

HOUSE JOURNAL

SEVENTY-EIGHTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTIETH DAY — THURSDAY, MAY 1, 2003

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 443).

Present — Mr. Speaker; Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Absent, Excused — Oliveira.

The invocation was offered by Gene Wisdom, senior pastor, First United Methodist Church, Garland, as follows:

Gracious and loving creator, we humbly seek your presence and desire the invoking of your blessings and your guidance upon these men and women who represent the people of Texas. You have been gracious, O God, providing us with the benefits of our way of life in this, our great nation. With our prayers, we acknowledge our faith in your ability to provide for us that which we cannot give ourselves. May we be ever mindful of your generosity, may we grow in our appreciation for your blessings upon us, and may we show our gratitude in how we work together as your people to create communities where fairness, justice, and kindness are held in high esteem.

With humbled hearts we ask for your continued blessings upon these servants of the people who have given so tirelessly of themselves, who have sacrificed time with their families, and who have made and continue to make the hard choices which are required of them.

Bless their work this day, make them productive and decisive in their deliberations, give them courage for the difficult work yet to be finished, instill compassion where it is needed most, and patience to labor faithfully beside those who govern with them. And when they grow weary and disheartened, as they are sure to do, remind them why they worked so diligently to be here, for there is no greater offering we can make of ourselves than to be the servants of our community.

We offer these our prayers in the name of all that is holy. Amen.

CAPITOL PHYSICIAN

The speaker recognized Representative Rose who presented Dr. John D. Weaver of Blanco as the "Doctor for the Day."

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

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. 32).

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. 1).

LEAVE OF ABSENCE GRANTED

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

Isett on motion of Flynn.

HR 393 - ADOPTED (by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 393**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 393, Honoring Dr. David Wright for being named 2002 Family Physician of the Year by the Texas Academy of Family Physicians.

HR 393 was adopted without objection.

INTRODUCTION OF GUEST

The speaker recognized Representative Naishtat who introduced Dr. David Wright.

INTRODUCTION OF GUESTS

The speaker introduced Elizabeth Wynne Trippet, Texas Bluebonnet Queen and Miss Waco; her parents, Mr. and Mrs. Russell Trippet; and her sister, Mary Helen Trippet.

(Edwards in the chair)

HR 980 - ADOPTED (by Campbell)

Representative Campbell moved to suspend all necessary rules to take up and consider at this time **HR 980**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 980, Recognizing May 4-10, 2003, as Texas Drinking Water Week.

HR 980 was adopted without objection.

LEAVE OF ABSENCE GRANTED

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

J. Davis on motion of Griggs.

HR 978 - ADOPTED (by Hughes)

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 978**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 978, Honoring Robert Hunt for his exceptional contributions to education and recognizing May 4, 2003, as Robert F. Hunt Day in the City of Diana.

HR 978 was adopted without objection.

HR 982 - ADOPTED (by Quintanilla)

Representative Quintanilla moved to suspend all necessary rules to take up and consider at this time **HR 982**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 982, Honoring Arturo Duran of El Paso.

HR 982 was adopted without objection.

(Speaker in the chair)

HR 857 - ADOPTED
(by J. Jones)

Representative J. Jones moved to suspend all necessary rules to take up and consider at this time **HR 857**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 857, Recognizing May 1, 2003, as Black Leadership Initiative on Cancer Day in Texas.

HR 857 was adopted without objection.

On motion of Representative Hodge, the names of all the members of the house were added to **HR 857** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representatives Berman and Hodge who introduced members of the Greater East Texas Chapter of the National Black Leadership Initiative.

(Edwards in the chair)

INTRODUCTION OF GUEST

The chair recognized Representative Paxton who introduced Alveta King.

HR 979 - ADOPTED
(by Krusee)

Representative Gattis moved to suspend all necessary rules to take up and consider at this time **HR 979**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 979, Honoring Armando Gabriel Viego and Lilia Rosa Viego as honorary Texans.

HR 979 was adopted without objection.

INTRODUCTION OF GUEST

The chair recognized Representative Hardcastle who introduced William T. Hawks, undersecretary for marketing and regulatory programs for the U.S. Department of Agriculture.

HR 984 - ADOPTED
(by Solis)

Representative Solis moved to suspend all necessary rules to take up and consider at this time **HR 984**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 984, Honoring Morris Clint, Jr., for his contributions to Brownsville.

HR 984 was adopted without objection.

HR 756 - ADOPTED

(by Bonnen)

Representative Solis moved to suspend all necessary rules to take up and consider at this time **HR 756**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 756, In memory of G. W. Wood of Spicewood.

(Speaker in the chair)

HR 756 was unanimously adopted by a rising vote.

HR 985 - ADOPTED

(by Craddick)

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 985**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 985, Congratulating Laura Medlock on her 80th birthday.

HR 985 was read and was adopted without objection.

On motion of Representative Hodge, the names of all the members of the house were added to **HR 985** as signers thereof.

INTRODUCTION OF GUEST

The speaker recognized Representative Goolsby who introduced Laura Medlock.

INTRODUCTION OF GUESTS

The speaker recognized Representative Noriega who introduced members of Team Lackland from Lackland Air Force Base who were promoting Law Day.

BILLS AND JOINT RESOLUTIONS ON FIRST READING

AND REFERRAL TO COMMITTEES

RESOLUTIONS REFERRED TO COMMITTEES

CORRECTIONS IN REFERRAL

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. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

HCR 231 - ADOPTED**(by Solis)**

Representative Solis moved to suspend all necessary rules to take up and consider at this time **HCR 231**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 231, Honoring the life of U.S. Marine Private First Class Juan Guadalupe Garza, Jr., of San Benito.

HCR 231 was unanimously adopted by a rising vote.

(Hope in the chair)

**HB 1 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 1, General Appropriations Bill.

Representative Heflin 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 1**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1**: Heflin, chair; Luna, vice chair; Turner; Pitts; and Wohlgemuth.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Heflin requested permission for the conference committee on **HB 1** to meet while the house is in session for the remainder of the session.

Permission to meet was granted without objection.

POSTPONED BUSINESS

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

**SB 641 ON THIRD READING
(Turner - House Sponsor)**

SB 641, A bill to be entitled An Act relating to presumptions for state land records.

SB 641 was read third time on April 29 and was postponed until 11 a.m. today.

Representative Chisum moved to postpone consideration of **SB 641** until the end of today's calendar.

The motion prevailed without objection.

SB 40 ON SECOND READING
(Capelo - House Sponsor)

SB 40, A bill to be entitled An Act relating to an immunization education program established by the Texas Department of Health.

SB 40 was read second time on April 30 and was postponed until 1:00 p.m. today.

Representative Chisum moved to postpone consideration of **SB 40** until the end of today's calendar.

The motion prevailed without objection.

SB 43 ON SECOND READING
(Capelo - House Sponsor)

SB 43, A bill to be entitled An Act relating to certain immunization programs.

SB 43 was read second time on April 30 and was postponed until 1:00 p.m. today.

Representative Chisum moved to postpone consideration of **SB 43** until the end of today's calendar.

The motion prevailed without objection.

MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING

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

SB 421 ON THIRD READING
(J. Davis - House Sponsor)

SB 421, A bill to be entitled An Act relating to coverage of assisted living facilities under professional liability insurance and the Texas Medical Liability Insurance Underwriting Association.

SB 421 was passed.

SB 339 ON THIRD READING
(Smithee - House Sponsor)

SB 339, A bill to be entitled An Act relating to issuance of certain liability insurance by the Texas Medical Liability Insurance Underwriting Association.

SB 339 was passed.

GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING

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

SB 164 ON THIRD READING
(Talton - House Sponsor)

SB 164, A bill to be entitled An Act relating to the recording of jury deliberations in civil and criminal proceedings.

SB 164 was passed.

SB 200 ON THIRD READING
(Hodge - House Sponsor)

SB 200, A bill to be entitled An Act relating to authorizing certain hospital districts to pledge hospital system revenues and tax revenues to the payment of combination tax and revenue bonds and other obligations if the pledge is approved at an election, and related matters.

A record vote was requested.

SB 200 was passed by (Record 444): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

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

Absent, Excused — Davis, J.; Isett; Oliveira.

Absent — Callegari; Dunnam; Harper-Brown; Jones, E.; Miller; Wise.

SB 324 ON THIRD READING
(Marchant - House Sponsor)

SB 324, A bill to be entitled An Act relating to the exemption of certain persons from regulation as a credit services organization.

Representative Marchant moved to postpone consideration of **SB 324** until the end of today's calendar.

The motion prevailed without objection.

SB 360 ON THIRD READING**(Rose, Gattis, King, Capelo, Woolley, et al. - House Sponsors)**

SB 360, A bill to be entitled An Act relating to the treatment of certain local chambers of commerce as charitable organizations for certain purposes.

SB 360 was passed.

SB 378 ON THIRD READING**(Kolkhorst - House Sponsor)**

SB 378, A bill to be entitled An Act relating to the listing of a business location of certain businesses in a telephone directory or database.

SB 378 was passed.

SB 358 ON THIRD READING**(Goodman - House Sponsor)**

SB 358, A bill to be entitled An Act relating to the jurisdiction of constitutional county courts over truancy cases and the appointment of magistrates to hear truancy cases in certain counties.

(Speaker in the chair)

SB 358 was passed.

SB 558 ON THIRD READING**(Hardcastle and Chavez - House Sponsors)**

SB 558, A bill to be entitled An Act relating to immigration visa waivers for physicians.

SB 558 was passed.

SB 724 ON THIRD READING**(Harper-Brown - House Sponsor)**

SB 724, A bill to be entitled An Act relating to the settlement of certain claims against the Texas Department of Transportation.

A record vote was requested.

SB 724 was passed by (Record 445): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall;

McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, J.; Isett; Oliveira.

Absent — Smithee.

SB 752 ON THIRD READING
(Smithee and Seaman - House Sponsors)

SB 752, A bill to be entitled An Act relating to joint negotiation by physicians and health benefit plans.

A record vote was requested.

SB 752 was passed by (Record 446): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, J.; Isett; Oliveira.

Absent — Grusendorf; Marchant.

SB 1111 ON THIRD READING
(Hill - House Sponsor)

SB 1111, A bill to be entitled An Act relating to the rate of hotel occupancy and motor vehicle rental taxes used to finance venue projects in certain counties.

A record vote was requested.

SB 1111 was passed by (Record 447): 122 Yeas, 18 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Crownover; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McClendon; McReynolds; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Taylor; Thompson; Turner; Uresti; Van Arsdale; Villarreal; Wilson; Wise; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Berman; Burnam; Christian; Corte; Crabb; Davis, Y.; Flynn; Hartnett; Heflin; Hegar; Hupp; McCall; Puente; Reyna; Smithee; Talton; Truitt; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, J.; Isett; Oliveira.

Absent — Kuempel; Menendez; Rodriguez; Telford; West.

STATEMENTS OF VOTE

I was shown voting no on Record No. 447. I intended to vote yes.

Corte

I was shown voting yes on Record No. 447. I intended to vote no.

Hilderbran

I was shown voting yes on Record No. 447. I intended to vote no.

Seaman

SB 513 ON THIRD READING (Seaman and E. Jones - House Sponsors)

SB 513, A bill to be entitled An Act relating to limiting the liability of certain persons giving care, assistance, or advice during a disaster.

SB 513 was passed.

SB 640 ON THIRD READING (Nixon - House Sponsor)

SB 640, A bill to be entitled An Act relating to notice to the State of Texas of a claim against the School Land Board.

SB 640 was passed.

SB 1060 ON THIRD READING
(Marchant - House Sponsor)

SB 1060, A bill to be entitled An Act relating to enforcement of conduct and other matters concerning a security; providing a penalty.

A record vote was requested.

SB 1060 was passed by (Record 448): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, J.; Isett; Oliveira.

Absent — Farabee; Noriega; Talton.

POSTPONED BUSINESS

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

SB 521 ON SECOND READING
(Hardcastle, Christian, J. Keffer, Flores, Guillen, et al. - House Sponsors)

SB 521, A bill to be entitled An Act relating to the acquisition and regulation of manufactured homes; providing penalties.

SB 521 was considered in lieu of **CSHB 1009**.

SB 521 was read second time.

(Elkins in the chair)

Amendment No. 1

Representative Hardcastle offered the following amendment to **SB 521**:

Amend **SB 521** (House Committee Printing) as follows:

(1) In SECTION 18 of the bill, in proposed Subsection (e), Section 623.104, Transportation Code (page 21, lines 5 and 6), strike "under Subsection (a)" and substitute "punishable under Subsection (d)".

(2) In SECTION 18 of the bill, strike proposed Subsection (f), Section 623.104, Transportation Code (page 21, lines 12-15), substitute the following appropriately numbered SECTION, and renumber subsequent SECTIONS accordingly:

SECTION _____. Subchapter E, Chapter 623, Transportation Code, is amended by adding Section 623.105 to read as follows:

Sec. 623.105. PENALTY FOR COMPENSATING CERTAIN UNLAWFUL ACTIONS. (a) A person commits an offense if the person:

(1) provides compensation to another for the movement of a manufactured home over a highway, road, or street in this state; and

(2) knows the other person is not authorized by law to move the home.

(b) An offense under this section is a misdemeanor punishable by a fine of \$1,000.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Solomons offered the following amendment to **SB 521**:

Amend **SB 521** (House Committee Printing) as follows:

(1) Between the enacting clause and SECTION 1 of the bill (page 1, between lines 4 and 5), insert new SECTIONS 1-4 to read as follows and renumber subsequent SECTIONS accordingly:

SECTION 1. Section 1201.003, Occupations Code, is amended by adding Subdivisions (2-a) and (23-a) to read as follows:

(2-a) "Attached" in reference to a manufactured home means that the home has been:

(A) installed in compliance with the rules of the department; and

(B) connected to a utility, including a utility providing water, electric, natural gas, propane or butane gas, or wastewater service.

(23-a) "Statement of ownership and location" means a statement issued by the department and setting forth:

(A) the ownership and location of a manufactured home that has been sold at a retail sale or installed in this state as provided by Section 1201.205; and

(B) other information required by this chapter.

SECTION 2. Subsection (a), Section 1201.055, Occupations Code, is amended to read as follows:

(a) With guidance from the federal Housing and Community Development Act of 1974 (42 U.S.C. Section 5301 et seq.) and from the rules and regulations adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.), the board shall establish fees as follows:

(1) if the department acts as a design approval primary inspection agency, a schedule of fees for the review of HUD-code manufactured home blueprints and supporting information, to be paid by the manufacturer seeking approval of the blueprints and supporting information;

(2) except as provided by Subsection (e), a fee for the inspection of each HUD-code manufactured home manufactured or assembled in this state, to be paid by the manufacturer of the home;

(3) a fee for the inspection of an alteration made to the structure or plumbing, heating, or electrical system of a HUD-code manufactured home, to be charged on an hourly basis and to be paid by the person making the alteration;

(4) a fee for the inspection of the rebuilding of a salvaged manufactured home, to be paid by the rebuilder;

(5) a fee for the inspection of a used manufactured home [~~for which the title has been canceled,~~] to determine whether the home is habitable for the issuance of a new statement of ownership and location [~~title~~]; and

(6) a fee for the issuance of a seal for a used mobile or HUD-code manufactured home.

