevailed without objection.

The chair laid **HB 2775** before the house on its third reading and final passage.

HB 2775, A bill to be entitled An Act relating to an exemption for certain students from the requirements of the Texas Academic Skills Program.

HB 2775 was passed.

HB 2799 ON THIRD READING
(by Hodge)
CONSTITUTIONAL RULE SUSPENDED

Representative Hodge moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2799**.

The motion prevailed without objection.

The chair laid **HB 2799** before the house on its third reading and final passage.

HB 2799, A bill to be entitled An Act relating to certain procedures for early voting by mail.

HB 2799 was passed.

HB 2808 ON THIRD READING
(by Chavez and Solis)
CONSTITUTIONAL RULE SUSPENDED

Representative Chavez moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2808**.

The motion prevailed without objection.

The chair laid **HB 2808** before the house on its third reading and final passage.

HB 2808, A bill to be entitled An Act relating to the creation and powers of a North American Free Trade Agreement impact zone.

HB 2808 was passed.

HB 2838 ON THIRD READING
(by Dukes)
CONSTITUTIONAL RULE SUSPENDED

Representative Dukes moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2838**.

The motion prevailed without objection.

The chair laid **HB 2838** before the house on its third reading and final passage.

HB 2838, A bill to be entitled An Act relating to the application of child support payments that exceed the court ordered amount.

HB 2838 was passed.

HB 1340 ON THIRD READING
(by Brimer, et al.)
CONSTITUTIONAL RULE SUSPENDED

Representative Brimer moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1340**.

There was objection to the motion.

Representative Brimer moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 1340** on its third reading and final passage.

The motion prevailed by (Record 410): 98 Yeas, 18 Nays, 3 Present, not voting.

Yeas — Allen; Averitt; Bailey; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Cook; Counts; Crabb; Craddick; Crownover; Davis, J.; Denny; Driver; Dukes; Edwards; Elkins; Ellis; Farabee; Flores; Gallego; George; Goodman; Goolsby; Gray; Green; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Jones, E.; Jones, J.; Keel; Keffer; King, P.; King, T.; Kitchen; Krusee; Kuempel; Lewis, G.; Madden; Maxey; McCall; McClendon; McReynolds; Miller; Morrison; Mowery; Naishtat; Najera; Noriega; Pickett; Pitts; Ramsay; Rangel; Raymond; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Solis; Swinford; Talton; Truitt; Turner, B.; Turner, S.; Walker; West; Williams; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Nays — Burnam; Deshotel; Dunnam; Dutton; Ehrhardt; Farrar; Giddings; Janek; Longoria; Martinez Fischer; Menendez; Moreno, J.; Olivo; Puente; Tillery; Uresti; Villarreal; Wise.

Present, not voting — Mr. Speaker; Junell(C); Reyna, A.

Absent, Excused — Alexander; Berman; Corte; Danburg; Delisi; Eiland; Garcia; Heflin; Hilbert; Jones, D.; Kolkhorst; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Solomons; Uher; Wilson; Woolley.

Absent, Excused, Committee Meeting — Coleman.

Absent — Davis, Y.; Geren; Glaze; Grusendorf; Luna; Oliveira; Telford; Thompson.

The chair laid **HB 1340** before the house on its third reading and final passage.

HB 1340, A bill to be entitled An Act relating to the liability of certain hospitals that provide charity care.

HB 1340 was passed.

HB 1949 ON THIRD READING
(by Keel)
CONSTITUTIONAL RULE SUSPENDED

Representative Keel moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1949**.

The motion prevailed without objection.

The chair laid **HB 1949** before the house on its third reading and final passage.

HB 1949, A bill to be entitled An Act relating to the sale and dispensing of wine by winery permit holders.

HB 1949 was passed.

HB 2878 ON THIRD READING
(by Goolsby)
CONSTITUTIONAL RULE SUSPENDED

Representative Goolsby moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2878**.

The motion prevailed without objection.

The chair laid **HB 2878** before the house on its third reading and final passage.

HB 2878, A bill to be entitled An Act relating to requirements for a private club registration permit under the Alcoholic Beverage Code.

HB 2878 was passed.

HB 2926 ON THIRD READING
(by J. Jones)
CONSTITUTIONAL RULE SUSPENDED

Representative J. Jones moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2926**.

The motion prevailed without objection.

The chair laid **HB 2926** before the house on its third reading and final passage.

