

HOUSE JOURNAL

SEVENTY-EIGHTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-SEVENTH DAY — SATURDAY, MAY 10, 2003

The house met at 10:50 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 597).

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; Escobar; 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; Hupp; Isett; 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.; 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 — Hunter; Kuempel; Oliveira.

Absent — Grusendorf; Moreno, P.

LEAVE OF ABSENCE GRANTED

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

Kuempel on motion of Elkins.

LEAVES OF ABSENCE GRANTED

On motion of Representative Reyna and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

STATEMENT BY THE SPEAKER PRO TEMPORE

The speaker pro tempore announced that the constitutional oath of office was administered yesterday to Representative Juan Escobar.

RULES SUSPENDED

Representative Reyna moved to suspend all necessary rules in order to take up and consider at this time, on third reading and final passage, the bills on the local, consent, and resolutions calendar which were considered on the previous legislative day.

The motion prevailed without objection.

MOTION FOR ONE RECORD VOTE

On motion of Representative Reyna and by unanimous consent, the house agreed to use the first record vote taken for all those bills on the local, consent, and resolutions calendar that require a record vote on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR THIRD READING

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by the following record vote (members registering votes and the results of the vote are shown following bill number).

(Record 598): 143 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, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; 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; Hupp; Isett; 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.; 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 — Hunter; Kuempel; Oliveira.

Absent — Grusendorf; Moreno, P.

HB 3562

HB 2043

HB 2416

HB 3575

HB 3576

HB 76

SB 185

HB 674

HB 1600

HB 2148

SB 1764

HB 2306

HB 2348

HB 2529

HB 2627

HB 2650

HB 2887

HB 2963

HB 3025

HB 3272

HB 3312

SB 1409

SB 1883

HB 3591

HB 3597

SB 132

SB 173

SB 464

SB 726

SB 1050

SB 1051

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by a voice vote (members registering votes are shown following bill number):

HB 542

HB 2019

HB 2051

HB 2718

HB 3017

HB 3200

HB 3504

HB 3540

HB 341

HB 460

HB 631

SB 604

HB 703

HB 833

HB 922

HB 1353

HB 1470

HB 1473

HB 1515

SB 725

SB 657

HB 1985

HB 2107

HB 2174

HB 2199

HB 2208

HB 2308

HB 2389

SB 1151

HB 2518

SB 252

HB 2721

HB 2726

HB 2847

HB 3011

HB 3020

HB 3033

HB 3151

HB 3190

HB 3338

SB 1507

HB 3461

HB 3517

HB 3542

HB 3577

HB 3600

HB 3605

HB 3624

SB 100

SB 317

SB 345

SB 527

SB 602

SB 737

SB 996

SB 1063

MOTION TO CONFORM CAPTIONS

Representative Reyna moved to conform the captions of the senate bills taken up in lieu of the house bills to the house bills' caption.

The motion prevailed without objection.

LEAVE OF ABSENCE GRANTED

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

Smithee on motion of Isett.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Reyna requested permission for the Committee on Local and Consent Calendars to meet while the house is in session.

Permission to meet was granted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local and Consent Calendars, 11:30 a.m. today, speakers committee room, for a formal meeting, to consider the next calendar.

PRINTING RULE SUSPENDED

Representative Edwards moved to suspend House Rule 2, Section 1(a)(9) so all house bills passed to engrossment with amendments today on the major and general state calendars can be sent to the senate in the form of engrossed riders.

The motion prevailed without objection.

REGULAR ORDER OF BUSINESS SUSPENDED

Representative Solomons moved to suspend all necessary rules to allow the house to consider all house and senate bills on third reading that appear on the major state and general state calendars before second reading bills.

The motion prevailed without objection.

**MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 3223 ON THIRD READING
(by Bohac, Hegar, Bonnen, Wong, Howard, et al.)**

HB 3223, A bill to be entitled An Act relating to limiting the maximum average annual increase in the appraised value of real property for ad valorem tax purposes.

HB 3223 was passed.

**HB 3588 ON THIRD READING
(by Krusee, Delisi, Capelo, Turner, and Phillips)**

HB 3588, A bill to be entitled An Act relating to the construction, acquisition, financing, maintenance, management, operation, ownership, and control of transportation facilities and the progress, improvement, policing, and safety of transportation in the state.

Representative Krusee moved to postpone consideration of **HB 3588** until the end of today's third reading calendar.

The motion prevailed without objection.

LEAVE OF ABSENCE GRANTED

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

Wise on motion of Martinez Fischer.

HB 2425 ON THIRD READING
(by McCall)

HB 2425, A bill to be entitled An Act relating to state and certain local fiscal matters; making an appropriation.

Amendment No. 1

Representative McCall offered the following amendment to **HB 2425**:

Amend **HB 2425** on third reading by adding the following appropriately numbered sections to read as follows and renumbering subsequent sections accordingly:

SECTION __. Section 151.318, Tax Code, is amended by amending Subsections (b) and (s) and adding Subsection (q-1) to read as follows:

(b) The exemption includes:

(1) chemicals, catalysts, and other materials that are used during a manufacturing, processing, or fabrication operation to produce or induce a chemical or physical change, to remove impurities, or to make the product more marketable; ~~and~~

(2) semiconductor fabrication cleanrooms and equipment; and

(3) pharmaceutical biotechnology cleanrooms and equipment.

(q-1) For purposes of Subsection (b), "pharmaceutical biotechnology cleanrooms and equipment" means all tangible personal property, without regard to whether the property is affixed to or incorporated into realty, used in connection with the manufacturing, processing, or fabrication in a cleanroom environment of a pharmaceutical biotechnology product, without regard to whether the property is actually contained in the cleanroom environment. The term includes integrated systems, fixtures, and piping, all property necessary or adapted to reduce contamination or to control airflow, temperature, humidity, chemical purity, or other environmental conditions or manufacturing tolerances, and production equipment and machinery. The term does not include the building or a permanent, nonremovable component of the building that houses the cleanroom environment. The term includes moveable cleanroom partitions and cleanroom lighting. "Pharmaceutical biotechnology cleanrooms and equipment" are not "intraplant transportation equipment" as that term is used in Subsection (c)(1).

(s) The following do not apply to the semiconductor fabrication cleanrooms and equipment in Subsection (q) or the pharmaceutical biotechnology cleanrooms and equipment in Subsection (q-1):

(1) limitations in Subsection (a)(2) that refer to tangible personal property directly causing chemical and physical changes to the product being manufactured, processed, or fabricated for ultimate sale;

(2) Subsection (c)(1); and

(3) Subsection (c)(4).

SECTION __. Section 151.3181, Tax Code, is amended by adding Subsection (h) to read as follows:

(h) The use of a "pharmaceutical biotechnology cleanroom and equipment," as that term is defined by Section 151.318(q-1), to manufacture, process, or fabricate a pharmaceutical biotechnology product that is not sold is not a divergent use if the use occurs during the certification process by the United States Food and Drug Administration.

SECTION __. Section 313.021(2), Tax Code, is amended to read as follows:

(2) "Qualified property" means:

(A) land:

(i) that is located in an area designated as a reinvestment zone under Chapter 311 or 312 or as an enterprise zone under Chapter 2303, Government Code;

(ii) on which a person proposes to construct a new building or erect or affix a new improvement that does not exist before the date the owner applies for a limitation on appraised value under this subchapter;

(iii) that is not subject to a tax abatement agreement entered into by a school district under Chapter 312; and

(iv) on which, in connection with the new building or new improvement described by Subparagraph (ii), the owner of the land proposes to:

(a) make a qualified investment in an amount equal to at least the minimum amount required by Section 313.023; and

(b) create at least 25 new jobs;

(B) the new building or other new improvement described by Paragraph (A)(ii); and

(C) tangible personal property that:

(i) is not subject to a tax abatement agreement entered into by a school district under Chapter 312; and

(ii) except for new equipment described in Section 151.318(q) or (q-1), is first placed in service in the new building or in or on the new improvement described by Paragraph (A)(ii), or on the land on which that new building or new improvement is located, if the personal property is ancillary and necessary to the business conducted in that new building or in or on that new improvement.

Amendment No. 1 was adopted without objection.

HB 2425, as amended, was passed.

The chair stated that **HB 2425** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

HB 415 ON THIRD READING

(by Flores)

HB 415, A bill to be entitled An Act relating to state funding of courses offered for joint high school and junior college credit.

HB 415 was passed.

HB 2425 - VOTE RECONSIDERED

Representative McCall moved to reconsider the vote by which **HB 2425** was passed.

The motion to reconsider prevailed.

HB 2425 ON THIRD READING
(by McCall)

HB 2425, A bill to be entitled An Act relating to state and certain local fiscal matters; making an appropriation.

A record vote was requested.

HB 2425 was passed by (Record 599): 135 Yeas, 1 Nay, 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; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; Ellis; Escobar; Farabee; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hupp; Isett; 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.; 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; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Woolley; Zedler.

Nays — Eiland.

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

Absent, Excused — Hunter; Kuempel; Oliveira; Smithee; Wise.

Absent — Crabb; Farrar; Grusendorf; Hodge; Moreno, P.; Wolens; Wong.

The chair stated that **HB 2425** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING

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

SB 340 ON THIRD READING
(Hill - House Sponsor)

SB 340, A bill to be entitled An Act relating to the rendition of property for ad valorem tax purposes; providing civil penalties.

Amendment No. 1

On behalf of Representative McReynolds, Representative Hill offered the following amendment to **SB 340**:

Amend **SB 340** on third reading as follows:

(1) Between the enacting clause and SECTION 1 of the bill (House Committee Printing page 1, between lines 4 and 5), insert the following appropriately numbered SECTIONS:

SECTION _____. Section 1.085, Tax Code, is amended by amending Subsection (b) and adding Subsections (e)-(g) to read as follows:

(b) An agreement between a chief appraiser and a property owner must:

- (1) be in writing;
- (2) be signed by the chief appraiser and the property owner; and
- (3) specify:

(A) the medium of communication;

(B) the type of communication covered; [~~and~~]

(C) the means for protecting the security of a communication;

(D) the means for confirming delivery of a communication; and

(E) the electronic mail address of the property owner or person designated to represent the property owner under Section 1.111, as applicable.

(e) The comptroller by rule:

(1) shall prescribe acceptable media, formats, content, and methods for the electronic transmission of notices required by Section 25.19; and

(2) may prescribe acceptable media, formats, content, and methods for the electronic transmission of other notices, renditions, and applications.

(f) In an agreement entered into under this section, a chief appraiser may select the medium, format, content, and method to be used by the appraisal district from among those prescribed by the comptroller under Subsection (e).

(g) Notwithstanding Subsection (a), if a property owner whose property is included in 25 or more accounts in the appraisal records of the appraisal district requests the chief appraiser to enter into an agreement for the delivery of the notice required by Section 25.19 in an electronic format, the chief appraiser must enter into an agreement under this section for that purpose and shall deliver the notice in accordance with an electronic medium, format, content, and method prescribed by the comptroller under Subsection (e).

SECTION _____. Section 1.09, Tax Code, is amended to read as follows:

Sec. 1.09. AVAILABILITY OF FORMS. When a property owner is required by this title to use a form, the office or agency with which the form is filed shall make printed and electronic versions of the forms readily and timely available and shall furnish a property owner a form without charge.

(2) Strike SECTION 9 of the bill (House Committee Printing page 11, lines 1-13) and substitute the following appropriately numbered SECTION:

SECTION _____. (a) Except as provided by Subsections (b) and (c) of this section, this Act takes effect January 1, 2004, and applies only to the rendition of property for ad valorem tax purposes for a tax year that begins on or after that date.

(b) Sections 1.085 and 1.09, Tax Code, as amended by this Act, take effect January 1, 2005.

(c) Subsection (c), Section 22.23, Tax Code, as added by this Act, takes effect September 1, 2003, and applies to the rendition of property for ad valorem tax purposes for the 2003 tax year.

(d) Subsection (f), Section 23.23, Tax Code, as added by this Act, applies to the appraisal of property for a tax year beginning on or after the effective date of this Act regardless of whether the casualty or mold or water damage occurred before, on, or after the effective date of this Act.

(e) Except as provided by Subsection (f) of this section, the changes in law made by this Act to Section 1.085, Tax Code, apply only to an agreement between a chief appraiser and a property owner entered into on or after January 1, 2005. An agreement between a chief appraiser and a property owner entered into before January 1, 2005, is governed by the law in effect on the date the agreement was entered into, and the former law is continued in effect for that purpose.

(f) Notwithstanding Subsection (b) of this section, in the case of an appraisal district established for a county with a population of 500,000 or less, the changes in law made by this Act to Section 1.085, Tax Code, apply only to an agreement between the chief appraiser and a property owner entered into on or after January 1, 2006. An agreement between the chief appraiser of such an appraisal district and a property owner entered into before January 1, 2006, is governed by the law in effect on the date the agreement was entered into, and the former law is continued in effect for that purpose.