SECTION 3. Section 1201.059, Occupations Code, is amended to read as follows:

Sec. 1201.059. [~~TITLE~~] FEES FOR STATEMENTS OF OWNERSHIP AND LOCATION. (a) The board shall set fees for issuing statements of ownership and location [~~and canceling titles to manufactured housing~~].

(b) Ten dollars of the fee for each purchase, exchange, or lease-purchase of a manufactured home [~~title transaction~~] shall be deposited to the credit of the trust fund and used for the protection programs described by Subchapter I.

SECTION 4. Subsection (g), Section 1201.101, Occupations Code, is amended to read as follows:

(g) A person may not make an announcement concerning the sale, exchange, or lease-purchase of, or offer to sell, exchange, or lease-purchase, a manufactured home to a consumer in this state through an advertisement unless the person holds a manufacturer's, retailer's, or broker's license. This subsection does not apply to:

(1) a person to whom a statement of ownership and location [~~certificate or other document of title~~] has been issued showing the person to be the owner of the home if the person does not offer to sell, exchange, or lease-purchase two or more manufactured homes in a 12-month period; or

(2) an advertisement concerning real property to which a manufactured home has been permanently attached.

(2) Between SECTION 1 and SECTION 2 of the bill (page 2, between lines 16 and 17), insert the following appropriately numbered SECTIONS and renumber subsequent SECTIONS accordingly:

SECTION __. Subsection (a), Section 1201.153, Occupations Code, is amended to read as follows:

(a) A retailer or manufacturer may not transfer ownership of [title to] a HUD-code manufactured home or otherwise sell, assign, or convey a HUD-code manufactured home to a consumer unless the retailer or manufacturer delivers to the consumer a formaldehyde health notice, subject to the director's rules concerning the notice.

SECTION __. Section 1201.159, Occupations Code, is amended to read as follows:

Sec. 1201.159. BROKER. (a) A broker may but is not required to be the agent of a party involved in the sale, exchange, or lease-purchase of a manufactured home for which a statement of ownership and location [~~certificate or other document of title~~] has been issued and is outstanding.

(b) A person is not required to be a broker licensed under this chapter but may be required to be a real estate broker or salesperson licensed under Chapter 1101 if:

- (1) the manufactured home is attached [~~to a permanent foundation~~]; and
- (2) [~~the manufacturer's certificate or the document of title is canceled;~~

~~and~~

~~[(3)]~~ the home is offered as real property.

(3) In SECTION 4 of the bill, in the introductory language (page 9, lines 3 and 4), strike "and 1201.164" and substitute "1201.164, and 1201.165".

(4) In SECTION 4 of the bill, between proposed Sections 1201.1521 and 1201.163, Occupations Code (page 9, between lines 19 and 20), insert a new Section 1201.163, Occupations Code, to read as follows:

Sec. 1201.163. CHATTEL MORTGAGE TRANSACTION: CONSUMER PROTECTION DISCLOSURES. (a) In addition to the disclosure statement required by Section 1201.162, the department shall adopt rules addressing consumer protection disclosures required in chattel mortgage transactions and prescribe the form for the disclosure statement. A consumer protection disclosure statement under this subsection must include the following:

(1) a statement of the significant differences between chattel mortgages and real estate mortgages;

(2) an itemization of estimated closing costs, if any;

(3) an estimate of the total amount of monthly payments, including:

(A) principal and interest payments;

(B) costs of any required insurance; and

(C) costs for payment of ad valorem taxes, based on the current tax rate of each taxing unit in which the manufactured home will be located as applied to the sales price of the manufactured home;

(4) a statement of the roles of the retailer and any affiliated parties in the financing of the first retail sale, as defined by Section 1201.201, and the estimated compensation that they will receive for providing or arranging the financing; and

(5) any other disclosures required by state or federal law, including the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. Section 2601 et seq.) and the Truth in Lending Act (15 U.S.C. Section 1601 et seq.).

(b) A retailer shall provide the consumer protection disclosure statement to the consumer at least 24 hours before the installment contract is fully executed, as provided by Section 1201.164.

(c) On receipt of the consumer protection disclosure statement, the consumer shall execute a written acknowledgment that the consumer has received the statement.

(d) In addition to other rights of rescission provided by this chapter, the installment contract is subject to rescission by the consumer until the earlier of:

(1) the expiration of the two-year period following the date the contract was fully executed; or

(2) the consumer's execution of a written acknowledgment that the consumer has received the consumer protection disclosure statement required by this section.

(e) If the payment was made under the contract, a consumer who rescinds an installment contract as provided by this section is entitled to receive a refund of all money paid to any person by the consumer, except money paid to obtain a credit report.

(f) This section does not apply to a real estate transaction.

(5) In SECTION 4 of the bill, in proposed Section 1201.163, Occupations Code (page 9, lines 20 and 21), strike "1201.163. ADVANCE COPY OF INSTALLMENT CONTRACT AND DISCLOSURE STATEMENT; OFFER BY RETAILER. In" and substitute "1201.164. ADVANCE COPY OF INSTALLMENT CONTRACT AND DISCLOSURE STATEMENTS; OFFER BY RETAILER. (a) In".

(6) In SECTION 4 of the bill, in proposed Section 1201.163, Occupations Code (page 9, line 24), strike "statement" and substitute "statements".

(7) In SECTION 4 of the bill, in proposed Section 1201.163, Occupations Code (page 9, line 26), strike "statement" and substitute "statements".

(8) In SECTION 4 of the bill, between proposed Sections 1201.163 and 1201.164, Occupations Code (page 10, between lines 3 and 4), insert the following:

(b) A consumer may not waive the right to receive the disclosure statements under this section.

(9) In SECTION 4 of the bill, in proposed Section 1201.164, Occupations Code (page 10, line 4), strike "1201.164" and substitute "1201.165".

(10) Between SECTIONS 4 and 5 of the bill (page 10, between lines 8 and 9), insert the following appropriately numbered SECTIONS and renumber subsequent SECTIONS accordingly:

SECTION __. Amend the heading to Subchapter E, Chapter 1201, Occupations Code, to read as follows:

SUBCHAPTER E. MANUFACTURED HOME STATEMENTS OF OWNERSHIP AND LOCATION ~~[TITLES]~~

SECTION __. Subdivisions (2), (3), and (11), Section 1201.201, Occupations Code, are amended to read as follows:

(2) "Document of title" means a written instrument issued solely by and under the authority of the director before September 1, 2003, that provides the information required by Section 1201.205, as that section existed before that date. Beginning September 1, 2003, a document of title is considered to be a statement of ownership and location and may be exchanged for a statement of ownership and location as provided by Section 1201.214.

(3) "First retail sale" means a consumer's initial acquisition of a new manufactured home from a retailer by purchase, exchange, or lease-purchase. The term includes a bargain, sale, transfer, or delivery of a manufactured home for which the director has not previously issued a statement of ownership and location [~~document of title~~], with intent to pass an interest in the home, other than a lien.

(11) "Subsequent sale" means a bargain, sale, transfer, or delivery of a manufactured home, with intent to pass an interest in the home, other than a lien, from one person to another after the first retail sale and initial issuance of a statement of ownership and location [~~document of title~~].

SECTION __. Sections 1201.203, 1201.204, and 1201.205, Occupations Code, are amended to read as follows:

Sec. 1201.203. FORMS; RULES. (a) The director shall prescribe forms and adopt rules relating to:

- (1) the manufacturer's certificate;
- (2) the statement of ownership and location;
- (3) the application for a statement of ownership and location [~~document of title~~]; and
- (4) [~~(3)~~] the issuance of a statement of ownership and location [~~document of title~~] at the first retail sale and for a subsequent sale or transfer of a manufactured home.

(b) The director shall adopt rules for the documenting of the ownership and location [~~titling~~] of a manufactured home that has been previously owned [~~registered or titled~~] in this state or another state. The rules must protect a lienholder recorded on a statement of ownership and location, a certificate, or other document of title.

Sec. 1201.204. MANUFACTURER'S CERTIFICATE. (a) A manufacturer's certificate must show:

(1) on a form prescribed by the director or on another document, the original transfer of a manufactured home from the manufacturer to the retailer; and

(2) on a form prescribed by the director, each subsequent transfer of a manufactured home between retailers and from retailer to owner, if the transfer from retailer to owner involves a completed [~~presented with an~~] application for the issuance of a statement of ownership and location [~~document of title~~].

(b) At the first retail sale of a manufactured home, a manufacturer's certificate automatically ceases to be a document of title. A security interest in inventory evidenced by the manufacturer's certificate automatically converts to a security interest in proceeds and cash proceeds.

(c) After the first retail sale of a manufactured home, the retailer may submit the manufacturer's certificate for that home to the department.

Sec. 1201.205. STATEMENT OF OWNERSHIP AND LOCATION [DOCUMENT OF TITLE CONTENTS]. A statement of ownership and location [document of title] must provide:

- (1) the names and addresses of:
 - ~~[(A)] the purchaser and seller [at the first retail sale; or~~
 - ~~[(B)] the transferee and transferor at any subsequent sale or transfer];~~
- (2) the manufacturer's name and address and any model designation;
- (3) in accordance with the director's rules:
 - (A) the outside dimensions of the manufactured home when installed for occupancy, as measured to the nearest one-half foot at the base of the home, exclusive of the tongue or other towing device; and
 - (B) the approximate square footage of the home when installed for occupancy;
- (4) the identification number for each section or module of the home;
- (5) the county of this state in which the home is installed for occupancy;
- (6) in chronological order of recordation, the date of each lien on the home and the name and address of each lienholder, or, if a lien is not recorded, a statement of that fact;
- (7) the signature of the owner in ink, given on receipt of the document;
- (8) a statement that if two or more eligible persons, as determined by Section 1201.213, file with the application for the issuance of a statement of ownership and location [document of title] an agreement signed by all the persons providing that the home is to be held jointly with a right of survivorship, the director shall issue the statement of ownership and location [document of title] in all the names; ~~and~~
- (9) the location of the home;
- (10) a statement of whether the owner has elected to treat the home as real property or personal property;
- (11) statements of whether the home is a salvaged manufactured home and whether the home is reserved for business use only; and
- (12) any other information the director requires.

SECTION __. Subchapter E, Occupations Code, is amended by adding Section 1201.2055 to read as follows:

Sec. 1201.2055. ELECTION BY OWNER. (a) In completing an application for the issuance of a statement of ownership and location, an owner of a manufactured home shall indicate whether the owner elects to treat the home as personal property or real property. An owner may elect to treat a manufactured home as real property only if the home is attached to:

- (1) real property that is owned by the owner of the home; or
- (2) land leased to the owner of the home under a long-term lease, as defined by department rule.

(b) A statement of election under Subsection (a) must be made by affidavit.

(c) If the department issues a statement of ownership and location to an owner who has elected to treat a manufactured home as personal property, the statement of ownership and location on file with the department is evidence of ownership of the home. A lien, charge, or other encumbrance on a home treated as personal property may be made only by filing the appropriate document with the department.

(d) If the department issues a statement of ownership and location to an owner who has elected to treat a manufactured home as real property, the manufactured home is not considered to be real property until a certified copy of the statement of ownership and location has been filed in the real property records of the county in which the home is located. After the certified copy has been filed in the real property records of the county, the home is considered to be real property in the form of an improvement to the underlying real property on which the home is located. If a real property election has been made but a certified copy of the statement of ownership and location has not been filed as required by this subsection, the home continues to be treated as personal property until the certified copy is filed.

SECTION __. Sections 1201.206 and 1201.207, Occupations Code, are amended to read as follows:

Sec. 1201.206. APPLICATION FOR ISSUANCE OF STATEMENT OF OWNERSHIP AND LOCATION [TITLE]. (a) Before the first retail sale of a manufactured home, the retailer shall timely provide to the consumer an application for the issuance of a statement of ownership and location and any information necessary to complete the application.

(b) At the first retail sale of a manufactured home, the retailer shall provide for the installation of the home and ensure that the application for the issuance of a statement of ownership and location is properly completed. The consumer shall return the completed application to the retailer.

(c) Not later than the 30th day after the date of the retail sale, the retailer shall provide to the department the completed application for the issuance of a statement of ownership and location [and purchaser shall apply for the issuance of a document of title. As part of the application, the retailer must surrender the original manufacturer's certificate].

(d) [(b)] At a subsequent sale or transfer of the home, the [seller and] purchaser or [the transferor and] transferee[, as applicable,] shall apply for the issuance of a new statement of ownership and location [document of title. As part of the application, the seller or transferor must surrender the original document of title].

(e) Ownership of a manufactured home does not pass or vest at a sale or transfer of the home until a completed application for the issuance of a statement of ownership and location is filed with the department.

(f) If the owner of a manufactured home relocates the home, the owner shall apply for the issuance of a new statement of ownership and location not later than the 30th day after the date the home is relocated. The department shall require that the owner submit evidence that the home was relocated in accordance with the requirements of the Texas Department of Transportation.

Sec. 1201.207. ISSUANCE OF STATEMENT OF OWNERSHIP AND LOCATION [TITLE]. (a) The department shall process any completed application for the issuance of a statement of ownership and location not later than the 10th working day after the date the application is received by the department. If the department rejects an application, the department shall provide a clear and complete explanation of the reason for the rejection and instructions on how to cure any defects, if possible.

(b) If the department issues a statement of ownership and location for a manufactured home, the department shall place in its files the original statement of ownership and location and shall mail a certified copy to the owner of the home and to any lienholder.

(c) Except with respect to any change in use, but subject to Section 1201.2075, if the department has issued a statement of ownership and location for a manufactured home, the department may issue a subsequent statement of ownership and location for the home only if all parties reflected in the department's records as having an interest in the manufactured home give their written consent or release their interest, either in writing or by operation of law [Except as otherwise provided by this subchapter, if a lien is not recorded, the department shall:

(1) issue a document of title marked "ORIGINAL" on the face of the document of title; and

(2) send the original by first class mail to the purchaser or transferee at the address on the application.

(b) Except as otherwise provided by this subchapter, if a lien is shown in the application or recorded with the department, the department shall:

(1) issue a document of title marked "ORIGINAL" on the face of the document of title and send the original by first class mail to the first lienholder; and

(2) send a copy of the document of title conspicuously marked "NONTRANSFERABLE COPY" on the face of the document of title by first class mail to the purchaser or transferee and any other lienholder at the address on the application].