HB 2926, A bill to be entitled An Act relating to the period that an ignition interlock device must remain installed on the vehicle of a person placed on community supervision for certain intoxication offenses.

HB 2926 was passed.

HB 2962 ON THIRD READING
(by Longoria)
CONSTITUTIONAL RULE SUSPENDED

Representative Longoria moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2962**.

The motion prevailed without objection.

The chair laid **HB 2962** before the house on its third reading and final passage.

HB 2962, A bill to be entitled An Act relating to obtaining bonds and insurance required for certain state construction projects.

HB 2962 was passed.

HB 2970 ON THIRD READING
(by Dukes)
CONSTITUTIONAL RULE SUSPENDED

Representative Dukes moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2970**.

The motion prevailed without objection.

The chair laid **HB 2970** before the house on its third reading and final passage.

HB 2970, A bill to be entitled An Act relating to hearing requirements for an application to develop land over a closed municipal solid waste landfill.

HB 2970 was passed.

HB 3001 ON THIRD READING
(by Uresti)
CONSTITUTIONAL RULE SUSPENDED

Representative Uresti moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3001**.

The motion prevailed without objection.

The chair laid **HB 3001** before the house on its third reading and final passage.

HB 3001, A bill to be entitled An Act relating to effective dates for tax abatements.

HB 3001 was passed.

HB 2536 ON THIRD READING
(by Maxey)
CONSTITUTIONAL RULE SUSPENDED

Representative Maxey moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2536**.

The motion prevailed without objection.

The chair laid **HB 2536** before the house on its third reading and final passage.

HB 2536, A bill to be entitled An Act relating to disciplinary action against certain police officers or firefighters.

HB 2536 was passed.

HB 3027 ON THIRD READING
(by Dunnam)
CONSTITUTIONAL RULE SUSPENDED

Representative Dunnam moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3027**.

The motion prevailed without objection.

The chair laid **HB 3027** before the house on its third reading and final passage.

HB 3027, A bill to be entitled An Act relating to resident tuition for certain nonresident students with a parent residing in the state.

HB 3027 was passed. (Carter recorded voting no)

HB 3066 ON THIRD READING
(by Chisum)
CONSTITUTIONAL RULE SUSPENDED

Representative Chisum moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3066**.

The motion prevailed without objection.

The chair laid **HB 3066** before the house on its third reading and final passage.

HB 3066, A bill to be entitled An Act relating to the ballot issues of a local option election.

HB 3066 was passed.

HB 1921 ON THIRD READING
(by Maxey)
CONSTITUTIONAL RULE SUSPENDED

Representative Maxey moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1921**.

The motion prevailed without objection.

The chair laid **HB 1921** before the house on its third reading and final passage.

HB 1921, A bill to be entitled An Act relating to the continuation of adoption assistance after the 18th birthday of certain children.

HB 1921 was passed.

HB 3154 ON THIRD READING
(by Capelo)
CONSTITUTIONAL RULE SUSPENDED

Representative Capelo moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3154**.

The motion prevailed without objection.

The chair laid **HB 3154** before the house on its third reading and final passage.

HB 3154, A bill to be entitled An Act relating to the establishment of an asthma and allergy research advisory committee in the Texas Department of Health.

HB 3154 was passed.

HB 3182 - NO ACTION TAKEN

The author did not wish to be recognized to move to suspend the constitutional rule.

HB 3205 ON THIRD READING
(by J. Jones)
CONSTITUTIONAL RULE SUSPENDED

Representative J. Jones moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3205**.

The motion prevailed without objection.

The chair laid **HB 3205** before the house on its third reading and final passage.

HB 3205, A bill to be entitled An Act relating to the purchase or lease of certain motor vehicles by certain regional transit authorities.

HB 3205 was passed.

HB 3210 ON THIRD READING
(by Naishtat, Chavez, Thompson, and Danburg)
CONSTITUTIONAL RULE SUSPENDED

Representative Naishtat moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3210**.

The motion prevailed without objection.

The chair laid **HB 3210** before the house on its third reading and final passage.

HB 3210, A bill to be entitled An Act relating to the creation of a state self-sufficiency program for certain immigrants who are victims of battery or extreme cruelty.

HB 3210 was passed.

HB 3235 ON THIRD READING
(by A. Reyna)
CONSTITUTIONAL RULE SUSPENDED

Representative A. Reyna moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3235**.

The motion prevailed without objection.

The chair laid **HB 3235** before the house on its third reading and final passage.