(g) Notwithstanding Subsection (b) of this section, an appraisal district established in a county with a population of 500,000 or less or a taxing unit located in a county with a population of 500,000 or less is not required to comply with Section 1.09, Tax Code, as amended by this Act, until January 1, 2006.

(3) Renumber the existing SECTIONS of the bill appropriately.

Amendment No. 1 was adopted without objection.

SB 340, as amended, was passed.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 1457 ON THIRD READING
(by Eiland)**

HB 1457, A bill to be entitled An Act relating to the authorization of the imposition of a temporary prohibition on enforcement of the law governing access to public beaches following a meteorological event.

A record vote was requested.

HB 1457 was passed by (Record 600): 137 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, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hupp; Isett; 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.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

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

Absent, Excused — Hunter; Kuempel; Oliveira; Smithee; Wise.

Absent — Grusendorf; Guillen; Moreno, P.; Raymond; Villarreal; Wolens.

STATEMENT OF VOTE

When Record No. 600 was taken, my vote failed to register. I would have voted yes.

Guillen

HB 3526 ON THIRD READING

(by Hamric, Heflin, Thompson, J. Moreno, Woolley, et al.)

HB 3526, A bill to be entitled An Act relating to the establishment of the research development fund to promote research at certain institutions of higher education and to the abolition of the Texas excellence fund and the university research fund.

A record vote was requested.

HB 3526 was passed by (Record 601): 66 Yeas, 58 Nays, 2 Present, not voting.

Yeas — Bailey; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Campbell; Canales; Casteel; Coleman; Crabb; Crownover; Davis, J.; Delisi; Denny; Driver; Dutton; Edwards; Eiland; Elkins; Escobar; Farabee; Gallego; Garza; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hochberg; Homer; Hope; Hopson; Isett; Jones, D.; Keel; Keffer, J.;

King; Kolkhorst; Krusee; Luna; Mabry; McReynolds; Miller; Morrison; Nixon; Noriega; Phillips; Reyna; Riddle; Ritter; Seaman; Smith, W.; Solomons; Talton; Taylor; Telford; Thompson; Turner(C); Van Arsdale; Wilson; Wong; Woolley.

Nays — Allen; Alonzo; Berman; Branch; Burnam; Castro; Chavez; Chisum; Cook, B.; Cook, R.; Corte; Davis, Y.; Dunnam; Eissler; Flynn; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Guillen; Haggerty; Hill; Hodge; Hughes; Hupp; Jones, E.; Keffer, B.; Laney; Laubenberg; Lewis; Madden; Marchant; Martinez Fischer; McCall; McClendon; Menendez; Mercer; Merritt; Moreno, J.; Mowery; Naishtat; Olivo; Paxton; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond; Rodriguez; Rose; Uresti; Villarreal; West; Wohlgemuth; Zedler.

Present, not voting — Mr. Speaker; Smith, T.

Absent, Excused — Hunter; Kuempel; Oliveira; Smithee; Wise.

Absent — Baxter; Capelo; Christian; Dawson; Deshotel; Dukes; Ellis; Farrar; Flores; Grusendorf; Gutierrez; Howard; Jones, J.; Moreno, P.; Solis; Stick; Swinford; Truitt; Wolens.

STATEMENTS OF VOTE

When Record No. 601 was taken, I was in the house but away from my desk. I would have voted yes.

Capelo

I was shown voting yes on Record No. 601. I intended to vote no.

Hartnett

I was shown voting present, not voting on Record No. 601. I intended to vote no.

T. Smith

When Record No. 601 was taken, my vote failed to register. I would have voted yes.

Stick

LEAVE OF ABSENCE GRANTED

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

Truitt on motion of T. Smith.

HB 1168 ON THIRD READING (by Madden)

HB 1168, A bill to be entitled An Act relating to the appraisal of public school teachers who direct extracurricular activities.

HB 1168 was passed.

HB 1895 ON THIRD READING**(by Hope)**

HB 1895, A bill to be entitled An Act relating to the compensation provided to an immediate family member or a household member of a deceased victim for funeral attendance and bereavement leave.

HB 1895 was passed.

HB 1899 ON THIRD READING**(by Nixon and Wise)**

HB 1899, A bill to be entitled An Act relating to the prevention of the international abduction of a child by a parent of the child.

A record vote was requested.

HB 1899 was passed by (Record 602): 137 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; 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; Escobar; 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; Hupp; Isett; 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.; Morrison; Mowery; Naishtat; Nixon; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Taylor; Telford; Thompson; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

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

Absent, Excused — Hunter; Kuempel; Oliveira; Smithee; Truitt; Wise.

Absent — Chavez; Grusendorf; Moreno, P.; Noriega; Talton.

HB 1363 ON THIRD READING**(by Crownover)**

HB 1363, A bill to be entitled An Act relating to funding for the Texas Academy of Mathematics and Science.

HB 1363 was passed.

HB 2184 ON THIRD READING**(by Geren)**

HB 2184, A bill to be entitled An Act relating to prohibiting the Texas Commission on Environmental Quality from amending, interpreting, impairing, or modifying a written contract for the wholesale provision of water.

HB 2184 was passed.

HB 693 ON THIRD READING**(by Van Arsdale)**

HB 693, A bill to be entitled An Act relating to funding for school districts that accept students using a public education grant.

HB 693 was passed.

HB 2931 ON THIRD READING**(by Lewis)**

HB 2931, A bill to be entitled An Act relating to the administration and finances of counties and certain other entities.

Amendment No. 1

Representative Alonzo offered the following amendment to **HB 2931**:

Amend **HB 2931** on third reading by adding the following appropriately numbered sections and renumbering appropriately:

SECTION _____. Chapter 180, Local Government Code, is amended by adding Section 180.005 to read as follows:

Sec. 180.005. APPOINTMENTS TO LOCAL GOVERNING BODIES. (a) In this section, "local government" means a county, municipality, or other political subdivision of this state.

(b) An appointment to the governing body of a local government may be made with the intent to ensure that the governing body is representative of the constituency served by the governing body.

(c) A local government that chooses to implement Subsection (b) shall adopt procedures for the implementation.

SECTION _____. Section 180.005, Local Government Code, as added by this Act, applies only to an appointment made on or after the effective date of this Act.

Amendment No. 1 was adopted without objection.

HB 2931, as amended, was passed.

HB 2908 ON THIRD READING**(by Eissler)**

HB 2908, A bill to be entitled An Act relating to the development of essential knowledge and skills for subjects in the enrichment curriculum.

HB 2908 was passed.

HB 2683 ON THIRD READING
(by Denny)

HB 2683, A bill to be entitled An Act relating to considering for school district accountability purposes the performance of students confined by court order in a residential program or facility operated by or under contract with the Texas Youth Commission.

A record vote was requested.

HB 2683 was passed by (Record 603): 132 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, J.; Davis, Y.; Dawson; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goolsby; Griggs; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Olivo; Paxton; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Zedler.

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

Absent, Excused — Hunter; Kuempel; Oliveira; Smithee; Truitt; Wise.

Absent — Cook, R.; Delisi; Ellis; Goodman; Grusendorf; Laney; Moreno, P.; Noriega; Peña; Woolley.

HB 1314 ON THIRD READING
(by Pitts)

HB 1314, A bill to be entitled An Act relating to placement of certain students in alternative education programs.

A record vote was requested.

HB 1314 was passed by (Record 604): 136 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, J.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn;

Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Guillen; Gutierrez; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hupp; Isett; 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; Mercer; Merritt; Miller; Moreno, J.; 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; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

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

Absent, Excused — Hunter; Kuempel; Oliveira; Smithee; Truitt; Wise.

Absent — Davis, Y.; Dawson; Grusendorf; Haggerty; Menendez; Moreno, P.

STATEMENTS OF VOTE

When Record No. 604 was taken, I was in the house but away from my desk. I would have voted yes.

Dawson

When Record No. 604 was taken, I was in the house but away from my desk. I would have voted yes.

Menendez

HB 3325 ON THIRD READING (by J. Keffer, Christian, and Seaman)

HB 3325, A bill to be entitled An Act relating to the creation and administration of the community telecommunications alliance program.

Representative Haggerty moved to postpone consideration of **HB 3325** until 2 p.m. today.

The motion prevailed without objection.

HB 918 ON THIRD READING (by Eiland, et al.)

HB 918, A bill to be entitled An Act relating to the authority of certain counties to implement a pilot program to provide certain indigent health care services and to the funding of the program.

Amendment No. 1

Representative Eiland offered the following amendment to **HB 918**:

Amend **HB 918** on third reading in SECTION 2 of the bill, striking added Section 324.108, Tax Code, and substituting the following:

Sec. 324.108. STATE AUDITOR REVIEW. The state auditor may review a pilot program created under this subchapter and report the auditor's findings to the legislature. The review must be based on risk assessment and is subject to the legislative audit committee's approval of including the work described by this section in the audit plan under Section 321.013(c), Government Code.

Amendment No. 1 was adopted without objection.

HB 918, as amended, was passed.

HB 3292 ON THIRD READING
(by Krusee)

HB 3292, A bill to be entitled An Act relating to the marketing and sale of prestige and specialized license plates.

A record vote was requested.

HB 3292 was passed by (Record 605): 138 Yeas, 1 Nay, 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, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; 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; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Laney.

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

Absent, Excused — Hunter; Kuempel; Oliveira; Smithee; Truitt; Wise.

Absent — Grusendorf; Moreno, P.; Phillips.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 605. I intended to vote no.

Dunnam

I was shown voting yes on Record No. 605. I intended to vote no.

Giddings

I was shown voting yes on Record No. 605. I intended to vote no.

Hodge

HB 819 ON THIRD READING
(by Isett, Hupp, Hamilton, and Ellis)

HB 819, A bill to be entitled An Act relating to the prosecution of the offense of unlawfully carrying a handgun, illegal knife, or club.

HB 819 was passed.

HB 622 ON THIRD READING
(by Goolsby)

HB 622, A bill to be entitled An Act relating to business leave time accounts for police officer employee organizations in certain municipalities.

A record vote was requested.

HB 622 was passed by (Record 606): 138 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, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; 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; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hupp; Isett; 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.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

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

Absent, Excused — Hunter; Kuempel; Oliveira; Smithee; Truitt; Wise.

Absent — Grusendorf; Hochberg; Moreno, P.; Seaman.

HB 2033 ON THIRD READING
(by Menendez)

HB 2033, A bill to be entitled An Act relating to historically underutilized businesses that perform investment brokerage services for a state agency.

Amendment No. 1

Representative Menendez offered the following amendment to **HB 2033**:

Amend **HB 2033** on third reading by adding an appropriately numbered section to read as follows:

SECTION _____. The definition in Section 2161.001(4), Government Code, as added by this Act, is for the purpose of aiding in the measurement and attainment of a state agency's goals.

Amendment No. 1 was adopted without objection.

HB 2033, as amended, was passed. (Hartnett recorded voting no)

HB 705 ON THIRD READING
(by Solomons and Allen)

HB 705, A bill to be entitled An Act relating to liability of in-home service companies and residential delivery companies for negligent hiring.

HB 705 was passed.

HB 1541 ON THIRD READING
(by Callegari)

HB 1541, A bill to be entitled An Act relating to the general powers and authority of water districts.

**PROVIDING FOR A LOCAL, CONSENT,
AND RESOLUTIONS CALENDAR**

Representative Reyna moved to set a local, consent, and resolutions calendar for 9 a.m. Tuesday, May 13.

The motion prevailed without objection.

HB 1541 - (consideration continued)

Amendment No. 1

Representative Callegari offered the following amendment to **HB 1541**:

Amend **HB 1541** on third reading by striking lines 20 through 27 on page 10, and lines 1 through 10 on page 11 and substituting "amended by adding Section 54.2052 to read as follows:".

Amendment No. 1 was adopted without objection.

A record vote was requested.

HB 1541, as amended, was passed by (Record 607): 134 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; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goolsby; Griggs; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hupp; Isett; 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.; 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; Talton; Taylor; Telford; Thompson; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

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

Absent, Excused — Hunter; Kuempel; Oliveira; Smithee; Truitt; Wise.

Absent — Chisum; Driver; Goodman; Grusendorf; Hartnett; Moreno, P.; Swinford.

STATEMENT OF VOTE

When Record No. 607 was taken, I was in the house but away from my desk. I would have voted yes.

Hartnett

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

SB 619 ON THIRD READING (West - House Sponsor)

SB 619, A bill to be entitled An Act relating to oil spill prevention and response.

SB 619 was passed.

SB 825 ON THIRD READING (Keel - House Sponsor)

SB 825, A bill to be entitled An Act relating to the prosecution of the offense of sexual assault committed against residents of certain facilities.

SB 825 was passed.

SB 827 ON THIRD READING (Keel - House Sponsor)

SB 827, A bill to be entitled An Act relating to creating offenses for abandoning or endangering an elderly individual or disabled individual and for failing to provide certain care for a child, elderly individual, or disabled individual.