SECTION __. Subchapter E, Chapter 1201, Occupations Code, is amended by adding Section 1201.2075 to read as follows:

Sec. 1201.2075. CONVERSION FROM PERSONAL PROPERTY TO REAL PROPERTY. (a) Except as provided by Subsection (b), the department may not issue a statement of ownership and location for a manufactured home that is being converted from personal property to real property until:

(1) each lien on the home is released by the lienholder; or

(2) each lienholder gives written consent, to be placed on file with the department.

(b) The department may issue a statement of ownership and location before the release of any liens or the consent of any lienholders as required by this section only if the department releases a certified copy of the statement to:

(1) a licensed title insurance company that has issued a title insurance policy covering all prior liens on the home; or

(2) a federally insured financial institution or licensed attorney who has obtained from a licensed title insurance company a title insurance policy covering all prior liens on the home.

SECTION __. The heading to Section 1201.208, Occupations Code, is amended to read as follows:

Sec. 1201.208. PAYMENT OF TAXES REQUIRED FOR ISSUANCE OF STATEMENT OF OWNERSHIP AND LOCATION [~~TITLE~~].

SECTION __. Subsection (a), Section 1201.208, Occupations Code, is amended to read as follows:

(a) The department may not issue a statement of ownership and location [~~document of title~~] for a new manufactured home installed for occupancy in this state unless the state sales and use tax has been paid.

SECTION __. Section 1201.209, Occupations Code, is amended to read as follows:

Sec. 1201.209. GROUNDS FOR REFUSAL TO ISSUE OR FOR SUSPENSION OR REVOCATION OF STATEMENT OF OWNERSHIP AND LOCATION [~~TITLE~~]. The department may not refuse to issue a statement of ownership and location [~~document of title~~] and may not suspend or revoke a statement of ownership and location [~~document of title~~] unless:

(1) the application for issuance of the statement of ownership and location [~~document of title~~] contains a false or fraudulent statement, the applicant failed to provide information required by the director, or the applicant is not entitled to issuance of the statement of ownership and location [~~document of title~~];

(2) the director has reason to believe that the manufactured home is stolen or unlawfully converted, or the issuance of a statement of ownership and location [~~document of title~~] would defraud the owner or a lienholder of the manufactured home;

(3) the director has reason to believe that the manufactured home is salvaged, and an application for the issuance of a new statement of ownership and location that indicates that the home is salvaged [~~salvage title~~] has not been filed;

(4) the required fee has not been paid;

(5) the state sales and use tax has not been paid in accordance with Chapter 158, Tax Code, and Section 1201.208; or

(6) a local tax lien was filed before September 1, 2001, and recorded under Section 32.015, Tax Code, as that section existed on the date the lien was filed, and the lien has not been extinguished.

SECTION __. The heading to Section 1201.210, Occupations Code, is amended to read as follows:

Sec. 1201.210. PROCEDURE FOR REFUSAL TO ISSUE OR SUSPENSION OR REVOCATION OF STATEMENT OF OWNERSHIP AND LOCATION [~~TITLE~~].

SECTION __. Subsection (a), Section 1201.210, Occupations Code, is amended to read as follows:

(a) If the director refuses to issue or suspends or revokes a statement of ownership and location [~~document of title~~], the director shall give, by certified mail, written notice of that action to:

- (1) the seller and purchaser or transferor and transferee, as applicable;
- and
- (2) the holder of a lien or security interest of record.

SECTION __. Section 1201.212, Occupations Code, is amended to read as follows:

Sec. 1201.212. TRANSFER OF OWNERSHIP [~~TITLE~~] BY OPERATION OF LAW. (a) If the ownership of a manufactured home in this state is transferred by inheritance, devise, or bequest, by bankruptcy, receivership, judicial sale, or other involuntary divestiture of ownership, or by any other operation of law, the department shall issue a new statement of ownership and location [~~document of title~~] after receiving a certified copy of:

- (1) the order or bill of sale from an officer making a judicial sale;
- (2) the order appointing a temporary administrator;
- (3) the probate proceedings;
- (4) the letters testamentary or the letters of administration; or
- (5) if administration of an estate is not necessary, an affidavit by all of the heirs at law showing:

(A) that administration is not necessary; and

(B) the name in which the statement of ownership and location [~~certificate~~] should be issued.

(b) The department may issue a new statement of ownership and location [~~document of title~~] in the name of the purchaser at a foreclosure sale:

- (1) for a lien or security interest foreclosed according to law by nonjudicial means, if the lienholder or secured party files an affidavit showing the nonjudicial foreclosure according to law; or
- (2) for a foreclosed constitutional or statutory lien, if the person entitled to the lien files an affidavit showing the creation of the lien and the resulting divestiture of title according to law.

(c) The department shall issue a new statement of ownership and location [~~document of title~~] to a survivor if:

- (1) an agreement providing for a right of survivorship is signed by two or more eligible persons, as determined under Section 1201.213; and
- (2) on the death of one of the persons, the department is provided with a copy of the death certificate of that person.

SECTION __. Subsection (b), Section 1201.213, Occupations Code, is amended to read as follows:

(b) If the statement of ownership and location [~~title~~] is being issued in connection with the sale of the home, the seller is not eligible to sign a right of survivorship agreement under this subchapter unless the seller is the child, grandchild, parent, grandparent, or sibling of each other person signing the agreement. A family relationship required by this subsection may be a relationship established by adoption.

SECTION __. Sections 1201.214, 1201.215, and 1201.216, Occupations Code, are amended to read as follows:

Sec. 1201.214. [~~LOST OR DESTROYED~~] DOCUMENT OF TITLE. (a) Effective September 1, 2003, all outstanding documents of title are considered to be statements of ownership and location.

(b) An owner or lienholder may provide to the department the document of title and any additional information required by the department and request that the department issue a statement of ownership and location to replace the document of title. The department shall mail to the owner or lienholder a certified copy of the statement of ownership and location issued under this subsection.

(c) An owner or lienholder who applies for the issuance of a statement of ownership and location to replace a [If an original document of title is] lost or destroyed document of title must execute[, the owner or lienholder may obtain a certified copy of the original from the department by making] an affidavit on a form prescribed by the director. [The department may issue the certified copy only to the first lienholder if a lien is disclosed on the original. The certified copy must be conspicuously marked "CERTIFIED COPY OF ORIGINAL" on the face of the copy.]

(d) [(b)] If the original document of title is recovered, the owner or lienholder shall immediately surrender the original to the department [with the certified copy of the original, and the department shall issue a new original document of title].

Sec. 1201.215. PREVIOUS OWNER OR LIENHOLDER UNAVAILABLE. If information establishing ownership [an original document of title] is unavailable because a previous owner or lienholder cannot be located or because a manufactured home has been abandoned, a person may apply to the department for the issuance of a statement of ownership and location and may receive a certified copy of that statement only [replacement title] by presenting:

(1) evidence satisfactory to the department that the effort to locate the previous owner or lienholder has been unsuccessful; and

(2) an affidavit stating that to the best of the applicant's knowledge, the applicant is entitled to a good and marketable title to the manufactured home.

Sec. 1201.216. CHANGE IN USE. (a) The department shall indicate on the statement of ownership and location for [cancel a title to] a manufactured home whether the home [that] has been sold, exchanged, or lease-purchased to a purchaser for the purchaser's business use. For a home sold, exchanged, or lease-purchased as described by this subsection, the department shall issue a new statement of ownership and location that indicates that the home is reserved for business use.

(b) On application, the department may issue a new statement of ownership and location for [title to] the home after an inspection and determination that the home is habitable. The statement must indicate that the home is no longer reserved for business use.

(c) The department shall issue a statement of ownership and location that indicates that a home is salvaged [salvage title] for a salvaged manufactured home.

(d) For a salvaged manufactured home that is rebuilt according to the director's rules, the department shall ~~and may~~ issue a new statement of ownership and location, which must indicate that the home is no longer salvaged [title for a new home rebuilt according to the director's rules].

(11) Strike SECTIONS 5 and 6 of the bill (page 10, line 9, through page 11, line 26) and renumber subsequent SECTIONS accordingly.

(12) Between SECTION 6 and SECTION 7 of the bill (page 11, between lines 26 and 27), insert the following appropriately numbered SECTIONS and renumber subsequent SECTIONS accordingly:

SECTION ____. Subsection (d), Section 1201.219, Occupations Code, is amended to read as follows:

(d) The department shall print on each statement of ownership and location [document of title] issued under this subchapter a notice that:

(1) the statement of ownership and location [document of title] may not reflect the existence of a tax lien notice filed for the manufactured home after the date the statement of ownership and location [document of title] was issued; and

(2) information about a tax lien for which notice has been filed may be obtained from the department on written request.

SECTION ____. Subsection (a), Section 1201.220, Occupations Code, is amended to read as follows:

(a) The department shall provide to each county tax assessor-collector in this state a monthly report that, for each manufactured home installed in the county during the preceding month and for each manufactured home previously installed in the county for which a transfer of ownership was recorded by the issuance of a statement of ownership and location [document of title] during the preceding month, lists:

- (1) the name of the owner of the home;
- (2) the name of the manufacturer of the home;
- (3) the model designation of the home;
- (4) the identification number of each section or module of the home;
- (5) the address or location where the home is installed; and
- (6) the date of the installation of the home.

SECTION ____. Subsection (b), Section 1201.221, Occupations Code, is amended to read as follows:

(b) A request under Subsection (a) must contain:

(1) the name of the owner of the home as reflected on the statement of ownership and location [who has a document of title]; or

(2) the identification number of the home.

(13) In SECTION 7 of the bill (page 12, line 5, through page 13, line 6), strike amended Subsections (a), (b), and (c), Section 1201.222, Occupations Code, and substitute the following:

(a) A manufactured home ~~[that] is treated [permanently attached to real property is classified and taxed]~~ is treated ~~[permanently attached to real property is classified and taxed]~~ as real property only if:

(1) the owner of the home has elected to treat the home as real property as provided by Section 1201.2055; and

(2) a certified copy of the statement of ownership and location for the home has been filed in the real property records of the county in which the home is located [~~the real property to which the home is attached is titled in the name of the consumer under a deed or contract for sale. A manufactured home is considered permanently attached to real property if the home is secured to a foundation and connected to a utility, including a utility providing water, electric, natural gas, propane or butane gas, or wastewater service~~].

(b) The closing of a transaction for the acquisition of a manufactured home considered to be real property under this chapter [~~section~~] must occur at the office of a federally insured financial institution, a title insurance company [~~insurer~~], or an attorney at law. If the real property is purchased under a contract for deed [~~of sale~~], the contract must be filed in the real property records of the county in which the home is installed.

(c) Installation of a manufactured home considered to be real property under this chapter [~~section~~] must occur in a manner that satisfies the lending requirements of the Federal Housing Administration (FHA), Fannie Mae, or Freddie Mac for long-term mortgage loans or for FHA insurance. The installation of a new manufactured home must meet, in addition to applicable state standards, the manufacturer's specifications required to validate the manufacturer's warranty.

(14) In SECTION 8 of the bill, in the introductory language (page 13, lines 9 and 10), strike "(a), (b), and (c)" and substitute "(a) and (b)".

(15) In SECTION 8 of the bill (page 13, line 13, through page 14, line 15), strike amended Subsections (a), (b), and (c), Section 19A, Texas Manufactured Housing Standards Act (Article 5221f, Vernon's Texas Civil Statutes), and substitute the following:

(a) A manufactured home [~~that~~] is treated [~~permanently attached to real property is classified and taxed~~] as real property only if:

(1) the owner of the home has elected to treat the home as real property as provided by Section 1201.2055, Occupations Code; and

(2) a certified copy of the statement of ownership and location for the home has been filed in the real property records of the county in which the home is located [~~the real property to which the home is attached is titled in the name of the consumer under a deed or contract for sale. A manufactured home is considered permanently attached to real property if the home is secured to a foundation and connected to a utility, including a utility providing water, electric, natural gas, propane or butane gas, or wastewater service~~].

(b) The closing of a transaction for the acquisition of a manufactured home considered to be real property under this section must occur at the office of a federally insured financial institution, a title insurance company, or an attorney at law. If the real property is purchased under a contract for deed [~~of sale~~], the contract must be filed in the real property records of the county in which the home is installed.

(16) Between SECTION 8 and SECTION 9 of the bill (page 14, between lines 15 and 16), insert the following appropriately numbered SECTIONS and renumber subsequent SECTIONS accordingly:

SECTION ____. Subsection (a), Section 1201.360, Occupations Code, is amended to read as follows:

(a) The seller of real property to which a new HUD-code manufactured home is permanently attached may give the initial purchaser a written warranty that combines the manufacturer's warranty and the retailer's warranty required by this subchapter if:

(1) the statement of ownership and location reflects that the owner has elected to treat the home as real property [the manufacturer's certificate under Section 1201.204 is surrendered for cancellation]; [and]

(2) the home is actually located where the statement of ownership and location reflects that it is located; and

(3) a certified copy of the statement of ownership and location has been filed in the real property records for the county in which the home is located [a notice of attachment or certificate of attachment is filed in the real property records of the county].

SECTION ____. Subsection (b), Section 1201.451, Occupations Code, is amended to read as follows:

(b) Not later than the 30th day after the effective date of the transfer of ownership or the date the seller or transferor obtains possession of the necessary and properly executed documents, the seller or transferor shall forward to the purchaser or transferee the necessary, executed [department properly completed] documents. On receipt of the documents, the purchaser or transferee shall apply for the issuance of a statement of ownership and location [for the transfer of title].

SECTION ____. Section 1201.457, Occupations Code, is amended to read as follows:

Sec. 1201.457. HABITABILITY: CHANGE TO OR FROM BUSINESS USE. (a) If the sale, exchange, or lease-purchase of a used manufactured home is to a purchaser for the purchaser's business use, the home is not required to be habitable. The purchaser of the home shall file with the department an application for the issuance of a statement of ownership and location indicating that the home is reserved for business use [The seller must surrender the title to the home to the department for cancellation].

(b) The purchaser of a used manufactured home for business use may not sell, exchange, or lease-purchase the home for use as a dwelling unless the director issues a new statement of ownership and location indicating that the home is no longer reserved for business use [title to the home]. On the purchaser's application to the department for issuance of a new statement of ownership and location [title], the department shall inspect the home and, if the department determines that the home is habitable, issue the statement of ownership and location [title].

SECTION ____. Subsection (c), Section 1201.459, Occupations Code, is amended to read as follows:

(c) The seal issued to the tax collector is for identification purposes only and does not imply that:

(1) the home is habitable; or

(2) a purchaser of the home at a tax sale may obtain a new statement of ownership and location ~~[document of title]~~ from the department without an inspection for habitability.

SECTION __. Subsections (a) and (c), Section 1201.460, Occupations Code, are amended to read as follows:

(a) A holder of a lien recorded on the statement of ownership and location of a ~~[department issued]~~ manufactured home that has not been converted to real property ~~[document of title]~~ who sells, exchanges, or lease-purchases a repossessed manufactured home covered by that statement of ownership and location ~~[document of title]~~ is not required to comply with this chapter if the sale, exchange, or lease-purchase is:

- (1) to or through a licensed retailer; or
- (2) to a purchaser for the purchaser's business use.