HB 3235, A bill to be entitled An Act relating to the Pan American Games trust fund and revenue dedicated to that fund.

HB 3235 was passed.

HB 3242 ON THIRD READING
(by Olivo)
CONSTITUTIONAL RULE SUSPENDED

Representative Olivo moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3242**.

The motion prevailed without objection.

The chair laid **HB 3242** before the house on its third reading and final passage.

HB 3242, A bill to be entitled An Act relating to a permit to apply certain sludge on a land application unit.

HB 3242 was passed.

HB 3300 ON THIRD READING
(by Solis, et al.)
CONSTITUTIONAL RULE SUSPENDED

Representative Solis moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3300**.

The motion prevailed without objection.

The chair laid **HB 3300** before the house on its third reading and final passage.

HB 3300, A bill to be entitled An Act relating to the adoption of the 21st Century Technology College and Careers Act.

HB 3300 was passed.

HB 3324 ON THIRD READING
(by Solomons)
CONSTITUTIONAL RULE SUSPENDED

Representative Pickett moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3324**.

The motion prevailed without objection.

The chair laid **HB 3324** before the house on its third reading and final passage.

HB 3324, A bill to be entitled An Act relating to the requirement that an ignition interlock device be installed on the vehicle of a person placed on community supervision for certain intoxication offenses.

HB 3324 was passed.

HB 3325 ON THIRD READING
(by Solomons)
CONSTITUTIONAL RULE SUSPENDED

Representative Pickett moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3325**.

The motion prevailed without objection.

The chair laid **HB 3325** before the house on its third reading and final passage.

HB 3325, A bill to be entitled An Act relating to rules adopted by the Supreme Court of Texas regarding the practice of law in this state by attorneys licensed in other jurisdictions.

HB 3325 was passed.

HB 3455 ON THIRD READING
(by Tillery)
CONSTITUTIONAL RULE SUSPENDED

Representative Tillery moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3455**.

The motion prevailed without objection.

The chair laid **HB 3455** before the house on its third reading and final passage.

HB 3455, A bill to be entitled An Act relating to provision of certain automobile damage information to an applicant for motor vehicle liability insurance.

HB 3455 was passed.

HB 3486 - NO ACTION TAKEN

The author did not wish to be recognized to move to suspend the constitutional rule.

HB 3505 ON THIRD READING
(by Maxey)
CONSTITUTIONAL RULE SUSPENDED

Representative Maxey moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3505**.

The motion prevailed without objection.

The chair laid **HB 3505** before the house on its third reading and final passage.

HB 3505, A bill to be entitled An Act relating to the authority of the attorney general to fund the establishment of an information and notification system for crime victims with the compensation to victims of crime fund.

HB 3505 was passed.

HB 3506 ON THIRD READING
(by Maxey)
CONSTITUTIONAL RULE SUSPENDED

Representative Maxey moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3506**.

The motion prevailed without objection.

The chair laid **HB 3506** before the house on its third reading and final passage.

HB 3506, A bill to be entitled An Act relating to fees charged by a notary public.

HB 3506 was passed. (Craddick recorded voting no)

HB 3578 ON THIRD READING
(by Villarreal)
CONSTITUTIONAL RULE SUSPENDED

Representative Villarreal moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 3578**.

The motion prevailed without objection.

The chair laid **HB 3578** before the house on its third reading and final passage.

HB 3578, A bill to be entitled An Act relating to the use of certain child care development funds for quality child care programs.

HB 3578 was passed.

Amendment No. 1

Representatives Solis and Raymond offered the following amendment to **HB 3578**:

Amend **HB 3578** on third reading as follows:

(1) In SECTION 1 of the bill, in added Section 2308.317, Government Code, at the end of the section, by adding the following:

(c) Fifty cents of the tax imposed on each sale of beer under Section 203.01, Alcoholic Beverage Code, shall be used for quality child care programs as provided by this section.

(2) Add the following section, appropriately numbered, and renumber the subsequent sections as follows:

SECTION __. Section 203.01, Alcoholic Beverage Code, is amended to read as follows:

Sec. 203.01. TAX ON BEER. A tax is imposed on the first sale of beer manufactured in this state or imported into this state at the rate of \$6.50 [~~six dollars~~] per barrel.

Amendment No. 1 was withdrawn.

HB 3578 was passed.

HB 2048 ON THIRD READING
(by Burnam, Dutton, S. Turner, and Thompson)
MOTION TO SUSPEND CONSTITUTIONAL RULE

Representative Burnam moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2048**.