SB 827 was passed.

SB 1800 ON THIRD READING
(Corte and Gutierrez - House Sponsors)

SB 1800, A bill to be entitled An Act relating to state employee military leave.

SB 1800 was passed.

SB 903 ON THIRD READING
(Hamric - House Sponsor)

SB 903, A bill to be entitled An Act relating to the use of toll projects by military vehicles; creating an offense.

SB 903 was passed.

POSTPONED BUSINESS

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

HB 3588 ON THIRD READING
(by Krusee, Delisi, Capelo, Turner, and Phillips)

HB 3588, A bill to be entitled An Act relating to the construction, acquisition, financing, maintenance, management, operation, ownership, and control of transportation facilities and the progress, improvement, policing, and safety of transportation in the state.

HB 3588 was read third time earlier today and was postponed until this time.

Amendment No. 1

Representative Krusee offered the following amendment to **HB 3588**:

Amend **HB 3588** on third reading as follows:

(1) Amend Section 227.021, page 6, line 27, by inserting a new subsection (c), to read as follows: "(c) The department may not directly provide telecommunications or information services or facilities to the public."

(2) Amend Section 227.051, page 17, lines 3-4, by striking the words "Subject to the department's reasonable regulations pertaining to public health, safety, and welfare, a" and inserting "A"

(3) Amend Section 227.051, page 17, line 17, by inserting a new subsection (d), to read as follows: "(d) Relocation of facilities pursuant to this section is subject to the department's reasonable regulations pertaining to public health, safety, and welfare."

(4) Amend Section 227.071, page 27, line 7, by inserting a new subsection (f), to read as follows: "(f) The department may not require the owner of a public utility facility to pay a fee as a condition of crossing the Trans-Texas Corridor."

(5) Renumber subsections accordingly

(6) Amend Section 370.173, page 72, line 8, by inserting a new subsection (h), to read as follows: "(h) An authority may not require the owner of a public utility facility to pay a fee as a condition of placing a facility across the rights-of-way."

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Krusee offered the following amendment to **HB 3588**:

Amend **HB 3588** on third reading on page 115, line 7, by striking "Section 222.103(j), Transportation Code, is" and substituting "Sections 222.103(h) and (j), Transportation Code, are".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Chisum offered the following amendment to **HB 3588**:

Amend the Keel amendment No. 57 to **HB 3588** on third reading by striking Section _____. 04 (a) of the amendment (Page 19, lines 21 and 22) and substituting the following:

SECTION _____. 04 (a) This article takes effect June 1, 2005.

Amendment No. 3 was adopted without objection.

A record vote was requested.

HB 3588, as amended, was passed by (Record 608): 137 Yeas, 3 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, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; 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; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; 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; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Edwards; Gallego; Laney.

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

Absent, Excused — Hunter; Kuempel; Oliveira; Smithee; Truitt; Wise.

Absent — Grusendorf; Moreno, P.

STATEMENT OF VOTE

I was shown voting yes on Record No. 608. I intended to vote no.

Noriega

HB 3443 ON SECOND READING

(by Pickett)

HB 3443, A bill to be entitled An Act relating to statutory authority for certain governmental entities to take certain actions to permit the legislature to reduce appropriations to those agencies.

HB 3443 was read second time on May 9 and was postponed until 9 a.m. today.

Amendment No. 1

Representative Hochberg offered the following amendment to **HB 3443**:

Amend **HB 3443**, in SECTION 1 of the bill, on page 1, lines 6-8, by striking the first sentence of that SECTION.

Amendment No. 1 was adopted without objection.

HB 3443, as amended, was passed to engrossment. (Burnam and Gallego recorded voting no)

CSHB 2062 ON SECOND READING

(by Solomons, Chisum, Gallego, and Dunnam)

CSHB 2062, A bill to be entitled An Act relating to the continuation and functions of the Texas Department of Licensing and Regulation, including certain functions transferred to the department from the Texas Department of Insurance and the Texas Commission on Environmental Quality and including certain functions transferred from the department to the Department of Public Safety.

CSHB 2062 was read second time on May 7, postponed until May 8, and was again postponed until 10 a.m. today.

Representative Solomons moved to postpone consideration of **CSHB 2062** until 2 p.m. Tuesday, May 13.

The motion prevailed without objection.

CSHB 3306 ON SECOND READING

(by Berman)

CSHB 3306, A bill to be entitled An Act relating to statutory authority to reduce appropriations made by the legislature to certain individuals and governmental entities.

CSHB 3306 was read second time on May 9 and was postponed until 10 a.m. today.

Amendment No. 1

Representative Hochberg offered the following amendment to **CSHB 3306**:

Amend **CSHB 3306**, in SECTION 1 of the bill, on page 1, lines 5-7, by striking the first sentence of that SECTION.

Amendment No. 1 was adopted without objection.

CSHB 3306, as amended, was passed to engrossment.

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 3441 ON SECOND READING
(by Pickett)**

CSHB 3441, A bill to be entitled An Act relating to a reduction in expenditures of certain state governmental entities, including changes affecting the Commission on Human Rights, benefits under the state employees group benefits program, attorney general's office, management of certain accounts and funds, and certain election-related forms.

Amendment No. 1

Representative Pickett offered the following amendment to **CSHB 3441**:

Amend **CSHB 3441** on page 8, line 19, by striking "auditor shall annually" and substituting the following: "auditor, based on a risk assessment and subject to the legislative audit committee's approval of including the review in the audit plan under Section 321.013, may [shall annually]"

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Pickett offered the following amendment to **CSHB 3441**:

Amend **CSHB 3441** on page 19, line 19, by striking "and 412.0111".

Amendment No. 2 was adopted without objection.

CSHB 3441, as amended, was passed to engrossment. (Gallego recorded voting no)

**CSHB 3519 ON SECOND READING
(by Wohlgemuth)**

CSHB 3519, A bill to be entitled An Act relating to health and human services.

Representative Wohlgemuth moved to postpone consideration of **CSHB 3519** until 2 p.m. Monday, May 12.

The motion prevailed without objection.

INTRODUCTION OF GUESTS

The chair recognized Representative Quintanilla who introduced Alex Ramos of Mountain View High School, third place winner of the 3200- and 1600-meter at the state track and field championship, and coaches Hector Chavez, Raul Salas, and Franks Munene.

CSHB 3459 ON SECOND READING (by Pitts and McCall)

CSHB 3459, A bill to be entitled An Act relating to fiscal matters involving certain governmental educational entities, including program compliance monitoring by the Texas Education Agency, funding for regional education service centers, amounts withheld from compensatory education allotments, the public school technology allotment, state aid for certain courses taken in public schools, colleges, and universities, the accounting for the permanent school fund, funding for the higher education fund health insurance coverage provided by the Teacher Retirement System of Texas, and the uses of the Telecommunications Infrastructure Fund.

(Bonnen in the chair)

Amendment No. 1

Representative Pitts offered the following amendment to **CSHB 3459**:

Amend **CSHB 3459** as follows:

- (1) delete Section 11 on page 10, lines 24-27 and page 11, line 1.
- (2) delete Section 12 on page 11, lines 2-11.
- (3) delete Section 16 on page 14, lines 19-27; page 15, lines 1-27; page 16, lines 1-27; and page 17, lines 1-2.
- (5) delete Section 18 on page 17, lines 10-27 and page 18, lines 1-16.
- (6) delete Section 31 on page 23, lines 19-23.
- (7) renumber the remaining sections accordingly.

(Speaker in the chair)

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Pitts offered the following amendment to **CSHB 3459**:

Amend **CSHB 3459** as follows:

- (1) delete Section 14 on page 13, lines 22-27 and page 14, lines 1-2.
- (2) renumber the remaining sections accordingly.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Pitts offered the following amendment to **CSHB 3459**:

Amend **CSHB 3459** as follows:

- (1) in Section 1, page 1, line 24, insert "state and" between the words "with" and "federal".

(2) in Section 13, delete Subsection 42.152(u) on page 13, lines 12-21.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Pitts offered the following amendment to **CSHB 3459**:

Amend **CSHB 3459** by adding a new, appropriately numbered SECTION to read as follows:

SECTION _____. (a) Notwithstanding any other provision of law, the commissioner of education may contract for the performance of or delegate all or part of the duties assigned to the commissioner or the Texas Education Agency under the Texas Driver and Traffic Safety Education Act, Article 4413(29c) and Section 29.902, Education Code, to a private or public entity in accordance with this section.

(b) The commissioner shall enter into a written agreement that describes the responsibilities of the commissioner and agency and the entity to which a function is delegated or contracted.

(c) Any rule of the commissioner enacted under Article 4413(29c) remains in effect after a delegation or contract authorized under this section until amended by the commissioner. Any investigation, sanction, fine or administrative or judicial proceeding in progress on the date of delegation or effective date of a contract shall continue in effect without regard to the delegation or contract. Any fees due under Article 4413(29c) shall be deposited to the credit of the Texas Education Agency and used to support activities of the agency and to pay reasonable expenses of the entity to which a function is delegated or contracted under this section.

(d) An entity to which authority under Article 4413(29c) or Section 29.902, Education Code, is delegated is considered a state agency for purposes of immunity.

(e) The commissioner may make rules to implement this section. A reference in other law to the commissioner of education or the Texas Education Agency with regard to duties or actions under Article 4413(29c) or Section 29.902, Education Code, shall mean an entity delegated or contracted a function by the commissioner to the extent necessary to implement the delegation or contract.

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Grusendorf offered the following amendment to **CSHB 3459**:

Amend **CSHB 3459** as follows and renumber the remaining sections accordingly:

delete Section 28, page 22, line 27 and page 23, lines 1-6

Amendment No. 5 was adopted without objection.

Amendment No. 6

Representative F. Brown offered the following amendment to **CSHB 3459**:

Amend **CSHB 3459** as follows:

(1) On page 20, between lines 13 and 14, insert the following appropriately numbered sections:

SECTION __. Section 53.47(a)(6), Education Code, is amended to read as follows:

(6) "Qualified nonprofit corporation" means a nonprofit corporation:

(A)(i) that issued bonds on or after January 1, 1990, and before January 1, 2001, that qualified as qualified student loan bonds under Section 144(b), Internal Revenue Code of 1986, as amended; or

(ii) that issues bonds the proceeds of which are used to refund bonds issued on or after January 1, 1990, and before January 1, 2001, that qualified as qualified student loan bonds under Section 144(b), Internal Revenue Code of 1986, as amended; or

(B) that the office of the governor, in consultation with the state student loan guaranty agency or any other public or private entity the office of the governor considers appropriate, has determined meets a need for student loan financing that existing qualified nonprofit corporations cannot meet, which determination may include information provided by the nonprofit corporation's plan for doing business that should include documented limitations in:

(i) the geographic coverage of existing qualified nonprofit corporations in the nonprofit corporation's proposed area of service;

(ii) the willingness of existing qualified nonprofit corporations to serve the eligible lenders in the proposed area of service; and

(iii) the ability of existing qualified nonprofit corporations to serve the eligible lenders in the proposed area of service.

SECTION __. Section 53.47, Education Code, is amended by adding Subsection (l) to read as follows:

(l) The governing body of a city by ordinance or resolution may authorize the incorporation of a nonprofit corporation under this chapter to act on behalf of the city as its duly constituted instrumentality for the purpose of exercising the powers set forth in this subsection. On approval by the city, the nonprofit corporation is authorized to issue its revenue bonds and to loan the proceeds of the bonds to an entity that has assumed the outstanding bond obligations of a nonprofit corporation, such loan being for the limited purpose of refunding the outstanding bonds. In issuing the bonds, the nonprofit corporation is considered to be acting on behalf of the city by which it was created. The bonds to be refunded must have been originally issued as "qualified scholarship funding bonds," as defined by Section 150(d)(2), Internal Revenue Code of 1986, as amended, by a nonprofit corporation that was acting pursuant to Subsection (f) and that subsequently made the election permitted under Section 150(d)(3), Internal Revenue Code of 1986, as amended. Any refunding bonds shall be solely the obligation of the nonprofit corporation and shall not be or constitute a debt or obligation of the city. The ordinance or resolution of the city authorizing the incorporation of the corporation must approve the articles of incorporation

and any amendments to the articles of incorporation. On dissolution of the corporation, title to all property owned by the corporation shall be vested in and become the property of the city. A corporation may be incorporated under this chapter by filing its articles of incorporation with the secretary of state in the manner prescribed for the incorporation of nonprofit corporations under the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes). On filing of the articles of incorporation, the secretary of state shall issue a certificate of incorporation showing that the corporation is incorporated under this chapter. Except to the extent provided by this section, Sections 53.131, 53.14, 53.15, 53.31, 53.32, 53.35(a), and 53.39 apply to and govern such corporation and its procedures and bonds. In addition to the specific powers granted under this subsection, the corporation shall have all powers granted under the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes) that are necessary, incidental, or subordinate in carrying out the purposes authorized in this subsection.