(c) If the sale, exchange, or lease-purchase of the repossessed manufactured home is to a purchaser for the purchaser's business use, the lienholder shall apply to the department for the issuance of a new statement of ownership and location indicating that the home is reserved for business use ~~[surrender the title to the department for cancellation].~~

SECTION __. Subsections (b), (c), (d), and (f), Section 1201.461, Occupations Code, are amended to read as follows:

(b) A person who owns ~~[possesses the original document of title to]~~ a used manufactured home that is salvaged shall apply ~~[surrender the document of title]~~ to the director for the issuance of a new statement of ownership and location that indicates that the home is salvaged ~~[cancellation of the title and issuance of a salvage title].~~

(c) If a new manufactured home is salvaged, the retailer shall remove the label and surrender the label and the manufacturer's certificate under Section 1201.204 to the director for issuance of a statement of ownership and location that indicates that the home is salvaged ~~[salvage title].~~

(d) A person may not sell, convey, or otherwise transfer to a consumer in this state a manufactured home that is salvaged ~~[for which a salvage title has been issued].~~ A salvaged manufactured home may be sold only to a licensed retailer or licensed rebuilder.

(f) If a salvaged manufactured home is rebuilt in accordance with this chapter and the rules of the director, the director shall, on application, issue a new statement of ownership and location that indicates that the home is no longer salvaged ~~[document of title to replace the salvage title].~~

(17) Between SECTION 9 and SECTION 10 (page 14, between lines 21 and 22), insert the following appropriately numbered SECTIONS and renumber subsequent SECTIONS accordingly:

SECTION __. Subsection (a), Section 1201.511, Occupations Code, is amended to read as follows:

(a) This section applies to a transaction in which a manufactured home is sold as personal property ~~[and titled under Subchapter E. This section does not apply to a real estate transaction in which a manufactured home is real property under Section 2.001, Property Code].~~

SECTION __. Subsection (a), Section 1201.551, Occupations Code, is amended to read as follows:

(a) The director, after notice as provided for under Section 1201.054 and a hearing as provided by Sections 1201.054 and 1201.060, may deny, permanently revoke, or suspend for a definite period and specified sales location or geographic area a license if the director determines that the applicant or license holder:

(1) knowingly and wilfully violated this chapter or a rule adopted or order issued under this chapter;

(2) unlawfully retained or converted money, property, or any other thing of value from a consumer in the form of a down payment, sales or use tax, deposit, or insurance premium;

(3) failed to timely provide to a consumer an application for a statement of ownership and location and any information necessary to complete the application [~~deliver a proper certificate or other document of title to a consumer~~];

(4) failed to give or breached a manufactured home warranty required by this chapter or by the Federal Trade Commission;

(5) engaged in a false, misleading, or deceptive act or practice as described by Subchapter E, Chapter 17, Business & Commerce Code;

(6) failed to provide or file a report required by the department for the administration or enforcement of this chapter;

(7) provided false information on an application, report, or other document filed with the department;

(8) acquired a criminal record during the five-year period preceding the application date that, in the opinion of the director, makes the applicant unfit for licensing; or

(9) failed to file a bond or other security for each location as required by Subchapter C.

(18) In SECTION 13 of the bill (page 16, lines 3-16), strike reenacted and amended Subsection (b), Section 2.001, Property Code, and substitute the following:

(b) A manufactured home is real property if:

(1) the statement of ownership and location for the home issued under Section 1201.207, Occupations Code, reflects that the owner has elected to treat the home as real property; and

(2) a certified copy of the statement of ownership and location has been filed in the real property records in the county in which the home is located [-

(1) ~~the home is permanently attached to real property; and~~

(2) ~~the manufacturer's certificate of origin or the original document of title is surrendered for cancellation and a notice of attachment or a certificate of attachment, as described by the Texas Manufactured Housing Standards Act (Article 5221f, Vernon's Texas Civil Statutes), is filed in the real property records of the county in which the home is located~~].

(19) In SECTION 14 of the bill, in the introductory language (page 16, lines 17 and 18), strike "Section 2.001, Property Code, is amended by amending Subsections (c), (e), and (i) and adding Subsection (e-1)" and substitute "Subsections (c) and (i), Section 2.001, Property Code, are amended".

(20) In SECTION 14 of the bill, in amended Section 2.001, Property Code (page 16, line 25, through page 17, line 22), strike amended Subsection (e) and proposed Subsection (e-1), Section 2.001, Property Code.

(21) Between SECTION 14 and SECTION 15 of the bill (page 17, between lines 26 and 27), insert the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION __. Section 11.432, Tax Code, is amended to read as follows:

Sec. 11.432. HOMESTEAD EXEMPTION FOR MANUFACTURED HOME. (a) For a manufactured home to qualify for an exemption under Section 11.13 of this code, the application for the exemption must be accompanied by a copy of the statement of ownership and location for ~~[a document of title to]~~ the manufactured home issued by the manufactured housing division of the Texas Department of Housing and Community Affairs under Section 1201.207 ~~[Subchapter E, Chapter 1201]~~, Occupations Code, showing that the individual applying for the exemption is the owner of the manufactured home or be accompanied by a verified copy of the purchase contract showing that the applicant is the purchaser of the manufactured home.

(b) The land on which a manufactured home is located qualifies for an exemption under Section 11.13 only if:

(1) the manufactured home qualifies for an exemption as provided by Subsection (a); and

(2) the manufactured home is listed together with the land on which it is located under Section 25.08.

(c) In this section, "manufactured home" has the meaning assigned by Section 1201.003, Occupations Code~~[-; however, the term does not apply to any manufactured home which has been attached to real estate and for which the document of title has been canceled pursuant to Section 1201.217 of that code].~~

(22) In SECTION 15 of the bill (page 18, lines 6-26), strike proposed Subsections (e) and (f), Section 25.08, Tax Code, and substitute the following:

(e) A manufactured home shall be listed together with the land on which the home is located if:

(1) the statement of ownership and location for the home issued under Section 1201.207, Occupations Code, reflects that the owner has elected to treat the home as real property; and

(2) a certified copy of the statement of ownership and location has been filed in the real property records in the county in which the home is located.

(f) A manufactured home shall be listed separately from the land on which the home is located if either of the conditions provided by Subsection (e) is not satisfied.

(23) In SECTION 16 of the bill, in the introductory language (page 19, line 1), strike "Subsection (d)" and substitute "Subsections (d) and (e)".

(24) In SECTION 16 of the bill, in amended Subsection (a), Section 32.014, Tax Code (page 19, line 4), strike "affixed" and substitute "located under Section 25.08".

(25) In SECTION 16 of the bill, in amended Subsection (a), Section 32.014, Tax Code (page 19, lines 9-10), strike "affixed [~~located~~] regardless of the classification of the manufactured home under the Property Code." and substitute "located [~~regardless of the classification of the manufactured home under the Property Code~~].".

(26) In SECTION 16 of the bill, in amended Subsection (b), Section 32.014, Tax Code (page 19, line 12), strike "affixed" and substitute "located".

(27) In SECTION 16 of the bill, in amended Subsection (b), Section 32.014, Tax Code (page 19, line 19), strike "affixed" and substitute "located".

(28) In SECTION 16 of the bill, between amended Subsection (b) and proposed Subsection (d), Section 32.014, Tax Code (page 19, between lines 20 and 21), insert the following:

(d) If a manufactured home is listed together with the land on which the manufactured home is located, a taxing unit with jurisdiction to impose taxes on the land may place a lien on the manufactured home to secure payment of those taxes to the same extent that it can place a lien on the land. If a home is moved from its location and a new statement of ownership and location is not issued under Section 1201.207, Occupations Code, a taxing unit with jurisdiction to impose taxes on the land on which the manufactured home was located retains the right to record and enforce liens on that home to secure the payment of taxes, regardless of where the home is currently located.

(29) In SECTION 16 of the bill, in proposed Subsection (d), Section 32.014, Tax Code (page 19, line 21), strike "(d)" and substitute "(e)".

(30) In SECTION 19 of the bill (page 21, line 19), strike "1201.113 and 1201.217" and substitute "1201.003, 1201.113, 1201.209, 1201.220, 1201.360, and 1201.511".

(31) In SECTION 20 of the bill (page 22, line 3), between "Code," and "are", insert "and Subsection (e), Section 1201.222, Occupations Code,".

(32) In SECTION 20 of the bill (page 22, line 4), between "effect," and "Subsections", insert "Subsection (e), Section 19A, and".

(33) Strike SECTION 21 of the bill (page 22, lines 7 and 8) and substitute the following:

SECTION __. The following laws are repealed:

(1) Sections 1201.211, 1201.217, and 1201.218, Occupations Code; and

(2) Subsections (d)-(h), Section 2.001, Property Code.

(34) In SECTION 23 of the bill (page 23, lines 4 and 5), strike Subsection (b) and substitute the following:

(b) The changes in law made by this Act to Section 1201.113, Occupations Code, and Sections 11.432, 25.08, 32.014, and 32.03, Tax Code, take effect January 1, 2004.

Amendment No. 3

Representative Hardcastle offered the following amendment to Amendment No. 2:

Amend Floor Amendment No. 2 by Solomons to **SB 521** as follows:

(1) On Page 8, line 14, strike "ceases to be a document of title" and substitute "converts to a document, which does not evidence any ownership interest in the manufactured home described therein."

Amendment No. 3 was adopted without objection.

Amendment No. 2, as amended, was adopted without objection.

Amendment No. 4

Representatives Flynn and B. Cook offered the following amendment to **SB 521**:

Amend **SB 521** (House Committee Printing) as follows:

(1) In SECTION 2 of the bill, in amended Section 1201.162, Occupations Code (page 4, line 18), between "lender" and "does", insert "is a federally insured financial institution and".

(2) In SECTION 3 of the bill, in amended Section 21, Texas Manufactured Housing Standards Act (Article 5221f, Vernon's Texas Civil Statutes) (page 7, line 25), between "lender" and "does", insert "is a federally insured financial institution and".

(3) In SECTION 11 of the bill, in amended Section 347.254, Finance Code (page 15, line 19), strike "real property".

(4) In SECTION 11 of the bill, in amended Section 347.254, Finance Code (page 15, line 20), between "creditor" and "does", insert "is a federally insured financial institution and".

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Wohlgenuth offered the following amendment to **SB 521**:

Amend **SB 521** (House Committee Printing) between SECTIONS 11 and 12 of the bill (page 15, between lines 22 and 23) by inserting the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS accordingly:

SECTION __. Chapter 232, Local Government Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. DEVELOPMENT REGULATIONS IN CERTAIN COUNTIES

Sec. 232.151. APPLICABILITY. This subchapter applies only to a county that:

(1) has a population of 125,000 or more;

(2) is in the same metropolitan statistical area as a county with a population of one million or more; and

(3) has within its boundaries at least one state park or recreation area.

Sec. 232.152. AREAS SUBJECT TO REGULATION. (a) This subchapter applies only to the unincorporated areas of the county.

(b) A regulation adopted under this subchapter does not apply to a tract of land that the appraisal district appraises as agricultural or open-space land under Subchapter C or D, Chapter 23, Tax Code.

Sec. 232.153. DEVELOPMENT REGULATIONS GENERALLY. The commissioners court of the county may regulate:

- (1) the percentage of a lot that may be occupied or developed;
- (2) population density;
- (3) the size, design, and construction of buildings;
- (4) the location, design, construction, extension, and size of streets and roads;
- (5) the location, design, construction, extension, size, and installation of water and wastewater facilities, including the requirements for connecting to a centralized water or wastewater system;
- (6) the location, design, construction, extension, size, and installation of drainage facilities and other required public facilities;
- (7) the location, design, and construction of parks, playgrounds, and recreational areas; and
- (8) the abatement of harm resulting from inadequate water or wastewater facilities.

Sec. 232.154. COMPLIANCE WITH COUNTY PLAN. Development regulations must be:

- (1) adopted in accordance with a county plan for growth and development of the county; and
- (2) coordinated with the comprehensive plans of municipalities located in the county.

Sec. 232.155. DISTRICTS. (a) The commissioners court may divide the unincorporated area of the county into districts of a number, shape, and size the court considers best for carrying out this subchapter.

(b) Development regulations may vary from district to district.

Sec. 232.156. PROCEDURE GOVERNING ADOPTION OF REGULATIONS AND DISTRICT BOUNDARIES. (a) A development regulation adopted under this subchapter is not effective until it is adopted by the commissioners court after a public hearing. Before the 15th day before the date of the hearing, the commissioners court must publish notice of the hearing in a newspaper of general circulation in the county.

(b) The commissioners court may establish or amend a development regulation only by an order passed by a majority vote of the full membership of the court.

Sec. 232.157. DEVELOPMENT COMMISSION. (a) The commissioners court may appoint a development commission to assist in the implementation and enforcement of development regulations adopted under this subchapter.

(b) The development commission must consist of an ex officio presiding officer who must be a public official in the county and four additional members.

(c) The development commission is advisory only and may recommend appropriate development regulations for the county.

(d) The members of the development commission are subject to the same requirements relating to conflicts of interest that are applicable to the commissioners court under Chapter 171.

Sec. 232.158. FEES. The commissioners court may set reasonable fees related to the implementation and enforcement of this subchapter.

Sec. 232.159. SPECIAL EXCEPTION. (a) A person aggrieved by a development regulation adopted under this subchapter may petition the commissioners court or the development commission, if the commissioners court has established a development commission, for a special exception to a development regulation adopted by the commissioners court.

(b) The commissioners court shall adopt procedures governing applications, notice, hearings, and other matters relating to the grant of a special exception.

Sec. 232.160. ENFORCEMENT; PENALTY. (a) The commissioners court may adopt orders to enforce this subchapter or an order or development regulation adopted under this subchapter.

(b) A person commits an offense if the person violates this subchapter or an order or development regulation adopted under this subchapter. An offense under this subsection is a misdemeanor punishable by a fine of not less than \$500 or more than \$1,000. Each day that a violation occurs constitutes a separate offense. Trial shall be in the district court.

Sec. 232.161. COOPERATION WITH MUNICIPALITIES. The commissioners court by order may enter into agreements with any municipality located in the county to assist in the implementation and enforcement of development regulations adopted under this subchapter.

Sec. 232.162. CONFLICT WITH OTHER LAWS. If a development regulation adopted under this subchapter imposes higher standards than those required under another statute or local order or regulation, the regulation adopted under this subchapter controls. If the other statute or local order or regulation imposes higher standards, that statute, order, or regulation controls.

SECTION __. The heading to Chapter 232, Local Government Code, is amended to read as follows:

CHAPTER 232. COUNTY REGULATION OF SUBDIVISIONS AND
PROPERTY DEVELOPMENT

Amendment No. 5 was adopted without objection.