There was objection to the motion.

Representative Burnam moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 2048** on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by (Record 411): 71 Yeas, 42 Nays, 2 Present, not voting.

Yeas — Allen; Averitt; Bailey; Bosse; Burnam; Capelo; Chavez; Chisum; Cook; Counts; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Ellis;

Farabee; Farrar; Gallego; Giddings; Gray; Gutierrez; Hardcastle; Hawley; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Hupp; Jones, E.; Jones, J.; King, P.; King, T.; Kitchen; Lewis, G.; Longoria; Martinez Fischer; Maxey; McClendon; McReynolds; Menendez; Moreno, J.; Morrison; Naishtat; Najera; Noriega; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Ritter; Salinas; Solis; Swinford; Thompson; Turner, S.; Uresti; Villarreal; Walker; West; Wise; Wolens; Yarbrough; Zbranek.

Nays — Bonnen; Brimer; Brown, B.; Brown, F.; Callegari; Carter; Christian; Clark; Craddick; Davis, J.; Denny; Driver; Elkins; George; Goodman; Green; Haggerty; Hamric; Hartnett; Hilderbran; Hill; Howard; Hunter; Isett; Janek; Keel; Keffer; Krusee; Kuempel; Madden; Miller; Mowery; Reyna, E.; Seaman; Shields; Smith; Talton; Tillery; Truitt; Turner, B.; Williams; Wohlgenuth.

Present, not voting — Mr. Speaker; Junell(C).

Absent, Excused — Alexander; Berman; Corte; Danburg; Delisi; Eiland; Garcia; Heflin; Hilbert; Jones, D.; Kolkhorst; Lewis, R.; Marchant; Merritt; Moreno, P.; Nixon; Sadler; Smithee; Solomons; Uher; Wilson; Woolley.

Absent, Excused, Committee Meeting — Coleman.

Absent — Crabb; Crownover; Davis, Y.; Flores; Geren; Glaze; Goolsby; Grusendorf; Luna; McCall; Oliveira; Telford.

STATEMENT OF VOTE

I was shown voting yes on Record No. 411. I intended to vote no.

Allen

I was shown voting yes on Record No. 411. I intended to vote no.

Cook

HB 318 - NO ACTION TAKEN

The author did not wish to be recognized to move to suspend the constitutional rule.

HB 2215 ON THIRD READING

(by Crabb, et al.)

CONSTITUTIONAL RULE SUSPENDED

Representative Crabb moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 2215**.

The motion prevailed without objection.

The chair laid **HB 2215** before the house on its third reading and final passage.

HB 2215, A bill to be entitled An Act relating to the disannexation of certain areas annexed on or after December 1, 1996, by certain municipalities.

HB 2215 was passed.

HB 423 - VOTE RECONSIDERED

Representative Wohlgenuth moved to reconsider the vote by which **HB 423** did not receive the necessary four-fifths vote to suspend the constitutional rule requiring bills to be read on three several days.

The motion to reconsider prevailed.

HB 423 ON THIRD READING
(by Tillery)
CONSTITUTIONAL RULE SUSPENDED

Representative Tillery moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 423**.

The motion prevailed without objection.

The chair laid **HB 423** before the house on its third reading and final passage.

HB 423, A bill to be entitled An Act relating to the applicability of municipal zoning ordinances to open-enrollment charter schools.

HB 423 - LAID ON THE TABLE SUBJECT TO CALL

Representative Tillery moved to lay **HB 423** on the table subject to call.

The motion prevailed without objection.

HB 1823 - VOTE RECONSIDERED

Representative Bailey moved to reconsider the vote by which **HB 1823** failed to receive the necessary four-fifths vote to suspend the constitutional rule requiring bills to be read on three several days.

The motion to reconsider prevailed.

HB 1823 ON THIRD READING
(by Howard)
CONSTITUTIONAL RULE SUSPENDED

Representative Howard moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 1823**.

The motion prevailed without objection.

The chair laid **HB 1823** before the house on its third reading and final passage.

HB 1823, A bill to be entitled An Act relating to damages in an action for interception of communications.

HB 1823 was passed.

HB 704 - VOTE RECONSIDERED

Representative Ehrhardt moved to reconsider the vote by which **HB 704** failed to receive the necessary four-fifths vote to suspend the constitutional rule requiring bills to be read on three several days.

The motion to reconsider prevailed.