(2) On page 26, line 5, strike "8.051(a) and 8.121" and substitute "8.051(a), 8.121, and 53.47(k)".

(3) Renumber the sections of the bill accordingly.

Amendment No. 6 was adopted without objection.

Amendment No. 7

Representative Grusendorf offered the following amendment to **CSHB 3459**:

Amend **CSHB 3459** as follows:

(1) On page 1, between lines 12 and 13, insert the following:

SECTION 1. The following provisions of the Education Code are repealed:

(1) Chapters 41, 42, and 46; and

(2) Section 45.002.

SECTION 2. Chapter 4, Education Code, is amended by adding Section 4.003 to read as follows:

Sec. 4.003. STATE RESPONSIBILITY FOR PROVISION OF PUBLIC EDUCATION. (a) It is the policy of this state that the provision of public education is a state responsibility and that a thorough and efficient system be provided and substantially financed through state revenue sources so that each student enrolled in the public school system shall have access to programs and services that are appropriate to the student's educational needs and that are substantially equal to those available to any similar student, notwithstanding varying local economic factors.

(b) The public school finance system of this state shall adhere to a standard of neutrality that provides for substantially equal access to similar revenue per student at similar tax effort, considering all state and local tax revenues of districts after acknowledging all legitimate student and district cost differences.

(c) It is the policy of this state that not later than September 1, 2007, the legislature shall provide state funding in an amount that constitutes at least 50 percent of the cost of maintaining and operating the public school system.

SECTION 3. Sections 1 and 2 of this Act take effect September 1, 2004, but only if, before that date:

(1) the legislature has enacted a school finance system to replace the system established by Chapters 41, 42, 45, and 46, Education Code;

(2) the Act enacting a school finance system in compliance with Subdivision (1) of this subsection affirmatively states that the system is a comprehensive school finance system for the entire state; and

(3) the school finance system enacted in compliance with Subdivision (1) of this subsection has become law.

(2) On page 3, between lines 5 and 6, insert the following new section, appropriately numbered:

SECTION _____. Subchapter I, Chapter 21, Education Code, is amended by adding Section 21.413 to read as follows:

Sec. 21.413. CLASSROOM SUPPLY REIMBURSEMENT PROGRAM.

(a) The commissioner shall establish a reimbursement program under which the commissioner provides funds to a school district for the purpose of reimbursing classroom teachers in the district who expend personal funds on classroom supplies. A school district must match any funds provided to the district under the reimbursement program with local funds to be used for the same purpose.

(b) The commissioner shall adopt rules for the local allocation of funds provided to a school district under the reimbursement program. A school district shall allow each classroom teacher in the district who is reimbursed under the reimbursement program to use the funds in the teacher's discretion, except that the funds must be used for the benefit of the district's students. A school district may not use funds received under the reimbursement program to replace local funds used by the district for the same purpose.

(c) The commissioner shall identify state and federal funds available for use under the reimbursement program, including funds subject to the Education Flexibility Partnership Act of 1999 (20 U.S.C. Section 5891a et seq.), and its subsequent amendments, as well as consolidated administrative funds.

(d) The commissioner shall establish the reimbursement program for implementation beginning not later than the 2005-2006 school year. The commissioner may implement the reimbursement program only if funds are specifically appropriated by the legislature for the program or if the commissioner identifies available funds, other than general revenue funds, that may be used for the program.

(3) On page 11, between lines 1 and 2, insert the following new section, appropriately numbered:

SECTION _____. Sections 41.0021(a) and (e), Education Code, are amended to read as follows:

(a) Notwithstanding Section 41.002, for the [~~2001-2002, 2002-2003, and~~ 2003-2004 and 2004-2005] school years, a school district that in the 1999-2000 school year did not offer each grade level from kindergarten through 12 may elect to have its wealth per student determined under this section.

(e) This section expires September 1, 2005 [~~2004~~].

(4) On page 14, between lines 2 and 3, insert the following new sections, appropriately numbered:

SECTION _____. Subchapter E, Chapter 42, Education Code, is amended by adding Section 42.2516 to read as follows:

Sec. 42.2516. ADDITIONAL AID FOR 2003-2004 AND 2004-2005 SCHOOL YEARS. (a) For the 2003-2004 and 2004-2005 school years, in addition to any other state aid to which a school district is entitled under this chapter, a district is entitled to an amount equal to the product of the number of students in average daily attendance in the district multiplied by \$150.

(b) A school district that is otherwise ineligible for state aid under this chapter is entitled to state aid under this section. A school district that is required to take action under Chapter 41 to reduce its wealth per student to the equalized wealth level is entitled to:

(1) a credit, in the amount of the state aid to which the district is entitled under this section, against the total amount required under Section 41.093 for the district to purchase attendance credits; and

(2) if the amount of state aid to which the district is entitled under this section exceeds the total amount required under Section 41.093 for the district to purchase sufficient attendance credits to reduce its wealth per student to the equalized wealth level, state aid in an amount equal to the difference between the state aid to which the district is entitled under this section and the credit applied under Subdivision (1).

(c) In addition to any aid established by Subsection (a), for the 2003-2004 and 2004-2005 school years, a school district with less than 5,000 students in average daily attendance and a wealth per student that does not exceed the equalized wealth level under Section 41.002 is also entitled to additional funding determined as follows: Multiply 0.65 times the amount calculated when \$150 times the district's average daily attendance is subtracted from \$112 times the district's weighted average daily attendance.

(d) This subsection applies only to a current employee of a school district who is entitled to the minimum salary under Section 21.402, who was employed by that district during the 2002-2003 school year, and who received funds under Article 3.50-8, Insurance Code, during the 2002-2003 school year. For the 2003-2004 school year, a school district shall ensure that each employee to whom this subsection applies and who is employed by the district receives the difference, if any, between \$1,000 and the amount per employee that the district receives under other law for purposes of Article 3.50-8, Insurance Code, for employees to whom this subsection applies. A district employee may not bring a cause of action against a district under this subsection on the basis of the amount paid to the employee under this subsection if the employee's total salary for the 2003-2004 school year, including amounts paid for purposes of Article 3.50-8, Insurance Code, is equal to or greater than the employee's base salary for the 2002-2003 school year, including any career ladder supplement, plus any money paid to or used on behalf of the employee under Article 3.50-8, Insurance Code.

(e) This section expires September 1, 2005.

SECTION _____. Subchapter E, Chapter 42, Education Code, is amended by adding Section 42.2517 to read as follows:

Sec. 42.2517. EXCESS FUNDS FOR COST OF EDUCATION ADJUSTMENT. (a) If the commissioner determines that the amount appropriated for purposes of the Foundation School Program exceeds the amount to which school districts are entitled under this chapter, the commissioner may:

(1) adjust each district's cost of education adjustment under Section 42.102 to reflect current uncontrollable variations in the cost of education, particularly the cost of providing salaries and benefits to classroom teachers; and

(2) provide funding under this chapter based on the cost of education index adjusted under Subdivision (1).

(b) If the amount available under Subsection (a) is not sufficient to provide funding based on the cost of education index adjusted under Subsection (a)(1), the commissioner shall rank districts by the increase in the cost of education adjustment applicable to each district under this section and shall provide funding under this section to districts in descending order of the amount of increase in the cost of education adjustment applicable to districts under this section, beginning with the district that has the greatest increase in the cost of education adjustment, until no funds are available for purposes of this section.

(5) On page 20, strike lines 4 and 5 and substitute the following:

SECTION _____. Section 46.034, Education Code, is amended by amending Subsection (c) and adding Subsections (d) and (e) to read as follows:

(6) On page 20, between lines 13 and 14, insert the following:

(d) Notwithstanding any other provision of this chapter, if the appropriation to support newly eligible bonds for the 2003-2004 school year and the 2004-2005 school year is not sufficient to provide the state aid that school districts are entitled to under Section 46.032, the commissioner is directed to reduce the \$35 guaranteed level of state and local support per student per cent of tax effort for newly eligible debt only to the level necessary to fund the sum of the allotments within the appropriated amount. The guaranteed level for eligible debt through the 2000-2001 school year is not affected by this adjustment. The commissioner shall make this determination as soon as practicable, prior to the beginning of the school year. The decision of the commissioner is final and may not be appealed.

(e) Section 46.034(d) and this subsection expire September 1, 2005.

(7) On page 26, between lines 17 and 18, insert the following new sections, appropriately numbered:

SECTION _____. (a) The repeal by Section 1 of this Act of Section 45.002, Education Code, does not impair any obligation created by the issuance or execution of any lawful agreement or evidence of indebtedness before September 1, 2004, that matures after that date and that is payable from the levy and collection of a maintenance tax under that section or another law, and an independent school district may, on and after September 1, 2004, levy, assess, and collect a maintenance tax, at a rate not greater than the rate required to pay such obligations but only for so long as those obligations remain outstanding and unpaid.

(b) Notwithstanding the repeal by Section 1 of this Act of Chapters 41, 42, and 46, Education Code, and Section 45.002, Education Code, a school district that, before September 1, 2004, issues bonds, notes, or other evidences of indebtedness under Chapter 45, Education Code, or other applicable law or enters into a lease-purchase agreement under Subchapter A, Chapter 271, Local Government Code, may continue, before, on, and after September 1, 2004, to receive state assistance with respect to such payments to the same extent the district would have been entitled to receive the assistance under Chapter 42 or 46, Education Code, as those chapters existed before repeal by this Act, and the former law is continued in effect for that purpose. The commissioner of education may adopt rules to implement this subsection.

(c) The repeal by Section 1 of this Act of Chapters 41, 42, and 46, Education Code, and Section 45.002, Education Code, does not limit, modify, or eliminate the authority of a school district to:

(1) issue or execute bonds, public securities, or other obligations under Chapter 45, Education Code, or other law, either before, on, or after September 1, 2004; or

(2) levy, assess, and collect, before, on, or after September 1, 2004, ad valorem taxes at the full rate and in the full amount authorized by Section 45.002, Education Code, and necessary to pay the bonds, public securities, or other obligations when due and payable.

(d) Before September 1, 2004, the commissioner of education may not refuse to grant assistance to a school district under Chapter 42 or 46, Education Code, in connection with public securities, lease-purchase agreements, credit agreements, or other obligations, including those described by Subchapter A, Chapter 271, Local Government Code, on the basis that the district's authority to levy a maintenance tax is repealed effective September 1, 2004.

SECTION _____. The commissioner of education shall adopt rules and establish the classroom supply reimbursement program as required by Section 21.413, Education Code, as added by this Act, not later than August 1, 2005.

(8) Strike page 26, lines 21-25, and substitute the following:

SECTION _____. Except as otherwise provided by this Act, this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003, except as otherwise provided by this Act.

(9) Renumber the sections of the bill accordingly.

Amendment No. 7 was adopted without objection. (Alonzo recorded voting no)

CSHB 3459, as amended, was passed to engrossment. (Burnam, Eiland, Ellis, Gallego, Naishtat, Rodriguez, and Telford recorded voting no)

CSHB 3305 ON SECOND READING
(by Berman)

CSHB 3305, A bill to be entitled An Act relating to ensuring cost savings in the operations of certain governmental entities that provide criminal justice and public safety services.

CSHB 3305 was passed to engrossment.

CSHB 3442 ON SECOND READING
(by Pickett)

CSHB 3442, A bill to be entitled An Act relating to granting statutory authority to certain governmental entities to reduce certain expenditures and to impose charges in amounts sufficient to recover costs.

CSHB 3442 was passed to engrossment.

LEAVE OF ABSENCE GRANTED

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

Farabee on motion of Homer.

HR 1132 - ADOPTED
(by McClendon)

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 1132**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1132, In memory of Mayme Yvonne Bailey Williams of San Antonio.

HR 1132 was adopted without objection.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the conference committee on **HB 1**:

F. Brown on motion of Lewis.

Pitts on motion of Lewis.

CSHB 3378 ON SECOND READING
(by Hope)

CSHB 3378, A bill to be entitled An Act relating to granting statutory authority to certain governmental entities to reduce certain expenditures and to the operation of certain funds.

Amendment No. 1

Representative Hochberg offered the following amendment to **CSHB 3378**:

Amend **CSHB 3378** in SECTION 1.01 of the bill, on page 1, lines 7-9, by striking the first sentence of that SECTION.

Amendment No. 1 was adopted without objection.

CSHB 3378, as amended, was passed to engrossment.

CSHB 3318 ON SECOND READING

(by Luna)

CSHB 3318, A bill to be entitled An Act relating to the creation and re-creation of funds and accounts in the state treasury, the allocation of revenue, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

Representative Luna moved to postpone consideration of **CSHB 3318** until 1:10 p.m. today.

The motion prevailed without objection.

HB 1947 ON SECOND READING

(by Flores)

HB 1947, A bill to be entitled An Act relating to continuation of the self-directed semi-independent agency project.