Amendment No. 6

Representative Burnam offered the following amendment to **SB 521**:

Amend **SB 521** on Page 15, line 17, following the period, by adding the following language to read as follows:

"A retailer or broker who is acting as a creditor as set forth in Section 347.002 and as the escrow agent for the purpose of accepting any escrow payments from a consumer under this section shall maintain sufficient surety made payable to the entity or local taxing authority for whom such escrow payments are accepted. Proof of such surety shall be furnished by the retailer to the entity or local taxing authority."

Amendment No. 6 was withdrawn.

Amendment No. 7

Representative Burnam offered the following amendment to **SB 521**:

Amend **SB 521** on Page 22, between lines 8 and 9, by adding new appropriately numbered Sections to read as follows and renumbering the remaining sections accordingly:

"Section _____. If the Act of the 78th Legislature, Regular Session, 2003, relating to nonsubstantive additions to and corrections in enacted codes takes effect, Subsection (b), Section 1201.303, Occupations Code, is amended to read as follows:

"(b) The department shall establish an installation inspection program in which all ~~[at least 25 percent of installed]~~ manufactured homes are inspected ~~[on a sample basis]~~ for compliance with the standards and rules adopted and orders issued by the director. The program must place priority on inspecting multisection homes and homes installed in Wind Zone II counties."

"Section _____. If the Act of the 78th Legislature, Regular Session, 2003, relating to nonsubstantive additions to and corrections in enacted codes does not take effect, Subsection (d), Section 4, Texas Manufactured Housing Standards Act (Article 5221f, Vernon's Texas Civil Statutes), is amended to read as follows:

"(d) All manufactured housing must be installed in compliance with the standards, rules, regulations, or administrative orders of the director. The department shall establish an inspection program whereby all ~~[at least 25 percent of the]~~ manufactured homes ~~[installed]~~ are inspected ~~[on a sample basis]~~ for compliance. The department's program shall place priority on multi-section homes and homes installed in Wind Zone II.

Amendment No. 7 was withdrawn.

Amendment No. 8

Representative Burnam offered the following amendment to **SB 521**:

Amend **SB 521** on Page 22, between lines 8 and 9, by adding new appropriately numbered Sections to read as follows and renumbering the remaining sections accordingly:

"Section _____. If the Act of the 78th Legislature, Regular Session, 2003, relating to nonsubstantive additions to and corrections in enacted codes takes effect, Subsections (a) and (b), Section 1201.152, Occupations Code, are amended to read as follows:

"(a) If a retailer purchases a new manufactured home from an unlicensed manufacturer in violation of Section 1201.505, a consumer's contract with the retailer for the purchase, exchange, or lease-purchase of the home is voidable ~~[until the second anniversary of the date of purchase, exchange, or lease purchase of the home]~~.

"(b) If an unlicensed retailer, broker, or installer enters into a contract with a consumer concerning a manufactured home, the consumer may void the contract ~~[until the second anniversary of the date of purchase of the home]~~."

"Section _____. If the Act of the 78th Legislature, Regular Session, 2003, relating to nonsubstantive additions to and corrections in enacted codes does not take effect, Subsection (d), Section 18, Texas Manufactured Housing Standards Act (Article 5221f, Vernon's Texas Civil Statutes), is amended to read as follows:

"(d) If a retailer, broker, or installer does not possess a valid license at the time of entering into any contract with a consumer, the contract between the consumer and the retailer, broker, or installer is voidable [~~within two years from the date of the purchase of the manufactured home~~] at the option of the consumer. A consumer's contract for the purchase, exchange, or lease-purchase of a new manufactured home is also voidable [~~within two years from the date of the purchase of the manufactured home,~~] if the retailer purchased the home from an unlicensed manufacturer in violation of Section 6, Subsection (h) of this Act.

Amendment No. 8 was adopted without objection.

Amendment No. 9

Representative Burnam offered the following amendment to **SB 521**:

Amend **SB 521** on Page 22, between lines 8 and 9, by adding new appropriately numbered Sections to read as follows and renumbering the remaining sections accordingly:

"Section _____. If the Act of the 78th Legislature, Regular Session, 2003, relating to nonsubstantive additions to and corrections in enacted codes takes effect, Section 1201.101, Occupations Code, is amended by adding a new Subsection (h) to read as follows:

"(h) Effective January 1, 2004, a person who owns, operates, or manages a manufactured home rental community as that term is defined in Section 232.007, Local Government Code, shall be licensed by the department. The department may establish fees for the issuance and renewal of a license of an owner, operator, or manager of a manufactured home rental community. The department may adopt rules and regulations relating to the operation of manufactured home rental communities."

"Section _____. If the Act of the 78th Legislature, Regular Session, 2003, relating to nonsubstantive additions to and corrections in enacted codes does not take effect, Section 7, Texas Manufactured Housing Standards Act (Article 5221f, Vernon's Texas Civil Statutes), is amended by adding a new Subsection (z), to read as follows:

"(z) Effective January 1, 2004, a person who owns, operates, or manages a manufactured home rental community as that term is defined in Section 232.007, Local Government Code, shall be licensed by the department. The department may establish fees for the issuance and renewal of a license of an owner, operator, or manager of a manufactured home rental community. The department may adopt rules and regulations relating to the operation of manufactured home rental communities."

Amendment No. 9 was withdrawn.

Amendment No. 10

Representative Burnam offered the following amendment to **SB 521**:

Amend **SB 521** on Page 22, between lines 8 and 9, by adding new appropriately numbered Sections to read as follows and renumbering the remaining sections accordingly:

"Section _____. If the Act of the 78th Legislature, Regular Session, 2003, relating to nonsubstantive additions to and corrections in enacted codes takes effect, Subsection (4), Section 1201.003, Occupations Code, is amended to read as follows:

"(4) 'Broker' means a person engaged by one or more other persons to close, negotiate, or offer to negotiate a bargain or contract for the sale, exchange, or lease-purchase of a manufactured home for which a certificate or other document of title has been issued and is outstanding. The term does not include a person who maintains a location for the display of manufactured homes."

"Section _____. If the Act of the 78th Legislature, Regular Session, 2003, relating to nonsubstantive additions to and corrections in enacted codes does not take effect, Subsection (4), Section 3, Texas Manufactured Housing Standards Act (Article 5221f, Vernon's Texas Civil Statutes), is amended to read as follows:

"(4) 'Broker' means a person engaged by one or more other persons to close, negotiate, or offer to negotiate a bargain or contract for the sale, exchange, or lease-purchase of a manufactured home for which a certificate or other document of title has been issued and is outstanding. The term does not include a person who maintains a location for the display of manufactured homes."

Amendment No. 10 was adopted without objection.

SB 521, 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. 2).

CSHB 1009 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hardcastle moved to lay **CSHB 1009** on the table subject to call.

The motion prevailed without objection.

SB 490 ON SECOND READING (Uresti - House Sponsor)

SB 490, A bill to be entitled An Act relating to developing and coordinating certain agency services and activities involving mental health care for young children.

SB 490 was considered in lieu of **HB 1349**.

SB 490 was read second time and was passed to third reading.

HB 1349 - LAID ON THE TABLE SUBJECT TO CALL

Representative Uresti moved to lay **HB 1349** on the table subject to call.

The motion prevailed without objection.

HB 2373 ON SECOND READING
(by Phillips and Uresti)

HB 2373, A bill to be entitled An Act relating to license fees for certain nursing and convalescent homes.

HB 2373 was read second time on April 29 and was postponed until 11 a.m. today.

Representative Phillips moved to postpone consideration of **HB 2373** until 11 a.m. Saturday, May 3.

The motion prevailed without objection.

CSHB 524 ON SECOND READING
(by Eiland)

CSHB 524, A bill to be entitled An Act relating to the use of the Galveston-Port Bolivar ferry operated by the Texas Department of Transportation.

CSHB 524 was read second time on April 29, postponed until April 30, and was again postponed until 11 a.m. today.

Representative Eiland moved to postpone consideration of **CSHB 524** until 11 a.m. Saturday, May 3.

The motion prevailed without objection.

HB 529 ON THIRD READING
(by B. Brown)

HB 529, A bill to be entitled An Act relating to the ineligibility of a delinquent child support obligor to receive state-funded or state-administered student financial assistance.

HB 529 was read third time on April 30 and was postponed until 11 a.m. today.

Amendment No. 1

Representative Gallego offered the following amendment to **HB 529**:

Amend **HB 529** (second reading engrossment) on page 1, line 12, by inserting after the period:

This subsection does not apply to an obligor who submits to the comptroller:

(1) a sworn affidavit from the obligor or obligee stating that the obligor is current on the obligor's child support payments; and

(2) a written statement from the obligor that the obligor has made a request to the Title IV-D agency to correct the errors in the obligor's payment record.

Amendment No. 1 was adopted without objection.

HB 529, 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 59 ON SECOND READING
(by Uresti)

HJR 59, A joint resolution proposing a constitutional amendment authorizing the legislature to permit a person to assume an office of a political subdivision without an election if the person is the only candidate to qualify in an election for that office.

A record vote was requested.

HJR 59 was adopted by (Record 449): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Laney; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

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

Absent, Excused — Davis, J.; Isett; Oliveira.

Absent — Krusee; Kuempel; Laubenberg.

HJR 62 ON SECOND READING
(by Truitt)

HJR 62, A joint resolution proposing a constitutional amendment authorizing the legislature to permit a person to take office without an election if the person is the only candidate to qualify in an election for that office.

A record vote was requested.

HJR 62 was adopted by (Record 450): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, J.; King; Kolkhorst; Krusee; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Nixon; Noriega; Olivo; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

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

Absent, Excused — Davis, J.; Isett; Oliveira.

Absent — Branch; Keffer, B.; Kuempel; Naishtat; Paxton; Villarreal.

STATEMENTS OF VOTE

When Record No. 450 was taken, I was in the house but away from my desk. I would have voted yes.

B. Keffer

When Record No. 450 was taken, I was temporarily out of the house chamber. I would have voted yes.

Paxton

CSHJR 84 ON SECOND READING (by Uresti, Goolsby, Luna, and McReynolds)

CSHJR 84, A joint resolution proposing a constitutional amendment providing for the filling of a temporary vacancy in a public office created by the activation for military service of a public officer.

A record vote was requested.

CSHJR 84 was adopted by (Record 451): 140 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett;

Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

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

Absent, Excused — Davis, J.; Isett; Oliveira.

Absent — Dawson; Laubenberg; Truitt.

STATEMENT OF VOTE

When Record No. 451 was taken, I was in the house but away from my desk. I would have voted yes.

Dawson

(Speaker pro tempore in the chair)

GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

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

HB 2130 ON THIRD READING (by Kuempel)

HB 2130, A bill to be entitled An Act relating to the exemptions from requirements applicable to local permits.

A record vote was requested.

HB 2130 was passed by (Record 452): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Corte; Crabb; Crownover; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.;

Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

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

Absent, Excused — Davis, J.; Isett; Oliveira.

Absent — Cook, R.; Eiland.

HB 2224 ON THIRD READING
(by Dutton)

HB 2224, A bill to be entitled An Act relating to open-enrollment charter schools.

HB 2224 was passed.

HB 2240 ON THIRD READING
(by Paxton)

HB 2240, A bill to be entitled An Act relating to the management of certain trusts and the adoption of the Uniform Prudent Investor Act.

Amendment No. 1

Representative Mabry offered the following amendment to **HB 2240**:

Amend **HB 2240** on third reading by striking page 14, line 24 (second reading engrossment) and substituting the following:

"applies only to a trust existing on or created after that date.

(b) With respect to a trust existing on January 1, 2004, this Act applies only to an act or decision relating to the trust occurring after December 31, 2003."

Amendment No. 1 was adopted without objection.

HB 2240, as amended, was passed.

HB 2083 ON THIRD READING
(by Campbell)

HB 2083, A bill to be entitled An Act relating to the qualifications of a municipal judge.

Amendment No. 1

Representative Campbell offered the following amendment to **HB 2083**:

Amend **HB 2083** on third reading by striking all below the enacting clause and substituting the following:

SECTION 1. Section 30.00934(a), Government Code, is amended to read as follows:

(a) A municipal judge need not be a resident of the city at the time of appointment but must, in addition to satisfying the requirements of Section 30.00006(c), maintain residence in the city during the term of office. The judge shall devote full time to the duties of that office and may not engage in the private

practice of law while in office. The residency requirement and private practice restriction under this section do not apply to a part time municipal judge appointed on or after February 1, 2003.

SECTION 2. Chapter 30, Government Code, is amended by adding Subchapter YY to read as follows:

SUBCHAPTER YY. SAN ANGELO

Sec. 30.01921. APPLICATION. This subchapter applies to the City of San Angelo.

Sec. 30.01922. JUDGE. A municipal judge must be:

- (1) a resident of this state;
- (2) a citizen of the United States; and
- (3) either:

(A) a licensed attorney in good standing who has two or more years of experience in the practice of law in this state; or

(B) a person who has served as a judge in this state for four or more years preceding appointment as a municipal judge.

SECTION 3. This Act takes effect September 1, 2003.

Amendment No. 1 was adopted without objection.

HB 2083, as amended, was passed.

HB 2703 ON THIRD READING

(by Bailey, Paxton, Dutton, Keel, and Flynn)

HB 2703, A bill to be entitled An Act relating to admissibility of evidence examined and tested by a crime laboratory.

A record vote was requested.

HB 2703 was passed by (Record 453): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laney; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgenuth; Wolens; Wong; Woolley; Zedler.

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

Absent, Excused — Davis, J.; Isett; Oliveira.

Absent — Branch; Kuempel; Laubenberg; Merritt.

HB 3128 ON THIRD READING

(by Truitt)

HB 3128, A bill to be entitled An Act relating to write-in voting for the offices of county chair and precinct chair.

HB 3128 was passed.

HB 716 ON THIRD READING

(by Delisi, Homer, and Peña)

HB 716, A bill to be entitled An Act relating to the punishment for assaults committed against certain sports officials.

HB 716 was passed.

HB 729 ON THIRD READING

(by Goodman and Dutton)

HB 729, A bill to be entitled An Act relating to the adoption of the Uniform Parentage Act regarding gestational agreements.

HB 729 was passed.

HB 885 ON THIRD READING

(by Dutton)

HB 885, A bill to be entitled An Act relating to the rights of spouses in relation to separate and community property.

HB 885 was passed.

HB 1207 ON THIRD READING

(by Kuempel)

HB 1207, A bill to be entitled An Act relating to the application of certain municipal zoning regulations affecting the appearance of buildings or open spaces.

HB 1207 was passed.

HB 1192 ON THIRD READING

(by West)

HB 1192, A bill to be entitled An Act relating to the purchase of vehicles using alternative fuels by the Railroad Commission of Texas.

A record vote was requested.

HB 1192 was passed by (Record 454): 139 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crownover; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgenuth; Wolens; Wong; Woolley; Zedler.

Nays — Burnam; Coleman; Rodriguez.