HB 704 ON THIRD READING
(by Delisi)
CONSTITUTIONAL RULE SUSPENDED

Representative Geren moved to suspend the constitutional three day rule using the vote recorded on **HB 2388** to take up and consider **HB 704**.

The motion prevailed without objection.

The chair laid **HB 704** before the house on its third reading and final passage.

HB 704, A bill to be entitled An Act relating to the Careers to Classrooms Program.

HB 704 was passed.

RULES SUSPENDED

Representative Counts moved to suspend the 5-day posting rule to allow the Committee on Natural Resources to consider public testimony on **SB 1764** and pending business.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Natural Resources, 8 a.m. today, Friday May 11, E2.014, for a public hearing, to consider **SB 2**.

Ways and Means, 9:30 a.m. today, Friday May 11, speakers committee room, for a formal meeting, to consider pending business.

STATEMENT OF VOTE

I intended to vote yes on Record No. 334 (**HB 2606**) on third reading.

Wolens

RECESS

Representatives Flores and Brimer moved that the house recess until 10 a.m. Friday, May 11, in memory of former house member Raul Longoria of Edinburg and Max Eubanks of Ft. Worth.

The motion prevailed without objection.

The house accordingly, at 2:28 a.m. Friday, May 11, recessed until 10 a.m. today, Friday, May 11.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HR 999 (By Delisi), Honoring the memory of Naomi B. Hodges of Temple.

To Rules & Resolutions.

HR 1001 (By Edwards), Honoring State Representative Helen Giddings for her myriad accomplishments.

To Rules & Resolutions.

HR 1002 (By Chavez), Honoring the inductees of the 2001 El Paso County Democratic Hall of Fame.

To Rules & Resolutions.

HR 1008 (By E. Jones), Commending Dr. Merlin D. Tuttle of Austin on his scientific achievements.

To Rules & Resolutions.

HR 1009 (By E. Jones), In memory of Marshall Terrell Steves, Sr., of San Antonio.

To Rules & Resolutions.

HR 1010 (By Maxey), Recognizing Austin Musical Theatre.

To Rules & Resolutions.

HR 1011 (By Kolkhorst), Congratulating the members of the Brenham Middle School fifth grade UIL academic teams.

To Rules & Resolutions.

SB 107 to Corrections.

SB 322 to Urban Affairs.

SB 1214 to Transportation.

SB 1558 to Ways & Means.

SB 1809 to Transportation.

SJR 6 to Ways & Means.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 50

HB 16, HB 261, HB 444, HB 822, HB 1132, HB 1178, HCR 196, HCR 272, HCR 276, HCR 277, HJR 52, HJR 53

Senate List No. 26

SB 31, SB 34, SB 52, SB 71, SB 73, SB 74, SB 77, SB 125, SB 145, SB 152, SB 164, SB 171, SB 256, SB 270, SB 282, SB 289, SB 327, SB 347, SB 370, SB 386, SB 558, SB 600, SB 605, SB 613, SB 632, SB 636, SB 656, SB 660, SB 661, SB 685, SB 725, SB 726, SB 732, SB 753, SB 837, SB 863, SB 870, SB 874, SB 875, SB 911, SB 936, SB 939, SB 1023, SB 1034, SB 1046, SB 1065, SB 1073, SB 1080, SB 1089, SB 1094, SB 1095, SB 1127, SB 1144, SB 1154, SB 1167, SB 1168, SB 1202, SB 1319, SB 1338, SB 1339, SB 1410, SB 1419, SB 1433, SB 1456, SB 1547, SB 1629, SB 1640, SB 1681, SCR 34

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 10, 2001

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 438 Madla
Relating to permitting the value of natural resources to be included in the assessment of damages in a condemnation proceeding in certain circumstances.

SB 927 Shapleigh
Relating to the transfer or donation of data processing equipment to certain public school students.

SB 1366 Van de Putte
Relating to preference to Texas bidders and best value for certain state procurements.

SB 1453 Lucio
Relating to the eligibility of certain defendants convicted of felonies for release on bail pending appeal.

SB 1834 Lindsay
Relating to reimbursements to property owners following foreclosure sales by property owners' associations.

SCR 57 Madla
Recognizing the beautiful town of Balmorhea as an Oasis of West Texas.