Representative Heflin moved to postpone consideration of **HB 1947** until 2 p.m. Thursday, May 15.

The motion prevailed without objection.

CSHB 3207 ON SECOND READING

(by Heflin)

CSHB 3207, A bill to be entitled An Act relating to repaying the economic stabilization fund for any appropriations made from the fund for the state fiscal year ending August 31, 2003; making an appropriation.

CSHB 3207 was passed to engrossment.

HR 1133 - ADOPTED

(by Delisi)

Representative Delisi moved to suspend all necessary rules to take up and consider at this time **HR 1133**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1133, In memory of Bernice Beck of Killeen.

HR 1133 was unanimously adopted by a rising vote.

CSHB 3546 ON SECOND READING

(by Hamric, Y. Davis, Luna, Gutierrez, Mowery, et al.)

CSHB 3546, A bill to be entitled An Act relating to the exemption from ad valorem taxation of certain property used to provide low-income or moderate-income housing.

Amendment No. 1

Representative Capelo offered the following amendment to **CSHB 3546**:

Amend proposed **CSHB 3546** on page 1, line 16 by adding after the word "received" the words "or applied for and is entitled to".

Representative Hamric moved to table Amendment No. 1.

The motion to table prevailed.

Representative Hamric moved to postpone consideration of **CSHB 3546** until 2 p.m. today.

The motion prevailed without objection.

LEAVE OF ABSENCE GRANTED

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

Villarreal on motion of Homer.

(Grusendorf now present)

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. 38).

POSTPONED BUSINESS

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

**CSHB 3318 ON SECOND READING
(by Luna)**

CSHB 3318, A bill to be entitled An Act relating to the creation and re-creation of funds and accounts in the state treasury, the allocation of revenue, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

CSHB 3318 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Luna offered the following amendment to **CSHB 3318**:

Amend **CSHB 3318** as follows:

- (1) On page 1, line 15, strike "ALLOCATIONS,".
- (2) On page 1, lines 19 and 20, strike ", all allocations of revenue made by an Act of the 78th Legislature, Regular Session, 2003, that becomes law,".
- (3) On page 1, line 24, strike "August 30" and substitute "September 1".
- (4) On page 2, lines 1 and 2, strike ", allocating revenue,".
- (5) On page 2, line 5, strike "allocations,".
- (6) On page 2, line 7, strike "state constitutional" and substitute "state, constitutional,".

(7) On page 2, lines 12 and 13, strike "or allocated".

(8) On page 3, line 21, strike "allocations or".

(9) On page 4, line 21, strike "allocated, dedicated," and substitute "dedicated".

(10) On page 4, line 23, strike "allocated or".

(11) On page 6, lines 7 and 8, strike ", to allocate revenue,".

(12) On page 6, line 16, strike "allocation,".

(13) On page 6, strike lines 18-20.

(14) Add the following section, numbered appropriately:

SECTION __. RAINY DAY FUND ACCOUNTS. Section 2 of this Act does not apply to any accounts created in the economic stabilization fund by **HB 2**, **HB 3323**, **HB 3548**, or **SB 1771**, Acts of the 78th Legislature, Regular Session, 2003, and does not apply to any related dedication of revenue, if one of those bills or similar legislation becomes law.

(15) Add the following section, numbered appropriately:

SECTION __. STATE PRESERVATION BOARD. Sections 2 and 9 of this Act do not apply to the capitol trust fund, the capitol account, the capital renewal account, and the museum account, as created or re-created by **HB 3441** or **SB 1866**, Acts of the 78th Legislature, Regular Session, 2003, if one of those bills or similar legislation becomes law, and do not apply to revenue dedicated to that fund or any of those accounts.

(16) Add the following section, numbered appropriately:

SECTION __. TEXAS EMISSIONS REDUCTION. Section 2 of this Act does not apply to the Texas emissions reduction plan fund and does not apply to revenue dedicated to that fund by **HB 1365**, Acts of the 78th Legislature, Regular Session, 2003, if that bill or similar legislation becomes law.

(17) Add the following section, numbered appropriately:

SECTION __. RURAL WATER ASSISTANCE. Section 2 of this Act does not apply to the rural water assistance fund created or re-created in the state treasury by **HB 1875** or **SB 967**, Acts of the 78th Legislature, Regular Session, 2003, if one of those bills or similar legislation becomes law, and does not apply to revenue dedicated to that fund.

(18) Add the following section, numbered appropriately:

SECTION __. ECONOMIC DEVELOPMENT. Sections 2 and 9 of this Act do not apply to any fund or account created or re-created by **SB 275**, Acts of the 78th Legislature, Regular Session, 2003, if that bill becomes law, and do not apply to any revenue dedicated by that Act.

(19) Add the following section, numbered appropriately:

SECTION __. SPORTS EVENTS TRUST FUND. Sections 2 and 9 of this Act do not apply to the Other Events Trust fund or to revenue dedicated to any of those funds, created by an Act of the 78th Legislature, Regular Session, 2003, that amends Chapter 1507, Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes).

(20) Add the following section, numbered appropriately:

SECTION __. PROSECUTOR SUPPLEMENT FUND. Section 2 of this Act does not apply to the felony prosecutor supplement fund created by **HB 1940**, Acts of the 78th Legislature, Regular Session, 2003, if that bill or similar legislation becomes law, and does not apply to revenue dedicated to that fund.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Elkins offered the following amendment to **CSHB 3318**:

Amend **CSHB 3318** by adding the following appropriately numbered section:

SECTION __. DRY CLEANING FACILITY RELEASE FUND. Section 2 of this Act does not apply to the dry cleaning facility release fund account created by **HB 1366** or **SB 799** or other similar legislation of the 78th Legislature, Regular Session, 2003, that becomes law, and does not apply to the revenue dedicated to or deposited in that account.

Amendment No. 2 was adopted without objection.

CSHB 3318, as amended, was passed to engrossment.

MAJOR STATE CALENDAR (consideration continued)

CSHB 109 ON SECOND READING

(by Chavez, Wilson, Gutierrez, Flores, and Raymond)

CSHB 109, A bill to be entitled An Act relating to customs brokers.

Representative Chavez moved to postpone consideration of **CSHB 109** until 4 p.m. today.

The motion prevailed without objection.

CSSB 652 ON SECOND READING

(Corte, Delisi, Chavez, Seaman, Hunter, et al. - House Sponsors)

CSSB 652, A bill to be entitled An Act relating to economic development, strategic planning, and other issues regarding military facilities, and the merger of certain state agencies with military responsibilities; granting authority to issue bonds.

CSSB 652 was considered in lieu of **HB 1521**.

Amendment No. 1

Representative Corte offered the following amendment to **CSSB 652**:

Amend **CSSB 652** as follows:

(1) In Section 3 of the bill, in amended Section 436.051(a), Government Code (house committee printing, page 3, line 1), by striking "state, federal, and international" and substituting "state-federal [~~state, federal, and international~~]".

(2) In Section 3 of the bill, in amended Section 436.057(a), Government Code (house committee printing, page 6, line 9), between "shall" and "hire" by inserting ", subject to approval of the governor,".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Corte offered the following amendment to **CSSB 652**:

Amend **CSSB 652** as follows:

(1) In Section 3 of the bill, in added Section 436.153 (a), Government Code (house committee printing, page 16, line 2), after the period, insert "The loan shall be made from the Texas military value revolving loan account established under Section 436.153.".

(2) In Section 3 of the bill, in added Section 436.153 (c), Government Code (house committee printing, page 16, line 8), strike "in consultation with the Texas Department of Economic Development" and substitute "in accordance with the criteria adopted by the commission under Section 436.154 (a)".

(3) In Section 3 of the bill, in added Section 436.153 (d), Government Code (house committee printing, page 16, lines 15 and 16), strike ", in consultation with the Texas Department of Economic Development,".

(4) In Section 3 of the bill, in added Section 436.153 (d), Government Code (house committee printing, page 16, line 23), strike "a requirement that the defense community repay the loan" and substitute "the loan repayment requirements".

(5) In Section 3 of the bill, strike added Section 436.153 (e), Government Code (house committee printing, page 16, line 24, through page 17, line 7), and substitute the following:

(e) The commission shall notify the Texas Public Finance Authority of the amount of the loan and the recipient of the loan and request the authority to issue general obligation bonds in an amount necessary to fund the loan. The commission and the authority shall determine the amount and time of a bond issue to best provide funds for one or multiple loans.

(6) In Section 3 of the bill, in added Section 436.153 (f), Government Code (house committee printing, page 17, lines 8-10), strike "Texas Department of Economic Development shall administer the loan and repay the general obligation bonds issued to finance the project" and substitute "commission shall administer the loans to ensure full repayment of the general obligation bonds issued to finance the project".

(7) In Section 3 of the bill, in added Section 436.154, Government Code (house committee printing, page 17, lines 21 and 22), strike "APPLICATION. (a) The commission shall adopt" and substitute "PROCESS. (a) The commission shall adopt rules, in consultation with the Texas Public Finance Authority, that contain the criteria for evaluating the credit of a loan applicant and the financial feasibility of a project. The commission shall also adopt".

(8) In Section 3 of the bill, strike added Section 436.156 (c), Government Code (house committee printing, page 19, lines 1-3), and substitute the following:

(c) The commission shall deposit to the credit of the account all loan payments made by a political subdivision for a loan under Section 436.153. The loan payments shall be used to reimburse the general revenue fund for money appropriated to pay the principal, premium if any, and interest on the bonds issued under Section 436.158. If the loan payments exceed the amounts required for reimbursement, the excess shall first be applied to reimburse the expenses of administering the program and secondly deposited to the credit of the Texas military value revolving loan account to fund subsequent loans.

(9) In Section 3 of the bill, strike added Section 436.158, Government Code (house committee printing, page 19, lines 12-23), and substitute the following:

Sec. 436.158. ISSUANCE OF GENERAL OBLIGATION BONDS AND NOTES FOR MILITARY VALUE ACCOUNT. (a) The Texas Public Finance Authority may issue and sell general obligation bonds and notes of the state, as authorized by Section 49–n, Article III, Texas Constitution, for the purposes of providing money to establish the Texas military value revolving loan account.

(b) The proceeds of the bonds and notes shall be deposited into the Texas military value revolving loan account or into other separate funds as may be required to provide for payment of issuance and administrative costs and may be used as authorized by Section 49–n, Article III, Texas Constitution, including:

(1) to fund loans approved by the commission under Section 436.153;

(2) to pay the costs of issuing and selling bonds and notes; and

(3) to pay the costs of administering the bonds and notes and the loan program, including the payment of fees and expenses of advisors.

(c) The bonds and notes shall be issued in accordance with the subject to the provisions of Chapters 1201, 1207, 1231, 1232, and 1371.

(d) In connection with bonds or notes issued under this section, the Texas Public Finance Authority may enter into one or more credit agreements at any time for a period and on conditions the authority approves.

Sec. 436.159. APPROPRIATION REQUIRED. In accordance with Section 49–n, Article III, Texas Constitution, general revenue is to be appropriated to the Texas Public Finance Authority in an amount determined by the authority to be necessary to pay the principal, premium if any, and interest on the bonds, and that amount shall be specified in biennial appropriations acts.

(10) In Section 9 of the bill, in added Section 397.002(a), Local Government Code (house committee printing, page 23, line 22), strike "and".

(11) In Section 9 of the bill, in added Section 397.002(a), Local Government Code (house committee printing, page 23, line 25), between "installation" and the period, insert the following: "and

(8) a description of how the project will address future base realignment or closure".

(12) In Section 34 of the bill (house committee printing, page 44, line 19), strike "Section 436.158" and substitute "Sections 436.158 and 436.159".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Merritt offered the following amendment to **CSSB 652**:

Amend **CSSB 652** in Section 21 of the bill, in added Section 36.354, Utilities Code (on page 36, between lines 20 and 21) by inserting a new Subsection (h) to read as follows:

(h) A person that provides electric service to a household located not more than 100 miles from a military base shall charge a one cent per kilowatt hour surcharge on electric service provided to the household.

Amendment No. 3 - Point of Order

Representative Talton raised a point of order against further consideration of Amendment No. 3 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 3.

Amendment No. 4

Representative Merritt offered the following amendment to **CSSB 652**:

Amend **CSSB 652** as follows:

(1) On page 35, line 6, between "base" and the underlined period, insert: ", or at a rate that is otherwise exempt under Subsection (e) from the application of this provision."

(2) On page 35, line 19, strike "or".

(3) On page 36, line 1, between "base" and the underlined period, insert:

;
or

(3) the utility is an electric utility that:

(A) was providing electric service to a military base on December 31, 2002, at a rate lower than the average of the discounted rates for military bases charged on December 31, 2002, by the electric utilities, municipally owned utilities, and electric cooperatives identified in Section 36.354(e)(2); and

(B) continues to provide electric service to a military base at a rate lower than the average of the discounted rates for military bases charged at the same time by the electric utilities, municipally owned utilities, and electric cooperatives identified in Section 36.354(e)(2).