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

Absent, Excused — Davis, J.; Isett; Oliveira.

Absent — Crabb; Kolkhorst.

HB 1326 ON THIRD READING

(by Martínez Fischer, Driver, Keel, Hope, and Castro)

HB 1326, A bill to be entitled An Act relating to the civil and criminal consequences of racing a motor vehicle on a public highway or street and of being a spectator at an illegal motor vehicle racing event; providing penalties.

Representative Martinez Fischer moved to postpone consideration of **HB 1326** until the end of today's third reading calendar.

The motion prevailed without objection.

HB 1839 ON THIRD READING

(by Solomons, Lewis, et al.)

HB 1839, A bill to be entitled An Act relating to property in the custody of a pawnbroker; providing criminal penalties.

HB 1839 was passed.

HB 1931 ON THIRD READING

(by Capelo, West, E. Jones, Canales, and Chisum)

HB 1931, A bill to be entitled An Act relating to the repeal of the law governing notification of pipeline construction and operation.

A record vote was requested.

HB 1931 was passed by (Record 455): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgenuth; Wolens; Wong; Woolley; Zedler.

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

Absent, Excused — Davis, J.; Isett; Oliveira.

Absent — Grusendorf; Miller.

HB 1989 ON THIRD READING

(by Ellis and B. Cook)

HB 1989, A bill to be entitled An Act relating to hunting and fishing stamps issued by the Parks and Wildlife Department; providing a penalty.

HB 1989 was passed.

HB 1997 ON THIRD READING

(by Gutierrez and West)

HB 1997, A bill to be entitled An Act relating to the regulation of electric personal assistive mobility devices.

HB 1997 was passed.

HB 235 ON THIRD READING

(by West, Allen, Crabb, Casteel, Wise, et al.)

HB 235, A bill to be entitled An Act relating to the prosecution and punishment of the offense of obscene display or distribution and to certain consequences of a conviction for that offense.

HB 235 was passed.

HB 2546 ON THIRD READING

(by Bonnen, et al.)

HB 2546, A bill to be entitled An Act relating to the land application of certain sludge.

A record vote was requested.

HB 2546 was passed by (Record 456): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

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

Absent, Excused — Davis, J.; Isett; Oliveira.

Absent — Branch; Corte; Kuempel; Wilson.

HB 236 ON THIRD READING

(by West, Allen, Crabb, Casteel, Wise, et al.)

HB 236, A bill to be entitled An Act relating to the punishment for the offense of obscenity and to certain consequences related to a conviction for an offense involving obscenity.

HB 236 was passed.

HB 645 ON THIRD READING

(by Puente)

HB 645, A bill to be entitled An Act relating to prohibiting the creation or enforcement of certain restrictive covenants that undermine water conservation.

Amendment No. 1

Representative Harper-Brown offered the following amendment to **HB 645**:

Amend **HB 645** on third reading on page 3 by striking lines 4-8 and substituting the following:

(e) This section does not apply to a property owners' association that:

(1) is located in a municipality with a population of more than 175,000 that is located in a county in which another municipality with a population of more than one million is predominately located; and

(2) manages or regulates a development in which at least 10,000 acres of the property is subject to a covenant, condition, or restriction designating the property for commercial use, multifamily dwellings, or open space.

Amendment No. 1 was adopted without objection.

HB 645, as amended, was passed.

HB 85 ON THIRD READING
(by McClendon, Hegar, F. Brown, and Mercer)

HB 85, A bill to be entitled An Act relating to the establishment of an undergraduate medical academy at Prairie View A&M University.

HB 85 was passed.

HB 1267 ON THIRD READING
(by Seaman and Christian)

HB 1267, A bill to be entitled An Act relating to small employer health benefit plans.

Amendment No. 1

Representative Thompson offered the following amendment to **HB 1267**:

Amend **HB 1267** on third reading as follows:

(1) on page 5, following line 11, add a new SECTION 5 to read as follows and renumber subsequent sections:

"SECTION 5. Article 26.72, Insurance Code, is amended by amending Subsection (c) and adding Subsection (e) to read as follows:

(c) Subsection (b) of this article does not apply to an arrangement that provides compensation to an agent on the basis of percentage of premium, provided that:

(1) the percentage may not vary because of health status or claim experience; and

(2) the small employer carrier does not:

(A) exclude any additional premium charged to the small employer because of health status or claims experience from the premium amount to which the percentage is applied; or

(B) apply a smaller percentage to any additional premium charged to the small employer because of health status or claims experience than is applied to other premiums charged to the small employer.

(e) A small employer carrier may not use an agent compensation schedule that provides compensation in a specific dollar amount for each individual covered during a specified period or for each group of individuals covered during a specified period.;"

(2) on page 5, between "6." and "This", insert "(1)"; and,

(3) on page 5, following line 27, add the following:

"(2) Article 26.73, Insurance Code, as amended by this Act, applies only to a small employer health benefit plan that is delivered, renewed, or issued for delivery on or after January 1, 2004. A health benefit plan delivered or issued for

delivery before January 1, 2004, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose."

Amendment No. 1 was adopted without objection.

HB 1267, as amended, was passed.

HB 2020 ON THIRD READING

(by Farabee, West, J. Keffer, Chisum, Canales, et al.)

HB 2020, A bill to be entitled An Act relating to financial security requirements for certain persons performing operations within the jurisdiction of the Railroad Commission of Texas.

HB 2020 was passed.

POSTPONED BUSINESS

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

HB 1326 ON THIRD READING

(by Martinez Fischer, Driver, Keel, Hope, and Castro)

HB 1326, A bill to be entitled An Act relating to the civil and criminal consequences of racing a motor vehicle on a public highway or street and of being a spectator at an illegal motor vehicle racing event; providing penalties.

HB 1326 was read third time earlier today and was postponed until this time.

Amendment No. 1

Representative Howard offered the following amendment to **HB 1326**:

Amend **HB 1326** on third reading as follows:

(1) On page 1, on line 7, between "by" and "adding", insert "amending Subsection (a) and".

(2) On page 1, between lines 7 and 8, insert the following:

(a) A person may not participate in any manner in:

(1) a race;

(2) a vehicle speed competition or contest;

(3) a drag race or acceleration contest;

(4) a test of physical endurance of the operator of a vehicle; or

(5) in connection with a drag race an exhibition of vehicle speed or acceleration or to make a vehicle speed record.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Hochberg offered the following amendment to **HB 1326**:

Amend **HB 1326** on third reading, on page 1, lines 8-11, by striking proposed Section 545.420(c), Transportation Code, and substituting the following:

(c) A person commits an offense if, after traveling to a location with the intent of being a spectator, the person attends as a spectator a race, competition, contest, test, or exhibition prohibited by Subsection (a). An offense under this subsection is a Class C misdemeanor.

Amendment No. 2 was adopted without objection.

HB 1326, as amended, was passed.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**HB 1186 ON SECOND READING
(by Hegar)**

HB 1186, A bill to be entitled An Act relating to the designation of a weight enforcement officer by a commissioners court.

Amendment No. 1

Representative Hegar offered the following amendment to **HB 1186**:

Amend **HB 1186** on page 2, line 1, between "court" and "may" by inserting "of a county with a population of 40,000 or more".

Amendment No. 1 was adopted without objection.

HB 1186, as amended, was passed to engrossment. (Hughes recorded voting no)

**CSHB 1194 ON SECOND READING
(by West)**

CSHB 1194, A bill to be entitled An Act relating to pipeline safety fees.

CSHB 1194 was passed to engrossment.

**CSHB 1197 ON SECOND READING
(by Krusee)**

CSHB 1197, A bill to be entitled An Act relating to authorization for a development agreement between a municipality and an owner of land in the municipality's extraterritorial jurisdiction.

Amendment No. 1

Representative W. Smith offered the following amendment to **CSHB 1197**:

Amend **CSHB 1197** on page 1, between lines 9 and 10, by inserting the following new section and renumbering the subsequent sections of the subchapter appropriately:

Sec. 212.171. APPLICABILITY. This subchapter does not apply to land located in the extraterritorial jurisdiction of a municipality with a population of 1.9 million or more.

Amendment No. 1 was adopted without objection.

CSHB 1197, as amended, was passed to engrossment.

HB 1246 ON SECOND READING
(by Riddle, Flores, et al.)

HB 1246, A bill to be entitled An Act relating to the prosecution of the offenses of sexual assault and aggravated sexual assault.

HB 1246 was passed to engrossment.

CSHB 1344 ON SECOND READING
(by Uresti)

CSHB 1344, A bill to be entitled An Act relating to the election of an unopposed candidate for an office of a political subdivision and to omission of that candidate from the ballot.

CSHB 1344 was passed to engrossment. (Castro and Chavez recorded voting no)

CSHB 1402 ON SECOND READING
(by West)

CSHB 1402, A bill to be entitled An Act relating to oil spill prevention and response.

Representative West moved to postpone consideration of **CSHB 1402** until 2 p.m. Tuesday, May 6.

The motion prevailed without objection.

CSHB 1476 ON SECOND READING
(by Truitt)

CSHB 1476, A bill to be entitled An Act relating to the election of certain unopposed candidates.

CSHB 1476 was passed to engrossment. (Castro, Chavez, and Corte recorded voting no)

HB 1512 ON SECOND READING
(by West)

HB 1512, A bill to be entitled An Act relating to meetings to exchange information regarding emergency management plans relating to pipeline safety.

Amendment No. 1 (Committee Amendment No. 1)

Representative E. Jones offered the following committee amendment to **HB 1512**:

Amend Section 1 by adding Section 418.106(e) to read as follows:

(e) An emergency management plan of an agency is excepted from the requirements of (d) if: (1) the emergency management plan contains sensitive information relating to privately owned critical infrastructures or facilities; and (2) the safety or security of those infrastructures or facilities could be jeopardized by disclosure of the emergency management plan.

Amendment No. 2

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

Amend Committee Amendment No. 1 to **HB 1512** as follows:
On line 6, strike "privately owned".

Amendment No. 2 was adopted without objection.

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

HB 1512, as amended, was passed to engrossment.

HB 1532 ON SECOND READING
(by R. Cook)

HB 1532, A bill to be entitled An Act relating to authority of political subdivisions to exercise the power of eminent domain to acquire rights to water.

Representative R. Cook moved to postpone consideration of **HB 1532** until 10 a.m. Thursday, May 8.

The motion prevailed without objection.

CSHB 1540 ON SECOND READING
(by Callegari)

CSHB 1540, A bill to be entitled An Act relating to the general powers and authority of the West Harris County Regional Water Authority.

Representative Callegari moved to postpone consideration of **CSHB 1540** until 11 a.m. Tuesday, May 13.

The motion prevailed without objection.

CSHB 1575 ON SECOND READING
(by Ritter)

CSHB 1575, A bill to be entitled An Act relating to cost based transportation rates for natural gas.

Amendment No. 1

Representative E. Jones offered the following amendment to **CSHB 1575**:

Amend **CSHB 1575** as follows:

On page 2, line 10, after the word "commission", add "or other relevant regulatory body".

Amendment No. 1 was adopted without objection.

CSHB 1575, as amended, was passed to engrossment.

CSHB 2192 ON SECOND READING**(by Keel, Hopson, et al.)**

CSHB 2192, A bill to be entitled An Act relating to the regulation of controlled substances under the Texas Controlled Substances Act and to the prosecution of certain offenses under that Act.

CSHB 2192 was passed to engrossment.

HB 2298 ON SECOND READING**(by Uresti, Delisi, Reyna, Capelo, Villarreal, et al.)**

HB 2298, A bill to be entitled An Act relating to the authority of certain state agencies to purchase prescription drugs and other medications jointly with other states.

HB 2298 was passed to engrossment.

HB 2433 ON SECOND READING**(by Hartnett)**

HB 2433, A bill to be entitled An Act relating to a pilot project to address continuing needs for more child protective services caseworkers in certain regions of this state.

Representative Hartnett moved to postpone consideration of **HB 2433** until 11 a.m. tomorrow.

The motion prevailed without objection.

CSHB 2567 ON SECOND READING**(by Geren)**

CSHB 2567, A bill to be entitled An Act relating to the disposal of brine from desalination operations.

CSHB 2567 was passed to engrossment.

CSHB 2668 ON SECOND READING**(by Allen, Stick, Hodge, Uresti, Edwards, et al.)**

CSHB 2668, A bill to be entitled An Act relating to the punishment and sentencing of defendants convicted of certain offenses under the Texas Controlled Substances Act.

Representative Allen moved to postpone consideration of **CSHB 2668** until the end of today's second reading calendar.

The motion prevailed without objection.

CSHB 2964 ON SECOND READING**(by Howard)**

CSHB 2964, A bill to be entitled An Act relating to the operation of municipal school districts and the levy of municipal school district taxes.

CSHB 2964 was passed to engrossment.

HB 3034 ON SECOND READING**(by Ellis)**

HB 3034, A bill to be entitled An Act relating to the rates of certain retail public utilities.

HB 3034 was passed to engrossment.

CSHB 3061 ON SECOND READING**(by Flores)**

CSHB 3061, A bill to be entitled An Act relating to regulation of the disposal of animal remains.

CSHB 3061 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HOMER: I think I fully understand what you're trying to do with this bill. I just want to ask and make sure it is not affecting something in my district. We have an operation that actually takes deceased animals and grinds them and composts them; and it's a several county cooperation. This legislation in no way intends to hinder that operation of cattle—dead animals moving across county lines to come to that facility—at all, is that true?

REPRESENTATIVE FLORES: That is correct. This is intended to give the veterinarians an additional tool that, when they have an animal that has been diagnosed with anthrax, that the best way to kill that disease is to burn it. What we're doing now is, we're taking it, and we're traveling four counties down the road where we still have the water and the blood and the feces and the parts of the animal, the tools that were used, and we're trucking these animals four, five, six counties down the road. And what we want to do is, right now, we want the old TNRCC, TCEQ, to work with the Texas Health Commission and give them the authority to burn the carcass on the location.

HOMER: And actually, I would presume, a veterinarian could actually use this facility if he so chooses—if they had a dead animal that wasn't severely infected that needed to be burned. Is that correct?

FLORES: Yes, that is correct. And they still will be able to move the animal because it would be predetermined that this animal is sick, and we have to give them that option.

CSHB 3061 was passed to engrossment.

REMARKS ORDERED PRINTED

Representative Homer moved to print remarks between Representative Homer and Representative Flores.

The motion prevailed without objection.

HB 3152 ON SECOND READING**(by Bonnen)**

HB 3152, A bill to be entitled An Act relating to the potability of and requirements for removing contaminants from groundwater.

Amendment No. 1

Representative Puente offered the following amendment to **HB 3152**:

Amend **HB 3152** as follows:

(1) On page 2, line 12, strike "A person, including a local government," and substitute "A local government".

(2) On page 3, line 11, strike "A person" and substitute "A local government".

(3) On page 5, line 8, strike "a person" and substitute "a local government".