Respectfully,

Betty King
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 10, 2001 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

LOCAL AND UNCONTESTED CALENDAR

- HB 10** Telford SPONSOR:Lindsay
Relating to the preservation of state and local historic property.
(COMMITTEE SUBSTITUTE)
- HB 100** Maxey SPONSOR:Van de Putte
Relating to the regulation of certain health care activities using the Internet.
- HB 108** Flores SPONSOR:Truan
Relating to creating a recognition day in honor of education paraprofessionals.
- HB 186** Burnam SPONSOR:Shapleigh
Relating to certain insurance investigations regarding burglary or robbery losses or death claims.
- HB 234** Hawley SPONSOR:Fraser
Relating to exempting members of the armed forces from the Texas Academic Skills Program.
- HB 251** Keffer SPONSOR:Carona
Relating to certification of food managers.
- HB 337** Hawley SPONSOR:Armbrister
Relating to cancelling or prohibiting the issuance of certain original or renewal alcoholic beverage permits or licenses for nonpayment of ad valorem taxes.
- HB 362** Averitt SPONSOR:Sibley
Relating to the definition of unfair competition and unfair and deceptive acts or practices in the business of insurance.
- HB 391** Maxey SPONSOR:Barrientos
Relating to human donor milk banks.
(COMMITTEE SUBSTITUTE)
- HB 394** Keffer SPONSOR:Staples
Relating to a going out of business sale.
- HB 467** Solomons SPONSOR:Nelson
Relating to the authority of the board of regents of Texas Woman's University to levy student fees for medical services.
(COMMITTEE SUBSTITUTE)
- HB 483** Naishtat SPONSOR:Moncrief
Relating to the removal from the statutes of certain antiquated or unnecessary words referring to incapacitated persons.

HB 521 Gallego SPONSOR:Madla
Relating to the donation of certain property and equipment of the Maverick County Hospital District.

HB 561 Walker SPONSOR:Duncan
Relating to the management of and certain actions and proceedings regarding the Glasscock County Underground Water Conservation District; changing the name of the district.

HB 591 Goodman SPONSOR:Harris
Relating to the liability of a parent who fails to provide court-ordered health insurance for a child.

HB 593 Goodman SPONSOR:Harris
Relating to information required in certain pleadings in the Family Code.

HB 594 Goodman SPONSOR:Harris
Relating to findings of fact and conclusions of law by a court in a suit for dissolution of a marriage.

HB 702 Lewis, Ron SPONSOR:Armbrister
Relating to the administration of drainage districts and the issuance of bonds and other instruments of indebtedness by drainage districts; increasing a criminal penalty.

HB 935 Solis, Jim SPONSOR:Jackson
Relating to the establishment of a flexibility rating system for directives sent by the Texas Workforce Commission to local workforce development boards.

HB 995 Keel SPONSOR:Wentworth
Relating to the powers of a library district.

HB 996 Coleman SPONSOR:Ellis, Rodney
Relating to the authority of a municipality to authorize the removal of certain motor vehicles from public roadways in the municipality to aid in the enforcement of parking ordinances of the municipality.

HB 1066 Uher SPONSOR:Jackson
Relating to health benefits coverage of grandchildren.
(COMMITTEE SUBSTITUTE)

HB 1081 Cook SPONSOR:Armbrister
Relating to the creation, administration, powers, duties, operation, and financing of the Colorado Valley Groundwater Conservation District, including the district's authority to impose taxes and issue bonds.

HB 1103 Yarbrough SPONSOR:Carona
Relating to enforcement by the Texas Workforce Commission of certain laws regarding unemployment compensation.
(COMMITTEE SUBSTITUTE)

HB 1136 Cook SPONSOR:Armbrister
Relating to the creation, administration, powers, duties, operation, and financing of the Post Oak Groundwater Conservation District.