Representative Corte moved to table Amendment No. 4.

A record vote was requested.

The motion to table prevailed by (Record 609): 70 Yeas, 59 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Bohac; Branch; Brown, B.; Callegari; Campbell; Casteel; Castro; Chavez; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Dawson; Delisi; Denny; Driver; Flores; Gattis; Geren; Goodman; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Howard; Hupp; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Krusee; Laubenberg; Mabry; Madden; Marchant; McCall; McClendon;

Menendez; Mercer; Miller; Mowery; Olivo; Paxton; Reyna; Riddle; Seaman; Smith, W.; Solomons; Stick; Talton; Taylor; Van Arsdale; West; Wilson; Wohlgenuth; Wolens; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Berman; Bonnen; Burnam; Canales; Chisum; Coleman; Davis, J.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farrar; Flynn; Gallego; Giddings; Goolsby; Griggs; Guillen; Gutierrez; Haggerty; Hochberg; Hodge; Hope; Hopson; Hughes; Isett; Jones, J.; Kolkhorst; Laney; Lewis; Martinez Fischer; McReynolds; Merritt; Moreno, J.; Naishtat; Nixon; Noriega; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Solis; Swinford; Telford; Thompson; Turner; Uresti.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farabee; Hunter; Kuempel; Oliveira; Smithee; Truitt; Villarreal; Wise.

Absent, Excused, Committee Meeting — Brown, F.; Pitts.

Absent — Capelo; Davis, Y.; Escobar; Garza; Grusendorf; Jones, D.; Luna; Moreno, P.; Morrison; Phillips.

CSSB 652, as amended, was passed to third reading.

HB 1521 - LAID ON THE TABLE SUBJECT TO CALL

Representative Corte moved to lay **HB 1521** on the table subject to call.

The motion prevailed without objection.

POSTPONED BUSINESS

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

CSHB 3546 ON SECOND READING

(by **Hamric, Y. Davis, Luna, Gutierrez, Mowery, et al.**)

CSHB 3546, A bill to be entitled An Act relating to the exemption from ad valorem taxation of certain property used to provide low-income or moderate-income housing.

CSHB 3546 was read second time earlier today and was postponed until 2 p.m. today.

Amendment No. 2

Representative Capelo offered the following amendment to **CSHB 3546**:

Amend proposed **CSHB 3546** on page 2, line 13 by adding "one of" between the words "as" and "its" of the line.

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

Representative Edwards moved to set a congratulatory and memorial calendar for 9 a.m. Tuesday, May 13.

The motion prevailed without objection.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Edwards requested permission for the Committee on Rules and Resolutions to meet while the house is in session.

Permission to meet was granted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Rules and Resolutions, 3 p.m. today, speakers committee room, for a formal meeting, to consider the calendar.

CSHB 3546 - (consideration continued)

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Capelo offered the following amendment to **CSHB 3546**:

Amend **CSHB 3546** by striking Section 6 in its entirety and substitute the following, "This Act takes effect January 1, 2004."

Representative Hamric moved to table Amendment No. 3.

The motion to table prevailed.

CSHB 3546, as amended, was passed to engrossment.

HB 3325 ON THIRD READING

(by J. Keffer, Christian, and Seaman)

HB 3325, A bill to be entitled An Act relating to the creation and administration of the community telecommunications alliance program.

HB 3325 was read third time earlier today and was postponed until 2 p.m. today.

Amendment No. 1

Representative J. Keffer offered the following amendment to **HB 3325**:

Amend **HB 3325** on third reading by striking second reading floor Amendment No. 1 (Engrossed rider #2).

(Wilson in the chair)

Amendment No. 1 was adopted without objection.

HB 3325, as amended, was passed.

MAJOR STATE CALENDAR

(consideration continued)

CSHB 2912 ON SECOND READING

(by Homer, Laubenberg, and Hegar)

CSHB 2912, A bill to be entitled An Act relating to industrial development corporations.

Amendment No. 1

Representative Homer offered the following amendment to **CSHB 2912**:

Amend **CSHB 2912** as follows:

(1) On page 3, line 21, strike "Subdivision (17)" and substitute "Subdivisions (17) and (18)".

(2) On page 4, between lines 23 and 24, insert the following:

(18) "Corporate headquarters facilities" means buildings proposed for construction and occupancy as the principal office for a business enterprise's administrative and management services.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Homer offered the following amendment to **CSHB 2912**:

Amend **CSHB 2912** on page 11 by striking lines 14 through 20 and substituting the following:

SECTION 10. The changes in law made by Sections 2 and 4B(a)(2), Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), as amended by this Act, apply only to a project that is undertaken or approved, by an election or otherwise, on or after the effective date of this Act. A project that is undertaken or approved before the effective date of this Act is governed by the law in effect on the date the project is undertaken or approved, and the former law is continued in effect for that purpose.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Ritter offered the following amendment to **CSHB 2912**:

Amend **CSHB 2912** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 4B, Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), is amended by adding Subsection (a-6) to read as follows:

(a-6) (1) In this subsection, "land-locked community" means a city that has within its city limits and extraterritorial jurisdiction less than 500 acres that can be used for the development of manufacturing or industrial facilities in accordance with the zoning laws or land use restrictions of the city.

(2) For a land-locked community that creates or has created a corporation governed by this section, "project" also includes expenditures found by the board of directors to be required for the promotion of new or expanded business enterprises and commercial activity within the land-locked community.

(3) A corporation may not undertake a project described by Subdivision (2) of this subsection unless the governing body of the land-locked community creating the corporation under this section orders an election on the question of undertaking the project and the majority of the votes cast at the election are in favor of the undertaking.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Menendez offered the following amendment to **CSHB 2912**:

Amend **CSHB 2912** as follows:

(1) On page 9, line 12, strike "or".

(2) On page 9, line 17, between "improvements" and the period, insert the following:

; or

(G) be required for job training that is suitable for job creation and retention

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

SECTION _____. Section 4B (a-1), Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), is amended to read as follows:

(a-1) (1) A corporation may undertake a project under this section other than a project described by Subsection (a)(2)(G) of this section unless within 60 days after first publishing notice of a specific project or type of general project other than a project described by Subsection (a)(2)(G) of this section the governing body of the city receives a petition from more than 10 percent of the registered voters of the city where the petition requests that an election be held before that specific project or that general type of project is undertaken. An election is not required to be held after the submission of a petition under this subdivision if the qualified citizens of the city have previously approved the undertaking of a specific project or that general type of project that is the subject of the petition at an election called for that purpose by the governing body of the city or in conjunction with another election required to be held under this section.

(2) A corporation may not undertake a project described by Subsection (a)(2)(G) of this section unless the governing body of the city creating the corporation under this section orders an election on the question of undertaking the project and the majority of the votes cast at the election are in favor of the undertaking.

Amendment No. 4 was adopted.

Amendment No. 5

On behalf of Representative Miller, Representative Homer offered the following amendment to **CSHB 2912**:

Amend **CSHB 2912** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION __. Section 4B(c), Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) The board of directors of a corporation under this section consists of seven directors who are appointed by the governing body of the eligible city for two-year terms of office. A director may be removed by the governing body of the eligible city at any time without cause. Each director of a corporation created by an eligible city with a population of 20,000 or more must be a resident of the eligible city. Each director of a corporation created by an eligible city with a population of less than 20,000 must be a resident of the eligible city, be a resident of [or] the county in which the major part of the area of the eligible city is located, or reside at a place that is within 10 miles of the eligible city's boundaries and is in a county bordering the county in which the major part of the area of the eligible city is located. Three directors shall be persons who are not employees, officers, or members of the governing body of the eligible city. A majority of the entire membership of the board is a quorum. The board shall conduct all meetings within the boundaries of the eligible city. The board shall appoint a president, a secretary, and other officers of the corporation that the governing body of the eligible city considers necessary. The corporation's registered agent must be an individual resident of the state and the corporation's registered office must be within the boundaries of the eligible city.

Amendment No. 5 was adopted without objection.

Amendment No. 6

On behalf of Representative Miller, Representative Homer offered the following amendment to **CSHB 2912**:

Amend **CSHB 2912** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION __. Section 4B(a-5), Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), is amended to read as follows:

(a-5) Notwithstanding any other provision of this section, a corporation created under this section may use proceeds from the sales and use tax to undertake a project described by Subsection (a)(2)(D) or (E) of this section only if the use of tax proceeds for that purpose is authorized by a majority of the qualified voters of the city voting in an election called and held for that purpose. The ballot in an [proposition at the] election held under this subsection shall be printed to provide for voting for or against the proposition: "The use of sales and use tax proceeds for infrastructure relating to (insert water supply facilities or water conservation programs, as appropriate)." [to adopt a sales and use tax under Subsection (d) of this section must clearly describe the project to be undertaken by the corporation if the project is described by Subsection (a)(2)(D) or (E) of this section].

Amendment No. 6 was adopted without objection.

CSHB 2912, as amended, was passed to engrossment. (Harnett recorded voting present, not voting)

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Hilderbran and by unanimous consent, the constitutional amendments calendar was taken up at this time.

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

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

**CSHJR 2 ON SECOND READING
(by Heflin)**

CSHJR 2, A joint resolution proposing a constitutional amendment requiring that money appropriated from the economic stabilization fund be repaid to the fund during the next state fiscal biennium.

Amendment No. 1

Representative Heflin offered the following amendment to **CSHJR 2**:

Amend **CSHJR 2** on page 1, lines 12-14, by striking "The comptroller shall deduct that amount from the estimate of anticipated revenues as if the transfers were made on August 31 of that fiscal year." and substituting the following: The comptroller shall deduct the estimated ~~that~~ amount of the transfers that will be made under Subsections (b), (d), and (e) of this section from the estimate of anticipated revenues as if the transfers were made on August 31 of that fiscal year. The comptroller shall deduct the estimated amount of the transfers that will be made under Subsection (q) of this section from the estimate of anticipated revenues for the fiscal year in which the transfers under Subsection (q) will be made.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Denny offered the following amendment to **CSHJR 2**:

Amend **CSHJR 2**, on page 3, line 4, by striking "November 4, 2003" and substituting "September 13, 2003".

Amendment No. 2 was adopted without objection.

A record vote was requested.

CSHJR 2, as amended, was adopted by (Record 610): 134 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; 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; Escobar; 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; Howard; Hughes; Hupp; Isett; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Turner; Uresti; Van Arsdale; West; Wilson(C); Wohlgenuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused — Farabee; Hunter; Kuempel; Oliveira; Smithee; Truitt; Villarreal; Wise.

Absent, Excused, Committee Meeting — Brown, F.; Pitts.

Absent — Hopson; Jones, E.; Martinez Fischer; Moreno, P.; Smith, T.

STATEMENT OF VOTE

When Record No. 610 was taken, my vote failed to register. I would have voted yes.

Hopson

SJR 55 ON SECOND READING (Corte - House Sponsor)

SJR 55, A joint resolution proposing a constitutional amendment authorizing the issuance of general obligation bonds to provide loans for economic development projects that enhance the military value of military installations in the state.

SJR 55 was considered in lieu of **HJR 7**.

A record vote was requested.

SJR 55 was adopted by (Record 611): 136 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; 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; Escobar; 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; Hupp; Isett; 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.; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman;

Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Turner; Uresti; Van Arsdale; West; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

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

Absent, Excused — Farabee; Hunter; Kuempel; Oliveira; Smithee; Truitt; Villarreal; Wise.

Absent, Excused, Committee Meeting — Brown, F.; Pitts.

Absent — Moreno, P.; Morrison.

HJR 7 - LAID ON THE TABLE SUBJECT TO CALL

Representative Corte moved to lay **HJR 7** on the table subject to call.

The motion prevailed without objection.

HJR 55 ON SECOND READING

(by Zedler, et al.)

HJR 55, A joint resolution proposing a constitutional amendment to authorize the legislature to exempt from ad valorem taxation property owned by a religious organization for purposes of expanding or constructing a religious facility.

Amendment No. 1

Representative Denny offered the following amendment to **HJR 55**:

Amend **HJR 55**, on page 2, line 24, by striking "November 4, 2003" and substituting "September 13, 2003".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Lewis offered the following amendment to **HJR 55**:

Amend **HJR 55** as follows:

(1) On page 2, line 2, between the semicolon and "places", insert the following:

any property that is owned by a church or by a strictly religious society and is leased by that church or strictly religious society to a person for use as a school, as defined by Section 11.21, Tax Code, or a successor statute, for educational purposes;

(2) Strike page 2, line 26, through page 3, line 2, and substitute the following:

proposition: "The constitutional amendment to authorize the legislature to exempt from ad valorem taxation property owned by a religious organization that is leased for use as a school or that is owned with the intent of expanding or constructing a religious facility."

Amendment No. 2 was adopted without objection.

A record vote was requested.

HJR 55, as amended, was adopted by (Record 612): 124 Yeas, 5 Nays, 5 Present, not voting.