(4) On page 6, line 6, strike "may" and substitute "shall".

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Government Reform, 30 minutes after adjournment today, E1.026, for a public hearing, to continue the hearing on **HB 2**.

HB 3152 - (consideration continued)

Representative Bonnen moved to postpone consideration of **HB 3152** until the end of today's calendar.

The motion prevailed without objection.

HB 3194 ON SECOND READING

(by Uresti)

HB 3194, A bill to be entitled An Act relating to an exemption for the Department of Protective and Regulatory Services from paying certain costs and fees.

HB 3194 was passed to engrossment.

HB 3234 ON SECOND READING

(by T. Smith)

HB 3234, A bill to be entitled An Act relating to exempting college savings plan accounts from attachment, execution, and seizure for the satisfaction of debts.

Representative T. Smith moved to postpone consideration of **HB 3234** until 11 a.m. Tuesday, May 6.

The motion prevailed without objection.

CSHB 3335 ON SECOND READING

(by Capelo)

CSHB 3335, A bill to be entitled An Act relating to the time allowed for disposition of certain charges regarding a violation of parole or other forms of release from prison.

Representative Capelo moved to postpone consideration of **CSHB 3335** until 11 a.m. tomorrow.

The motion prevailed without objection.

POSTPONED BUSINESS

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

CSHB 2668 ON SECOND READING
(by Allen, Stick, Hodge, Uresti, Edwards, et al.)

CSHB 2668, A bill to be entitled An Act relating to the punishment and sentencing of defendants convicted of certain offenses under the Texas Controlled Substances Act.

CSHB 2668 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Allen offered the following amendment to **CSHB 2668**:

Amend **CSHB 2668** as follows:

(1) Strike SECTIONS 1,2, and 3 and substitute the following:

SECTION 1. Sections 15(a) and (c), Article 42.12, Code of Criminal Procedure, are amended to read as follows:

(a)(1) On conviction of a state jail felony under Section 481.115(b), 481.1151(b)(1), 481.116(b), 481.121(b)(3), or 481.129(g)(1), Health and Safety Code, that is punished under Section 12.35(a), Penal Code, the judge shall suspend the imposition of the sentence and place the defendant on community supervision, unless the defendant has previously been convicted of a felony, in which event the judge may suspend the imposition of the sentence and place the defendant on community supervision or may order the sentence to be executed.

(2) On conviction of a state jail felony punished under Section 12.35(a), Penal Code, other than a state jail felony listed in Subdivision (1), the judge may suspend the imposition of the sentence and place the defendant on community supervision or may order the sentence to be executed.

(3) The judge may suspend in whole or in part the imposition of any fine imposed on conviction.

(c)(1) A judge may impose any condition of community supervision on a defendant that the judge could impose on a defendant placed on supervision for an offense other than a state jail felony, except that the judge may impose on the defendant a condition that the defendant submit to a period of confinement in a county jail under Section 5 or 12 of this article only if the term does not exceed 90 days.

(2) Except as otherwise provided by Subdivision (3), a judge who places a defendant on community supervision for an offense listed in Subsection (a)(1) shall require the defendant to comply with substance abuse treatment conditions that are consistent with standards adopted by the Texas Board of Criminal Justice under Section 509.015, Government Code.

(3) A judge is not required to impose conditions described by Subdivision (2) if the judge makes an affirmative finding that the defendant does not require imposition of the conditions to successfully complete the period of community supervision.

(2) On page 6, line 18, strike "4" and substitute "2".

(3) Strike SECTIONS 5 and 6 and substitute the following:

SECTION 3. Not later than October 1, 2003, the Drug Demand Reduction Advisory Committee created under Chapter 461, Health and Safety Code, shall inform in writing each court having jurisdiction over offenses listed in Section 15(a)(1), Article 42.12, Code of Criminal Procedure, as added by this Act, and the office of each attorney representing the state charged with prosecuting those offenses of:

- (1) the changes in law made by this Act; and
- (2) the availability of grants and other sources of revenue to assist in providing treatment as required by conditions of community supervision imposed under Section 15(c)(2), Article 42.12, Code of Criminal Procedure, as added by this Act.

SECTION 4. This Act takes effect September 1, 2003, and applies to any case in which a judgment has not been entered before the effective date of this Act. A case in which a judgment has been entered before the effective date of this Act is covered by the law in effect when the judgment is entered, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Dutton offered the following amendment to **CSHB 2668**:

Amend **CSHB 2668** as follows:

(2) Add appropriately numbered SECTIONS of the bill to read as follows and renumber existing SECTIONS accordingly:

SECTION _____. Section 481.115(b), Health and Safety Code, is amended to read as follows:

(b) An offense under Subsection (a) is a Class A misdemeanor [~~state-jail felony~~] if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, less than one gram.

SECTION _____. Section 481.116(b), Health and Safety Code, is amended to read as follows:

(b) An offense under Subsection (a) is a Class A misdemeanor [~~state-jail felony~~] if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, less than one gram.

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative Ellis offered the following amendment to **CSHB 2668**:

Amend **CSHB 2668** on page 1, line 13, immediately after the period, by adding the following:

"The provisions of this subdivision requiring the judge to suspend the imposition of the sentence and place the defendant on community supervision do not apply to a defendant who under Section 481.1151(b)(1) possessed more than five abuse units of the controlled substance or under Section 481.121(b)(3) possessed more than one pound of marihuana.

Amendment No. 3 was adopted without objection.

CSHB 2668, as amended, was passed to engrossment. (Bohac, Gattis, Harper-Brown, and Phillips recorded voting no)

(Edwards in the chair)

SB 641 ON THIRD READING
(Turner - House Sponsor)

SB 641, A bill to be entitled An Act relating to presumptions for state land records.

SB 641 was read third time on April 29, postponed until 11 a.m. today, and was again postponed until this time.

SB 641 was passed. (The vote was reconsidered later today, and **SB 641** was amended and was passed.)

(Speaker pro tempore in the chair)

SB 40 ON SECOND READING
(Capelo - House Sponsor)

SB 40, A bill to be entitled An Act relating to an immunization education program established by the Texas Department of Health.

SB 40 was read second time on April 30, postponed until 1:00 p.m. today, and was again postponed until this time.

Amendment No. 1

Representatives Capelo and Hupp offered the following amendment to **SB 40**:

Amend **SB 40** in SECTION 1 of the bill, in proposed Section 161.010, Health and Safety Code (house committee printing page 1, lines 8-10), by striking proposed Subsection (a) and substituting:

(a) The department shall establish a continuous statewide education program to educate the public about the importance of immunizing children and the risks and contraindications of an immunization.

Amendment No. 1 was adopted without objection.

SB 40, as amended, was passed to third reading.

SB 43 ON SECOND READING
(Capelo - House Sponsor)

SB 43, A bill to be entitled An Act relating to certain immunization programs.

SB 43 was read second time on April 30, postponed until 1:00 p.m. today, and was again postponed until this time.

SB 43 was passed to third reading.

SB 324 ON THIRD READING
(Marchant - House Sponsor)

SB 324, A bill to be entitled An Act relating to the exemption of certain persons from regulation as a credit services organization.

SB 324 was read third time earlier today and was postponed until this time.

Amendment No. 1

On behalf of Representative McClendon, Representative Marchant offered the following amendment to **SB 324**:

Amend **SB 324** on third reading by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION ____. Section 156.202, Finance Code, is amended to read as follows:

Sec. 156.202. EXEMPTIONS. This chapter does not apply to:

(1) any of the following entities or an employee of any of the following entities provided the employee is acting for the benefit of the employer:

(A) a bank, savings bank, or savings and loan association, or a subsidiary or an affiliate of a bank, savings bank, or savings and loan association;

(B) a state or federal credit union;

(C) an insurance company licensed or authorized to do business in this state under the Insurance Code;

(D) a mortgage banker;

(E) an organization that qualifies for an exemption from state franchise and sales tax as a 501(c)(3) organization; ~~or~~

(F) a Farm Credit System institution; or

(G) a political subdivision of this state involved in affordable home ownership programs;

(2) an individual who makes a mortgage loan from the individual's own funds to a spouse, former spouse, or persons in the lineal line of consanguinity of the individual lending the money;

(3) an owner of real property who makes a mortgage loan to a purchaser of the property for all or part of the purchase price of the real estate against which the mortgage is secured; or

(4) an individual who:

(A) makes a mortgage loan from the individual's own funds;

(B) is not an authorized lender under Chapter 342, Finance Code;

and

(C) does not regularly engage in the business of making or brokering mortgage loans.

Amendment No. 1 was adopted without objection.

SB 324, as amended, was passed.

HB 3152 ON SECOND READING
(by Bonnen)

HB 3152, A bill to be entitled An Act relating to the potability of and requirements for removing contaminants from groundwater.

HB 3152 was read second time earlier today and was postponed until this time.

Amendment No. 1 was pending at the time of postponement.

Representative Bonnen moved to postpone consideration of **HB 3152** until 10 a.m. Saturday, May 3.

The motion prevailed without objection.

CSHB 1920 ON SECOND READING
(by Capelo)

CSHB 1920, A bill to be entitled An Act relating to certain immunization programs.

CSHB 1920 was read second time on April 29 and was postponed until 1:00 p.m. today.

Amendment No. 1

Representatives Capelo and Hupp offered the following amendment to **CSHB 1920**:

Amend **CSHB 1920** on page 2, lines 10-11, by striking "and for other purposes relating to the provider's ordinary course of business".

Amendment No. 1 was adopted without objection.

CSHB 1920, as amended, was passed to engrossment.

HB 1926 ON SECOND READING
(by Capelo)

HB 1926, A bill to be entitled An Act relating to immunization of children.

HB 1926 was read second time on April 29 and was postponed until 1:00 p.m. today.

Representative Capelo moved to postpone consideration of **HB 1926** until 11 a.m. Saturday, May 3.

The motion prevailed without objection.

HB 1796 ON SECOND READING
(by Talton)

HB 1796, A bill to be entitled An Act relating to the repeal of the exception from required disclosure under the public information law of certain information submitted by a potential vendor or contractor.

HB 1796 was read second time on April 29 and was postponed until 1:00 p.m. today.

Amendment No. 1

Representative Solis offered the following amendment to **HB 1796**:

Amend **HB 1796** on page 1 by striking lines 7 through 11 and substituting the following:

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

Amendment No. 1 was adopted without objection.

HB 1796, as amended, was passed to engrossment. (Giddings recorded voting no)

HR 981 - ADOPTED
(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 981**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 981, Recognizing Jose I. Quintana for service to his country.

HR 981 was adopted without objection.

SB 236 ON SECOND READING
(Hupp - House Sponsor)

SB 236, A bill to be entitled An Act relating to a landowner's taking of depredating feral hogs.

SB 236 was considered in lieu of **CSHB 815**.

SB 236 was read second time and was passed to third reading.

CSHB 815 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hupp moved to lay **CSHB 815** on the table subject to call.

The motion prevailed without objection.

CSHB 859 ON SECOND READING
(by Madden, Grusendorf, Eissler, and Kolkhorst)

CSHB 859, A bill to be entitled An Act relating to home-rule school districts.

CSHB 859 was read second time on April 29 and was postponed until 2 p.m. today.

Representative Madden moved to postpone consideration of **CSHB 859** until 1:00 p.m. Monday, May 5.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

State Cultural and Recreational Resources, upon adjournment today, Desk 69, for a formal meeting, to consider pending business.

Environmental Regulation, upon adjournment today, Desk 3, for a formal meeting, to consider pending bills.

Pensions and Investments, upon adjournment today, Desk 14, for a formal meeting, to consider **SB 1588**.

Criminal Jurisprudence, upon adjournment today, Desk 59, for a formal meeting, to consider **HB 2027**, **HB 2245**, **SB 408**, and pending business.

Rules and Resolutions, upon adjournment today, Desk 133, for a formal meeting, to consider the calendar.

Law Enforcement, 9:30 a.m. tomorrow, E1.014, for a formal meeting.

Public Health, upon adjournment today, Desk 104, for a formal meeting, to consider pending bills.

Juvenile Justice & Family Issues, 3:15 p.m. today instead of posted time, E2.028

FIVE DAY POSTING RULE SUSPENDED

Representative Grusendorf moved to suspend the five day posting rule to allow the Committee on Public Education to consider **SB 900** and **SB 1108**.

The motion prevailed without objection.

Representative Giddings moved to suspend the five day posting rule to allow the Committee on Business and Industry to consider **SB 611**, **SB 853**, **SB 995**, and **SB 1282**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Business and Industry, 8 a.m. tomorrow, E2.028, for a public hearing, to consider **SB 611**, **SB 853**, **SB 995**, and **SB 1282**.

Local and Consent Calendars, upon adjournment tomorrow, E2.024, for a formal meeting, to set the calendar for Tuesday, May 6.

SB 641 - VOTE RECONSIDERED

Representative Turner moved to reconsider the vote by which **SB 641** was passed.

The motion to reconsider prevailed.

SB 641 ON THIRD READING (Turner - House Sponsor)

SB 641, A bill to be entitled An Act relating to presumptions for state land records.

Amendment No. 1

Representative Turner offered the following amendment to **SB 641**:

Amend **SB 641** as follows on third reading:

In Section 1, on Page 1, lines 7-11, strike subsection (a) and substitute new subsection (a) as follows:

"(a) STATE LAND RECORDS. In a dispute between the State of Texas and an upland owner of property fronting on the Gulf of Mexico and the arms of the Gulf of Mexico within the boundaries of the State of Texas, the maps, surveys and property descriptions filed in the General Land Office in connection with any conveyance by the State or any predecessor government by patent, deed, lease, or other authorized forms of grant shall be presumed to accurately depict the boundary between adjacent upland owners and the state-owned submerged lands."

In Section 1, on Page 1, lines 13 and 14, strike "licensed, or registered, and qualified" and substitute "or licensed, and qualified."

Amendment No. 1 was adopted without objection.

SB 641, as amended, was passed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Urban Affairs, upon adjournment today, E1.010.

ADJOURNMENT

Representative Grusendorf moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 1:52 p.m., adjourned until 10 a.m. tomorrow.

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

HB 3627 (By Laney and D. Jones), Relating to the creation, administration, powers, duties, operation, and financing of the Lake Alan Henry Water District. To Natural Resources.

HCR 218 (By Chavez), Memorializing congress to urge the EPA to redesignate El Paso from a nonattainment area to an attainment area.

To Environmental Regulation.

HCR 219 (By Hughes), Designating Mineola as the official Birding Capital of East Texas.

To State Cultural and Recreational Resources.

HCR 223 (By Hartnett), Granting Maria Isabel Guerrero-McDonald and Guerrero-McDonald & Associates, Inc., permission to sue Travis County.

To Civil Practices.

HR 961 (By Guillen), Honoring Renato Ramirez of Zapata for his commitment to his community.

To Rules and Resolutions.