- HB 1162** Eiland SPONSOR:Jackson
Relating to the development of Texas Windstorm Insurance Association insurance rates.
- HB 1233** Naishtat SPONSOR:Moncrief
Relating to the prepayment of funeral services by a guardian of the estate of a ward.
- HB 1265** Clark SPONSOR:Shapiro
Relating to clarifications of and technical corrections in certain laws affecting municipalities and counties.
(AMENDED)
- HB 1266** Dukes SPONSOR:Ellis, Rodney
Relating to the identification and location of absent parents and relatives for children removed from their parents' care.
- HB 1274** Seaman SPONSOR:Armbrister
Relating to the ratification of the creation of and to the administration, powers, duties, operation, and financing of the Texana Groundwater Conservation District.
- HB 1376** Menendez SPONSOR:Van de Putte
Relating to the eligibility for appointment of a visiting associate judge in certain family law cases.
- HB 1390** Najera SPONSOR:Shapleigh
Relating to the authority of certain municipalities to create an industrial development district.
- HB 1402** Cook SPONSOR:Armbrister
Relating to authorizing the School Land Board to approve the release of the state's interest in land in certain circumstances.
- HB 1452** Menendez SPONSOR:Van de Putte
Relating to the placement of a person on community supervision in a proceeding to enforce an order in a suit affecting the parent-child relationship.
- HB 1465** Kitchen SPONSOR:Barrientos
Relating to a pilot project for reduced tuition rates at certain public junior colleges.
- HB 1466** Maxey SPONSOR:Cain
Relating to waiver of certain requirements for insurers who contract with municipalities of this state.
(COMMITTEE SUBSTITUTE)
- HB 1504** Walker SPONSOR:Bivins
Relating to the well permitting process of groundwater conservation districts.
- HB 1532** Kuempel SPONSOR:Wentworth
Relating to the determination under the school finance system of the amount of collected taxes for certain school districts.
- HB 1588** Callegari SPONSOR:Jackson
Relating to the continuing educational requirements of county purchasing agents.

- HB 1641** Rangel SPONSOR:Barrientos
Relating to providing certain students with an equal opportunity to enroll in or receive a competitive scholarship for a graduate or professional degree program.
(COMMITTEE SUBSTITUTE)
- HB 1663** Alexander SPONSOR:Staples
Relating to the power of the East Cedar Creek Fresh Water Supply District to produce and market agricultural products.
- HB 1671** Hochberg SPONSOR:Ellis, Rodney
Relating to the names of certain entities within The University of Texas System.
- HB 1799** Villarreal, Mike SPONSOR:Shapleigh
Relating to long-range planning for higher education.
- HB 1833** Giddings SPONSOR:West, Royce
Relating to local enforcement of certain health and safety statutes and ordinances.
(COMMITTEE SUBSTITUTE)
- HB 1876** Gray SPONSOR:Jackson
Relating to the authority of an attorney appointed by a court as a master in chancery for a delinquent ad valorem tax suit to practice law in that court.
- HB 1888** Tillery SPONSOR:West, Royce
Relating to the administration of retirement systems for paid, partly paid, or volunteer fire fighters.
- HB 1891** Lewis, Glenn SPONSOR:Van de Putte
Relating to insurers providing a written explanation of certain endorsements to insurance policies.
(COMMITTEE SUBSTITUTE)
- HB 1901** Turner, Sylvester SPONSOR:Whitmire
Relating to juveniles with mental health and substance abuse disorders.
- HB 1924** Haggerty SPONSOR:Shapleigh
Relating to the development of a United States air defense museum at Fort Bliss.
- HB 2299** Thompson SPONSOR:Jackson
Relating to communications between courts regarding simultaneous interstate child custody proceedings.
- HB 2345** Naishtat SPONSOR:Fraser
Relating to the specialized telecommunications assistance program.
(COMMITTEE SUBSTITUTE)
- HB 2354** Swinford SPONSOR:Haywood
Relating to collecting and remitting commodity producers board assessments.
- HB 2401** Lewis, Ron SPONSOR:Brown, J. E. "Buster"
Relating to programs and funding methods that promote water conservation among certain state and local entities.

- HB 2584** Chavez SPONSOR:Zaffirini
Relating to a commission to study geriatrics as a requisite for medical school graduation.
- HB 2610** Bonnen SPONSOR:Brown, J. E. “Buster
Relating to the offense of criminal nonsupport of a child.
- HB 2621** Bonnen SPONSOR:Brown, J. E. “Buster
Relating to the offense of interference with child custody.
- HB 3318** Ramsay SPONSOR:Madla
Relating to the continuing education requirements for a county treasurer.
- HB 3415** McClendon SPONSOR:Barrientos
Relating to the development and use of landfill gas for state energy and environmental purposes.
- HB 3450** Gallego SPONSOR:Lucio
Relating to the continuation and functions of the Texas Interagency Council for the Homeless.
(COMMITTEE SUBSTITUTE)
- HB 3556** Maxey SPONSOR:Barrientos
Relating to the life safety code standards for assisted living facilities for supervision of medication and general welfare.
- SB 334** Van de Putte
Relating to outreach activities under the Summer Food Service Program.
- SB 1066** Lucio
Relating to the state employee incentive program.
- SB 1417** Lindsay
Relating to the compensation and expenses of guardians and temporary guardians of the estate.
- SB 1525** Van de Putte
Relating to disruption of the conduct of a public school class or other public school activity; providing a penalty.
- SB 1619** Armbrister
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.
- SB 1620** Armbrister
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.
- SB 1649** Bernsen
Relating to authorizing overtime compensation for certain state employees performing duties related to declared disasters.
- SB 1650** Bernsen
Relating to certain state agency expenses incurred during a state or federal declared disaster.