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

Nays — Alonzo; Canales; Hochberg; Telford; Wolens.

Present, not voting — Mr. Speaker; Dukes; Hartnett; Jones, J.; Wilson(C).

Absent, Excused — Farabee; Hunter; Kuempel; Oliveira; Smithee; Truitt; Villarreal; Wise.

Absent, Excused, Committee Meeting — Brown, F.; Pitts.

Absent — Coleman; Flores; Hamric; McClendon; Moreno, P.; Uresti.

STATEMENT OF VOTE

When Record No. 612 was taken, my vote failed to register. I would have voted yes.

McClendon

HR 1118 - ADOPTED (by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 1118**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1118, Honoring the mothers at Father Martinez Senior Center in El Paso on Mother's Day 2003.

HR 1118 was adopted without objection.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 1118** as signers thereof.

HR 1119 - ADOPTED
(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 1119**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1119, Honoring the mothers at San Juan Senior Center in El Paso on Mother's Day 2003.

HR 1119 was adopted without objection.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 1119** as signers thereof.

HR 1120 - ADOPTED
(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 1120**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1120, Honoring the mothers at Carolina Center in El Paso on Mother's Day 2003.

HR 1120 was adopted without objection.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 1120** as signers thereof.

HR 1121 - ADOPTED
(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 1121**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1121, Honoring the mothers at Washington Center in El Paso on Mother's Day 2003.

HR 1121 was adopted without objection.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 1121** as signers thereof.

HR 1122 - ADOPTED
(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 1122**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1122, Honoring Consuelo Chavez on Mother's Day 2003.

HR 1122 was adopted without objection.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 1122** as signers thereof.

HR 1123 - ADOPTED
(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 1123**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1123, Honoring Armida Aleman on Mother's Day 2003.

HR 1123 was adopted without objection.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 1123** as signers thereof.

HR 1124 - ADOPTED
(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 1124**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1124, Honoring Eva Scott on Mother's Day 2003.

HR 1124 was adopted without objection.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 1124** as signers thereof.

HR 1125 - ADOPTED
(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 1125**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1125, Honoring Ruth Lopez on Mother's Day 2003.

HR 1125 was adopted without objection.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 1125** as signers thereof.

HR 1126 - ADOPTED
(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 1126**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1126, Honoring Juanita Ruiz on Mother's Day 2003.

HR 1126 was adopted without objection.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 1126** as signers thereof.

HR 1134 - ADOPTED
(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 1134**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1134, Honoring Amabilia Valenzuela on Mother's Day.

HR 1134 was adopted without objection.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 1134** as signers thereof.

HR 1135 - ADOPTED
(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 1135**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1135, Honoring Valorie Garza on Mother's Day.

HR 1135 was adopted without objection.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 1135** as signers thereof.

HR 1136 - ADOPTED
(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 1136**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1136, Honoring Aurora Valverde on Mother's Day.

HR 1136 was adopted without objection.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 1136** as signers thereof.

MAJOR STATE CALENDAR
(consideration continued)

CSHB 2 ON SECOND READING
(by Swinford, Gallego, Allen, R. Cook, and Casteel)

CSHB 2, A bill to be entitled An Act relating to the reorganization of, efficiency in, and other reform measures applying to state government.

CSHB 2 - POINT OF ORDER

Representative Thompson raised a point of order against further consideration of **CSHB 2** under Rule 4, Section 16 of the House Rules on the grounds that the committee did not call roll at the meeting in which the bill was voted out and a quorum was not present.

The point of order was withdrawn.

CSHB 2- POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of **CSHB 2** under Rule 4, Section 32(c)(3) of the House Rules on the grounds that the bill expressly grants rulemaking authority not described in the bill analysis.

(Speaker in the chair)

The speaker sustained the point of order, speaking as follows:

Representative Y. Davis raises a point of order against further consideration of **CSHB 2** under Rule 4, Section 32(c)(3), in that the bill expressly grants rulemaking authority not described in the bill analysis.

The point of order is well taken and sustained.

The ruling precluded further consideration of **CSHB 2**.

LEAVE OF ABSENCE GRANTED

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

Solomons on motion of Lewis.

GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING

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

(Wilson in the chair)

CSHB 432 ON SECOND READING**(by Bonnen)**

CSHB 432, A bill to be entitled An Act relating to the creation of an offense involving certain sales of tickets to certain events; providing a penalty.

CSHB 432 was read second time on May 9, amended, and was postponed until the end of that day's General State Calendar.

(Keel in the chair)

Representative Wilson moved to postpone consideration of **CSHB 432** until 2 p.m. Tuesday, May 13.

The motion prevailed without objection.

CSHB 1626 ON SECOND READING**(by T. Smith)**

CSHB 1626, A bill to be entitled An Act relating to use of personal leave by school district employees.

CSHB 1626 was read second time on May 9 and was postponed until the end of that day's General State Calendar.

Amendment No. 1

Representative T. Smith offered the following amendment to **CSHB 1626**:

Amend **CSHB 1626** (House Committee Printing) as follows:

(1) On page 1, line 12, between "may" and "restrict", insert "authorize district employees to use more than two personal leave days per school year for personal business,".

(2) On page 1, line 13, strike "and may" and substitute ", or".

(3) On page 1, line 15, strike "a" and substitute "an additional [a]".

(4) On page 1, line 16, strike "other".

(5) On page 1, line 16, between "subsection" and the comma, insert "other than personal leave granted for personal business".

(Wilson in the chair)

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Naishtat offered the following amendment to **CSHB 1626**:

Amend **CSHB 1626** as follows:

(1) On page 1, line 10, strike "up to two" and substitute "state minimum";

(2) On page 1, line 11, strike "per school year"; and

(3) on page 1, line 11, between "business" and the comma, insert "without restriction as to purpose".

Representative T. Smith moved to table Amendment No. 2.

A record vote was requested.

The motion to table was lost by (Record 613): 33 Yeas, 93 Nays, 3 Present, not voting.

Yeas — Allen; Baxter; Berman; Branch; Campbell; Chisum; Corte; Driver; Eissler; Elkins; Flynn; Goodman; Griggs; Grusendorf; Haggerty; Hartnett; Hill; Hochberg; Hope; Howard; Hupp; Isett; King; Madden; Marchant; Merritt; Morrison; Nixon; Seaman; Smith, T.; Smith, W.; Swinford; Wohlgenuth.

Nays — Alonzo; Bailey; Bohac; Bonnen; Burnam; Canales; Capelo; Casteel; Castro; Chavez; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ellis; Escobar; Farrar; Flores; Gallego; Garza; Gattis; Geren; Giddings; Goolsby; Guillen; Gutierrez; Hamilton; Hamric; Harper-Brown; Heflin; Hegar; Hilderbran; Hodge; Homer; Hopson; Hughes; Jones, E.; Jones, J.; Keel; Keffer, B.; Kolkhorst; Krusee; Laubenberg; Lewis; Luna; Mabry; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Solis; Stick; Taylor; Telford; Thompson; Turner; Uresti; Van Arsdale; West; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Keffer, J.; Wilson(C).

Absent, Excused — Farabee; Hunter; Kuempel; Oliveira; Smithee; Solomons; Truitt; Villarreal; Wise.

Absent, Excused, Committee Meeting — Brown, F.; Pitts.

Absent — Brown, B.; Callegari; Crownover; Eiland; Hardcastle; Jones, D.; Laney; Moreno, P.; Puente; Talton.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 613. I intended to vote no.

Goodman

I was shown voting no on Record No. 613. I intended to vote yes.

E. Jones

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Thompson offered the following amendment to **CSHB 1626**:

Amend **CSHB 1626** as follows:

(1) on page 1, line 21, between "family" and "i;" by adding "or a current member of the employee's household as defined by Family Code Section 71.005"; and,

(2) on page 1, lines 23 and 24, between "family" and "~~restrict~~" by adding "or a current member of the employee's household as defined by Family Code Section 71.005".

Amendment No. 3 was withdrawn.

CSHB 1626 - LAID ON THE TABLE SUBJECT TO CALL

Representative T. Smith moved to lay **CSHB 1626** on the table subject to call.

The motion prevailed without objection.

SJR 55 - VOTE RECONSIDERED

Representative Corte moved to reconsider the vote by which **SJR 55** was adopted.

The motion to reconsider prevailed.

**SJR 55 ON SECOND READING
(Corte - House Sponsor)**

SJR 55, A joint resolution proposing a constitutional amendment authorizing the issuance of general obligation bonds to provide loans to defense-related communities for economic development projects, including projects that enhance military value of military installations.

Amendment No. 1

Representative Corte offered the following amendment to **SJR 55**:

Amend **SJR 55** as follows:

(1) In Section 1 of the resolution, in added Section 49-n(a), Article III, Texas Constitution (house committee printing, page 1, line 11), between "bonds" and "of" insert "or notes".

(2) In Section 1 of the resolution, in added Section 49-n(a), Article III, Texas Constitution (house committee printing, page 1, line 12), between "million" and the period insert "and enter into related credit agreements".

(3) In Section 1 of the resolution, in added Section 49-n(a), Article III, Texas Constitution (house committee printing, page 1, line 12), between "bonds" and "shall" insert "and notes".

(4) In Section 1 of the resolution, in added Section 49-n(b), Article III, Texas Constitution (house committee printing, page 1, line 21), between "bonds" and "and" insert "and notes".

(5) In Section 1 of the resolution, in added Section 49-n(b), Article III, Texas Constitution (house committee printing, page 1, line 22), after the period insert "Money in the Texas military value revolving loan account may be used to pay all or part of any payment owed under a credit agreement related to the bonds or notes."

(6) In Section 1 of the resolution, in added Section 49-n(d), Article III, Texas Constitution (house committee printing, page 2, line 5), between "bonds" and the period insert "and notes".

(7) In Section 1 of the resolution, in added Section 49-n(e), Article III, Texas Constitution (house committee printing, page 2, line 6), between "Bonds" and "authorized" insert "and notes".

(8) In Section 1 of the resolution, in added Section 49-n(e), Article III, Texas Constitution (house committee printing, page 2, line 7), between "bonds" and "or" insert "or notes".

(9) In Section 1 of the resolution, in added Section 49-n(e), Article III, Texas Constitution (house committee printing, page 2, line 8), between "bonds" and "is" insert "or notes".

(10) In Section 1 of the resolution, in added Section 49-n(e), Article III, Texas Constitution (house committee printing, page 2, line 11), between "bonds" and "that" insert "or notes".

(11) In Section 1 of the resolution, in added Section 49-n(e) Article III, Texas Constitution (house committee printing, page 2, line 12), between the comma and "less" insert "including an amount sufficient to make payments under a related credit agreement.".

(12) In Section 1 of the resolution, in added Section 49-n(e), Article III, Texas Constitution (house committee printing, page 2, line 14), between "bonds" and "or" insert "or notes".

(13) In Section 2 of the resolution (house committee printing, page 2, line 19), between "bonds" and "not" insert "or notes".

(14) in Section 2 of the resolution (house committee printing, page 2, line 21), between "communities" and "for" insert "that will be repaid by the defense-related community,".

Amendment No. 1 was adopted without objection.

A record vote was requested.

SJR 55, as amended, was adopted by (Record 614): 133 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; 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; Escobar; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hupp; Isett; 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.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Stick; Swinford; Talton; Taylor; Telford; Thompson; Turner; Uresti; Van Arsdale; West; Wohlgenuth; Wolens; Wong; Woolley; Zedler.

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

Absent, Excused — Farabee; Hunter; Kuempel; Oliveira; Smithee; Solomons; Truitt; Villarreal; Wise.

Absent, Excused, Committee Meeting — Brown, F.; Pitts.

Absent — Allen; Hardcastle; Moreno, P.; Puente.

STATEMENT OF VOTE

When Record No. 614 was taken, I was temporarily out of the house chamber. I would have voted yes.

Allen

GENERAL STATE CALENDAR
(consideration continued)
CSHB 508 ON SECOND READING
(by Woolley)

CSHB 508, A bill to be entitled An Act relating to notice of an increase in certain rates or charges for certain group policies or contracts.

Amendment No. 1

Representative Woolley offered the following amendment to **CSHB 508**:

Amend **CSHB 508** as follows:

(1) On page 1, line 7, between "INCREASE." and "Not", insert "(a)".

(2) On page 2, between lines 4 and 5, insert the following:

(b) An insurer may not require a policyholder or trustee entitled to notice under this article to respond to the insurer to renew the policy or take other action relating to the renewal or extension of the policy before the 45th day after the date the notice described by Subsection (a) of this article is given.

(3) On page 2, strike lines 5 and 6 and substitute the following:

SECTION 2. Section 1132.001, Insurance Code, as effective June 1, 2003, is amended by amending Subsection (b) and adding Subsection (f) to read as follows:

(4) On page 2, between lines 13 and 14, insert the following:

(f) An insurer may not require a policyholder or trustee entitled to notice under this section to respond to the insurer to renew the policy or take other action relating to the renewal or extension of the policy before the 45th day after the date the notice described by Subsection (b) is given.