HR 962 (By McCall), Honoring the life of Gerald H. "Jerry" Goldwyn of Dallas.

To Rules and Resolutions.

HR 964 (By Woolley), In memory of Corporal Brian Matthew Kennedy of Houston.

To Rules and Resolutions.

HR 965 (By Turner), Honoring Willie "Bill" French, Jr., and Florence French of Houston on their 50th wedding anniversary.

To Rules and Resolutions.

HR 966 (By Wilson), Requesting that a portrait of the Honorable Irma Rangel be placed on display in the house chamber.

To House Administration.

HR 967 (By Wilson), Honoring Virgil E. and Eartha Mae Rogers of Tyler on their 65th wedding anniversary.

To Rules and Resolutions.

HR 968 (By Wilson), Congratulating Christina and Terry Lawell of Houston on the birth of their daughter, Rachel Nichole Lawell.

To Rules and Resolutions.

HR 969 (By Wilson), In memory of musician Herbert William McKinny.

To Rules and Resolutions.

HR 970 (By Wilson), In memory of Curtis Donnell "Big Mello" Davis of Houston.

To Rules and Resolutions.

HR 972 (By Villarreal), Commending William R. Sinkin of San Antonio for his contributions to his community and state.

To Rules and Resolutions.

HR 973 (By Hodge), Honoring Melissa Eiland and Representative Craig Eiland of Galveston on the birth of their twins, William Gray and Delaney Paige Eiland.

To Rules and Resolutions.

HR 974 (By Hodge), In memory of Patty Ray Fischer of Corpus Christi.
To Rules and Resolutions.

HR 975 (By Wolens), Honoring former State Representative Hill Kemp on the publication of his novel, Capitol Offense.
To Rules and Resolutions.

HR 976 (By Hunter), Honoring the life of U.S. Army Chief Warrant Officer Scott Jamar of Granbury.
To Rules and Resolutions.

HR 977 (By Hunter), Recognizing May 22, 2003, as THE GREAT TEXAS BLOOD DONOR ROUNDUP DAY at the State Capitol.
To Rules and Resolutions.

HR 981 (By Chavez), Recognizing Jose I. Quintana for service to his country.
To Rules and Resolutions.

SB 45 to Criminal Jurisprudence.

SB 305 to Transportation.

SB 315 to Higher Education.

SB 619 to Energy Resources.

SB 658 to Local Government Ways and Means.

SB 786 to Border and International Affairs.

SB 800 to Higher Education.

SB 1273 to Licensing and Administrative Procedures.

SB 1377 to Natural Resources.

SB 1379 to Urban Affairs.

SB 1548 to Public Education.

SB 1588 to Pensions and Investments.

SB 1606 to Insurance.

SB 1876 to Higher Education.

SCR 47 to Rules and Resolutions.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

SB 443 to Criminal Jurisprudence.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 32

HB 43

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 1, 2003

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 76

Zaffirini

Relating to the provision of subsidized child-care services.

SB 525

Shapleigh

Relating to the creation of employee wellness programs by state agencies.

SB 585

Duncan

Relating to providing money to pay for the remediation, cleanup, and closure of unpermitted solid waste facilities.

SB 1107

Duncan

Relating to the assignment of certain justices or judges as visiting judges and to service credit in the judicial retirement system for certain visiting judges.

SB 1180

West

Relating to an index of court costs and fees in civil proceedings, court costs on conviction, and other court-related fees and costs.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, May 1, 2003 - 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 233 Goodman SPONSOR: Harris
Relating to standing to file a suit requesting termination of the parent-child relationship or adoption.

HB 234 Goodman SPONSOR: Harris
Relating to the payment of support for a child after the child's 18th birthday.

HB 522 Lewis SPONSOR: Harris
Relating to the allowable operating expenses of certain 9-1-1 emergency communication districts.

HB 601 Thompson SPONSOR: Gallegos
Relating to the administration of a retirement system for officers and employees of certain municipalities.

HB 641 Kolkhorst SPONSOR: Armbrister
Relating to state policy and regulations regarding bison; providing penalties.

HB 858 Goodman SPONSOR: Harris
Relating to the salaries of certain judges in Tarrant County.
(Committee Substitute)

HB 935 Casteel SPONSOR: Wentworth
Relating to the creation of magistrates in Comal County.

HB 970 Truitt SPONSOR: Jackson
Relating to the donation by a county of salvage and surplus property to a civic or charitable organization.

HB 988 Brown, Fred SPONSOR: Ogden
Relating to the composition of the First and Fourteenth courts of appeals districts.

HB 1049 Davis, John SPONSOR: Jackson
Relating to the designation of NASA Road 1 and Farm-to-Market Road 528 as the NASA Parkway.

HB 1138 Van Arsdale SPONSOR: Lindsay
Relating to nonprofit water supply and sewer service corporations in certain counties.

HB 1234 Menendez SPONSOR: Van de Putte
Relating to granting certain hospital districts the authority to issue certificates of obligation.

HB 1369 Baxter SPONSOR: Brimer
Relating to the local registration of retail electric providers.

HB 1522 Corte SPONSOR: Van de Putte
Relating to the approval of expenditures for state militia.

HB 1677 Hegar SPONSOR: Armbrister

Relating to the duties of the district attorney and the county attorney in Wharton County.

HB 1819 Oliveira SPONSOR: Lucio
Relating to an exclusion from unemployment compensation chargebacks based on a separation from employment caused by certain disasters.

HB 1820 Oliveira SPONSOR: Lucio
Relating to the exception of certain agricultural labor from unemployment compensation.

HB 2091 Harper-Brown SPONSOR: Deuell
Relating to procurement rules, guidelines, and procedures for regional transportation authorities.

SB 88 Wentworth
Relating to the application of the professional prosecutors law to the district attorney for the 25th Judicial District.

SB 97 Barrientos
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.

SB 160 Nelson
Relating to education relating to human organ donation.

SB 177 Shapiro
Relating to enhancement of the penalty for an offender who manufactures or delivers a controlled substance causing death or serious bodily injury.

SB 245 Zaffirini
Relating to the provision of respiratory therapy services under the medical assistance program.

SB 485 Barrientos
Relating to the use of exclusive development agreements by an intermunicipal commuter rail district.

SB 604 Ellis, Rodney
Relating to the recovery of attorney's fees and certain costs in proceedings to recover delinquent debts owed to a county.

SB 610 Nelson
Relating to grants for federally qualified health centers.

SB 686 Hinojosa
Relating to the punishment imposed on certain defendants charged with the offense of assault.

SB 725 Wentworth
Relating to the payment of ad valorem taxes on property erroneously omitted from a tax roll and to the waiver of penalties and interest on an ad valorem tax that becomes delinquent due to the error of a taxing unit or appraisal district.

SB 734 Ratliff

Relating to the power of appointment in certain municipalities having city managers.

SB 805 Zaffirini

Relating to donation of certain surplus school district property to preserve the property.

SB 837 Williams

Relating to the offense of aggravated sexual assault against a disabled or elderly individual.

SB 902 Staples

Relating to the term of a contract between an appraisal district and the financial entity designated as the depository for the district.

SB 967 Lucio

Relating to financial assistance and bonding authority in the development of certain water resources in the state.

SB 972 Shapiro

Relating to the addition of certain municipalities to the territory of a regional transportation authority.

SB 1000 West

Relating to a statistical or demographic analysis conducted by the Texas Legislative Council for a state agency and to information collected by the council in the course of performing the analysis.

SB 1054 Shapleigh

Relating to presentence investigation and postsentencing treatment and supervision of certain sex offenders.

SB 1114 Williams

Relating to secondary employment by officers commissioned by the Department of Public Safety of the State of Texas.

SB 1128 Bivins

Relating to the administration of the Joint Admission Medical Program.

SB 1129 Bivins

Relating to the admissibility in a criminal proceeding of certain laboratory analyses of physical evidence or statements as to the chain of custody of physical evidence.

SB 1131 Harris

Relating to funding of certain emergency medical services, trauma facilities, and trauma care systems.

SB 1136 Nelson

Relating to access to certain private medical information.

SB 1143 Madla

Relating to designation of defense economic readjustment zones and defense readjustment projects.

SB 1151 Shapleigh

Relating to the publication of state agency Internet addresses in telephone directories.

SB 1152 Shapleigh
Relating to the use of TexasOnline.

SB 1174 Harris
Relating to salary payments to municipal and county employees called to active military duty.

SB 1211 Van de Putte
Relating to collateral protection insurance.

SB 1227 Duncan
Relating to authority of political subdivisions to exercise the power of eminent domain to acquire rights to water.

SB 1276 Armbrister
Relating to the Lavaca-Navidad River Authority, formerly known as the Jackson County Flood Control District.

SB 1304 Madla
Relating to the creation, division, or conversion of, or purchaser notice about, certain kinds of water districts.

SB 1306 Bivins
Relating to the submission of certain pleas and waivers by closed circuit video teleconferencing.

SB 1336 Hinojosa
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 bond forfeiture.

SB 1362 Staples
Relating to the development of a regional water supply reservoir project at Lake Eastex reservoir site, the renaming of the site as Lake Columbia, and the acquisition of the site and other property; providing for the issuance of bonds.

SB 1378 Armbrister
Relating to the disposal of brine from desalination operations.

SB 1424 Nelson
Relating to certain suits affecting the parent-child relationship of, certain records regarding, and foster care payments for certain children.

SB 1439 Shapleigh
Relating to federal matching funds for certain projects at military facilities in this state.

SB 1457 Lindsay
Relating to the qualifications for appointment as adjutant general.

SB 1465 Lindsay
Relating to the establishment of criminal law magistrates in Harris County.

SB 1504 Harris

Relating to the duties and authority of the Texas Motor Vehicle Board of the Texas Department of Transportation.

SB 1507 Harris

Relating to the use of powers of attorney in certain motor vehicle transfers.

SB 1565 Madla

Relating to allowing a municipality to create a defense adjustment management authority; authorizing taxes and bonds.

SB 1571 Carona

Relating to the regulation of dental laboratories and dental technicians.

SB 1581 Wentworth

Relating to providing that an audit working paper of a county auditor is excepted from required public disclosure under the public information law.

SB 1594 Van de Putte

Relating to the Texas State Guard.

SB 1635 Staples

Relating to carrying a passenger on an all-terrain vehicle.

SB 1639 Staples

Relating to regulation of spacing and production of groundwater from aquifers by a groundwater conservation district.

SB 1663 Lindsay

Relating to private activity bonds.

SB 1665 Averitt

Relating to the care of a child taken into possession by a governmental entity without a court order.

SB 1669 Averitt

Relating to military leave for public employees.

SB 1687 Gallegos

Relating to star of Texas awards for peace officers, firefighters, and emergency medical first responders who are killed or sustain serious or fatal injuries in the line of duty.

SB 1713 Wentworth

Relating to the confidentiality of certain information relating to real property purchased or sold by certain state agencies.

SB 1715 Wentworth

Relating to lighting equipment requirements for vehicles.

SB 1725 Lindsay

Relating to the North Harris County Regional Water Authority.

SB 1729 Lindsay

Relating to certain contracts by water districts that are related to complying with state or federal construction stormwater requirements.

SB 1744 Zaffirini

Relating to a fee for preserving vital statistics records.

SB 1748 Lucio

Relating to the continuation of the law authorizing the issuance of oversize or overweight vehicle permits by certain port authorities.

SB 1781 Ogden

Relating to the supplemental salaries of judges of the district courts having jurisdiction in certain counties.

SB 1784 Lucio

Relating to the imposition of a hotel occupancy tax in eligible general-law coastal municipalities.

SB 1794 Barrientos

Relating to the criminal law magistrates in Travis County.

SB 1796 Barrientos

Relating to the creation, administration, powers, duties, operation, and financing of the Central Texas Health Care District; authorizing the imposition of taxes, the issuance of bonds, and the exercise of the power of eminent domain.

SB 1797 Barrientos

Relating to the supplemental salaries of district judges in Travis County.

SB 1805 Harris

Relating to the enforcement of child support obligations, including interstate enforcement.

SB 1807 Harris

Relating to the establishment and adjudication of certain parent-child relationships.

SB 1808 Harris

Relating to the establishment of paternity and the establishment and enforcement of child support and medical support for a child.

SB 1883 Janek

Relating to the assumption of road utility district authority by Fort Bend County Levee Improvement District No. 15, including the authority to impose taxes and issue bonds.

SB 1884 Janek

Relating to the assumption of road utility district authority by the Sienna Plantation Levee Improvement District of Fort Bend County, Texas, including the authority to impose taxes and issue bonds.

SB 1888 Staples

Relating to the creation, administration, powers, duties, operation, and financing of the Southeast Texas Groundwater Conservation District.

SB 1904 Barrientos

Relating to the eligibility of a person to operate a commercial motor vehicle in this state.

SCR 21 Shapleigh

Memorializing Congress to require the United States-Mexico Border Health Commission to coordinate a benchmark health study of each of the adjoining states.

Respectfully,

Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 30

Corrections - **HB 3517, SB 729**

County Affairs - **HB 3134, HB 3562, HJR 75, SB 132, SB 1021, SJR 45**

Criminal Jurisprudence - **HB 3241**

Environmental Regulation - **HB 2963**

Financial Institutions - **HB 2627, SB 1577, SB 1578, SB 1666, SB 1667**

Government Reform - **SB 775**

Higher Education - **HB 3351, HB 3526**

Judicial Affairs - **HB 1470, HB 1473, HB 2599, HB 3033, HB 3461, HB 3577, HB 3600**

Juvenile Justice and Family Issues - **HB 674, HB 2776, SB 317**

Land and Resource Management - **HB 1457, HB 1760, HB 2475, HB 2632, HB 3591, SB 710**

Licensing and Administrative Procedures - **HB 922**

Local Government Ways and Means - **HB 703, HB 2416, HB 2726, HB 3504, HB 3540, SB 726**

Public Education - **HB 2102, HB 2167, HB 2822**

Public Health - **HB 1538, HB 1921, HB 1930, HB 1967, HB 2197, HB 2208, HB 2535, HB 2721, HB 2988, HB 2990, HB 3008, HB 3009, HB 3011, HB 3486, HB 3497, HB 3542, HCR 103, SB 464**

Regulated Industries - **SB 1829**

State Affairs - **HB 341**

Transportation - **HB 931, HB 1826, HB 1913, HB 2051, HB 2389, HB 3151, HB 3571, HB 3576, SB 345, SB 527, SB 1063**

Urban Affairs - **HB 2617, HB 2801, HB 3025, HB 3575**

Ways and Means - **HB 2458, HB 3141**

ENGROSSED

April 30 - HB 15, HB 2922, HCR 59, HJR 21, HJR 28, HJR 54, HJR 68

ENROLLED

April 30 - HB 43, HCR 64, HCR 88, HCR 202, HCR 211, HCR 222

SENT TO THE GOVERNOR

April 30 - HCR 64, HCR 88, HCR 202, HCR 211, HCR 222