SB 1655 Sibley

Relating to the creation, administration, powers, duties, operation, and financing of the Middle Trinity Groundwater Conservation District.

SB 1787 Duncan

Relating to the composition of the 83rd Judicial District and to the election of the district attorney for that district.

SB 1808 Ogden

Relating to the creation of a county court at law in Navarro County.

SB 1816 Jackson

Relating to the certification by a chief appraiser of certain taxable properties not included in the initial appraisal roll for a taxing unit.

SB 1823 Armbrister

Relating to the approval of the creation and acts of Hays County Development District No. 1, to the administration, powers, duties, operation, and financing of the district, and to acquisition of the district's project.

SB 1824 Sibley

Relating to the creation, administration, powers, duties, operation, and financing of a hospital district to be known as the West Medical District; authorizing a tax; granting the authority to issue and refund bonds; and granting the power of eminent domain.

SCR 45 Madla

Directing the Texas Department of Insurance to conduct a study of an insurance verification system relating to proof of liability insurance.

Respectfully,

Betty King

Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Thursday, May 10, 2001 - 3

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SCR 55 Truan

Congratulating Texas A&M University-Kingsville.

Respectfully,

Betty King

Secretary of the Senate

Message No. 4MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas

Thursday, May 10, 2001 - 4

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 1640 Rangel SPONSOR: Truan
Relating to the establishment of a school of pharmacy at Texas A&M University—Kingsville.

Respectfully,

Betty King
Secretary of the Senate**Message No. 5**MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas

Thursday, May 10, 2001 - 5

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 557 Carona
Relating to overtime compensation for certain municipal police department officers and civilian employees.**SB 1839** Moncrief
Relating to certain long-term care facilities.**SCR 59** Ratliff
Commending Betty Reese and congratulating her on her selection as Governor of the Texas District of Pilot International.

Respectfully,

Betty King
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 9

Business & Industry - **SB 624**

Civil Practices - **HB 2885, HCR 208, HCR 221**

County Affairs - **SB 542, SB 1772, SB 1781, SB 1811**

Economic Development - **SB 12, SB 275, SB 1293, SB 1294**

Financial Institutions - **SB 314, SB 1296, SJR 37**

Higher Education - **SB 1100, SB 1814**

Insurance - **SB 466, SB 1329, SB 1394, SB 1707**

Juvenile Justice & Family Issues - **SB 700, SB 1064, SB 1432, SB 1470**

Licensing & Administrative Procedures - **SB 697, SB 1198**

Pensions & Investments - **HCR 247, SB 230, SB 477, SB 593, SB 790**

Public Health - **SB 43**

State Affairs - **SB 1783**

Urban Affairs - **SB 382**

Ways & Means - **SB 1125**

ENGROSSED

May 9 - HB 31, HB 43, HB 150, HB 154, HB 568, HB 588, HB 674, HB 779, HB 1051, HB 1082, HB 1143, HB 1144, HB 1315, HB 1317, HB 1359, HB 1450, HB 1451, HB 1560, HB 1585, HB 1649, HB 1689, HB 1694, HB 1732, HB 1761, HB 1776, HB 1831, HB 1890, HB 1912, HB 1913, HB 1945, HB 2098, HB 2107, HB 2168, HB 2260, HB 2323, HB 2522, HB 2570, HB 2606, HB 2735, HB 2759, HB 2763, HB 2776, HB 2921, HB 3073, HB 3184, HB 3623, HB 3631, HB 3693

ENROLLED

May 9 - HB 261, HB 444, HB 822, HB 1132, HB 1178, HB 1478, HB 1737, HB 1788, HB 2218, HB 2908, HCR 196, HCR 276, HCR 277, HJR 53

SENT TO THE GOVERNOR

May 9 - HB 198, HB 244, HB 402, HB 482, HB 506, HB 767, HB 768, HB 780, HB 1175, HB 1478, HB 1586, HB 1737, HB 1788, HB 2218, HB 2437, HB 2840, HB 2908, HB 3335, HCR 8

RECOMMENDATIONS FILED WITH THE SPEAKER

May 9 - HB 3676

SIGNED BY THE GOVERNOR

May 9 - HB 782, HB 1619, HCR 11