Amendment No. 1 was adopted without objection.

CSHB 508, as amended, was passed to engrossment.

CSHB 796 ON SECOND READING
(by Delisi, West, and Castro)

CSHB 796, A bill to be entitled An Act relating to repealing the Texas Academic Skills Program and establishing the Success Initiative.

CSHB 796 was passed to engrossment.

CSHB 1063 ON SECOND READING
(by W. Smith)

CSHB 1063, A bill to be entitled An Act relating to compliance histories for and incentives to reward compliance performance by entities regulated by the Texas Commission on Environmental Quality.

Representative W. Smith moved to postpone consideration of **CSHB 1063** until 2 p.m. Tuesday, May 13.

The motion prevailed without objection.

LEAVE OF ABSENCE GRANTED

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

Wolens on motion of Gallego.

HB 1094 ON SECOND READING (by Capelo)

HB 1094, A bill to be entitled An Act relating to grants for federally qualified health centers.

Amendment No. 1

Representative Solis offered the following amendment to **HB 1094**:

Amend **HB 1094** by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 136, Human Resources Code, is transferred to Subtitle E, Title 2, Health and Safety Code, renumbered as Chapter 112, Health and Safety Code, and amended to read as follows:

CHAPTER 112 [136]. TEXAS COMMUNITY HEALTH CENTER REVOLVING LOAN PROGRAM [FUND]

Sec. 112.001 [~~136.001~~]. PURPOSE. The legislature finds that:

(1) community health centers play a significant role in the delivery of medical care and related services to the residents of this state who cannot afford health insurance;

(2) community health centers are a cost-effective way to provide primary and preventive health care to populations lacking quality health care by reducing hospitalizations and the inappropriate use of emergency rooms;

(3) the financing sources available for the capital needs of community health centers, such as buildings and equipment, are inadequate; and

(4) increasing community health centers' access to capital would benefit residents of this state in poor and underserved communities and foreign-born residents who are uninsured, by providing greater access to primary care and preventive health services and by targeting the common health problems of these residents.

Sec. 112.002 [~~136.002~~]. DEFINITIONS. In this chapter:

(1) "Community health center" means a nonprofit corporation in this state that:

- (A) provides required primary health services, including:
 - (i) basic health services;
 - (ii) referrals to providers of medical services;
 - (iii) patient case management services;
 - (iv) outreach; and
 - (v) patient education; and

(B) has a governing board that:

(i) is composed of individuals, a majority of whom are being served by the community health centers; and

(ii) represents the individuals being served by the community health center.

(2) [~~"Commission" means the Health and Human Services Commission.~~

~~(3)~~ "Development corporation" means a nonprofit corporation that:

(A) provides revolving loan funds to community health centers;

(B) accepts gifts and grants;

(C) seeks funding from various government and private sources;

~~[and]~~

(D) associates with a broad-based organization serving community health centers; and

(E) is certified by the United States Department of Treasury as a Community Development Financial Institution.

~~(3) [(4) "Fund" means the community health center revolving loan fund established by this chapter.~~

~~[(5)] "Program" means the loan program authorized by this chapter.~~

~~[Sec. 136.003. TRUST FUND. (a) The community health center revolving loan fund is a trust fund outside the state treasury held by a financial institution and administered by the commission as trustee on behalf of community health centers in this state.~~

~~[(b) The fund is composed of:~~

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

~~[(2) gifts or grants received from public or private sources; and~~

~~[(3) income from other money in the fund.~~

~~[(c) The commission may accept on behalf of the fund gifts and grants for the use and benefit of the program.]~~

Sec. 112.003 [~~136.004~~]. DEVELOPMENT CORPORATION. The department [~~commission~~] shall [~~contract with and~~] award a grant [~~money~~] to a development corporation to carry out the purposes of this chapter.

Sec. 112.004 [~~136.005~~]. INVESTMENT COMMITTEE. (a) Before awarding a grant to [~~contracting with~~] a development corporation, the department [~~commission~~] shall require the development corporation to establish an investment committee to approve loan requests of community health centers.

(b) The investment committee must consist of seven members as follows:

(1) at least two members with lending experience;

(2) at least two members who receive health care services from a community health center; and

(3) at least one member who represents the Texas Association of Community Health Centers, Inc.

Sec. 112.005 [~~136.006~~]. LOANS TO COMMUNITY HEALTH CENTERS. (a) The development corporation may make a loan to a community health center only with the approval of the investment committee.

(b) The development corporation shall use at least 60 percent of the money received under the program for loans to community health centers in existence for at least one year before the loan date.

(c) A loan made by the development corporation may be subordinated debt.

(d) The development corporation may make a loan under the program through a partnership or joint investment with one or more other lenders [~~financial institutions~~] or federal or state programs.

(e) Payments on community health center loans shall be made to the development corporation. The development corporation shall use the loan payment money received from community health centers to make new loans and cover the expenses of making and servicing loans under [~~as provided by~~] this chapter.

(f) The development corporation may make a loan to fund a joint project of two or more community health centers.

[~~Sec. 136.007. SELF FUNDING. The commission shall develop the fund program as a revolving loan fund that will become self funding over the life of the program.~~]

Sec. 112.006 [~~136.008~~]. INCOME FROM LOAN. All income received on a loan made with money received under the program is the property of the development corporation. Income received on a loan includes the payment of interest by a borrower and the administrative fees assessed by the development corporation.

Sec. 112.007 [~~136.009~~]. RULES. (a) The board [~~commission~~] shall adopt rules necessary to administer this chapter and to ensure a grant made under this chapter is used for the purposes intended by the legislature [~~, including rules that require:~~

[~~(1) the commission to review the lending and servicing practices of a development corporation to ensure the practices conform to generally accepted accounting principles;~~

[~~(2) an eligible community health center to enter into an agreement with the development corporation that states the terms of the loan made to the center;~~

[~~(3) the development corporation to provide to the commission semiannual reports giving details of the status of each loan made under the program;~~

[~~(4) the development corporation to require annual audits of community health centers receiving loans under the program; and~~

[~~(5) the commission to provide oversight of the development corporation as necessary to qualify the development corporation for loan guarantees from federal and state programs].~~

(b) Under rules adopted by the board [~~commission~~], the development corporation may:

(1) make grants to eligible community health centers from money other than money [~~that is received from the fund and that was~~] derived from a legislative appropriation; or

(2) seek funds from state or federal agencies or private sources to supplement and complement the funds received under the grant [~~program~~].

(c) The board [~~commission~~] may adopt other rules as necessary to accomplish the purposes of this chapter.

SECTION _____. The Texas Board of Health shall adopt rules necessary for the Texas Department of Health to administer Chapter 112, Health and Safety Code, as transferred and amended by this Act, not later than December 1, 2003.

Amendment No. 1 was adopted without objection.

HB 1094, as amended, was passed to engrossment.

CSHB 1172 ON SECOND READING
(by Madden, Driver, Howard, et al.)

CSHB 1172, A bill to be entitled An Act relating to public school textbooks.

Amendment No. 1

Representative Howard offered the following amendment to **CSHB 1172**:

Amend **CSHB 1172** as follows:

(1) On page 1, line 6, strike "REVIEW OF TEXTBOOKS FOR CERTAIN" and substitute "TEXTBOOK".

(2) On page 1, line 8, between "rule" and "provide", insert "adopt general textbook content standards and".

(3) On page 1, line 10, between "the" and "requirements", insert "standards and with the".

(4) On page 1, line 15, between "with" and "the", insert "the general textbook content standards adopted by the board under this section or".

Amendment No. 1 was adopted without objection.

CSHB 1172, as amended, was passed to engrossment.

HB 1278 ON SECOND READING
(by Zedler, et al.)

HB 1278, A bill to be entitled An Act relating to an exemption from ad valorem taxation for property owned by a religious organization for purposes of expanding a religious facility or constructing a new religious facility.

Amendment No. 1 (Committee Amendment No.1)

On behalf of Representative McReynolds, Representative Zedler offered the following committee amendment to **HB 1278**:

Amend **HB 1278** as follows:

(1) On page 4, line 18, strike "or".

(2) On page 4, line 20, strike the period and substitute "; or".

(3) On page 4, between lines 20 and 21, insert the following:

(4) a transfer of property to a religious organization that qualifies the property for an exemption under Section 11.20 for the tax year in which the transfer occurs.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Lewis offered the following amendment to **HB 1278**:

Amend **HB 1278** as follows:

- (1) On page 2, line 18, strike "and"
 (2) On page 3, line 1, between "organization" and the period, insert the following:
 ; and

(7) the real property that is owned by the religious organization if the real property is leased to another person and is used by that person for the operation of a school that qualifies as a school under Section 11.21(d)

(3) On page 4, lines 25-27, strike "land owned by a religious organization for purposes of expanding or constructing a religious facility" and substitute "property owned by a religious organization that is leased for use as a school or that is owned with the intent of expanding or constructing a religious facility".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Hardcastle offered the following amendment to **HB 1278**:

Amend **HB 1278** by adding the following section, numbered appropriately:

SECTION ____. (a) Sections 11.20(a) and (g), Tax Code, are amended to read as follows:

(a) A person [~~An organization that qualifies as a religious organization as provided by Subsection (e) of this section~~] is entitled to an exemption from taxation of:

(1) the real property that is owned by the person [~~religious organization~~], is used primarily as a place of regular religious worship by an organization that qualifies as a religious organization as provided by Subsection (c), and is reasonably necessary for engaging in religious worship;

(2) the tangible personal property that is owned by the person [~~religious organization~~] and is reasonably necessary for engaging in worship at the place of worship specified in Subdivision (1) [~~of this subsection~~];

(3) if the person qualifies as a religious organization as provided by Subsection (c), the real property that is owned by the religious organization and is reasonably necessary for use as a residence (but not more than one acre of land for each residence) if the property:

(A) is used exclusively as a residence for those individuals whose principal occupation is to serve in the clergy of the religious organization; and

(B) produces no revenue for the religious organization;

(4) if the person qualifies as a religious organization as provided by Subsection (c), the tangible personal property that is owned by the religious organization and is reasonably necessary for use of the residence specified by Subdivision (3) [~~of this subsection~~]; and

(5) the real property owned by the person [~~religious organization~~] consisting of:

(A) an incomplete improvement that is under active construction or other physical preparation and that is designed and intended to be used by an organization that qualifies as a [the] religious organization as provided by Subsection (c) as a place of regular religious worship when complete; and

(B) the land on which the incomplete improvement is located that will be reasonably necessary for the religious organization's use of the improvement as a place of regular religious worship.

(g) For purposes of Subsection (a)(5), an incomplete improvement is under physical preparation if the person [religious organization] has engaged in architectural or engineering work, soil testing, land clearing activities, or site improvement work necessary for the construction of the improvement or has conducted an environmental or land use study relating to the construction of the improvement.

(b) This section takes effect January 1, 2004, and applies only to ad valorem taxes imposed for a tax year that begins on or after that date.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Grusendorf offered the following amendment to **HB 1278**:

Amend **HB 1278** as follows:

(1) On page 1, between lines 5 and 6, insert the following SECTIONS and renumber existing SECTIONS 1 and 2 of the bill as SECTIONS 4 and 5:

SECTION 1. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0047 to read as follows:

Sec. 212.0047. EXCEPTION TO PLAT REQUIREMENT: TAX-EXEMPT RELIGIOUS ORGANIZATION PROPERTY. (a) An owner of an unplatted tract of land that is exempt from ad valorem taxation under Section 11.20, Tax Code, is not required to prepare a plat to obtain a building permit or any other permit for developing the tract.

(b) If the property loses its exemption from taxation under Section 11.20, Tax Code, the owner of the property must comply with all applicable platting requirements.

SECTION 2. Subchapter B, Chapter 212, Local Government Code, is amended by adding Section 212.0415 to read as follows:

Sec. 212.0415. APPLICATION OF SUBCHAPTER TO TAX-EXEMPT RELIGIOUS ORGANIZATION PROPERTY. This subchapter does not apply to an unplatted tract of land that is exempt from ad valorem taxation under Section 11.20, Tax Code. If the property loses its exemption from taxation under Section 11.20, Tax Code, this subchapter begins to apply to the property on the day after the date on which the exemption is lost.

SECTION 3. Section 12.002, Property Code, is amended by adding Subsection (h) to read as follows:

(h) Notwithstanding this section, a person may file for record or have recorded in the county clerk's office a plat if the plat is exempted from approval under Section 212.0047, Local Government Code. An unapproved plat must be

stamped "unapproved plat" by the county clerk or a deputy of the clerk before it may be filed, and the clerk or deputy shall note on the plat that the property was exempt under Section 212.0047, Local Government Code.

(2) On page 4, line 21, strike "SECTION 3. This Act takes effect" and substitute:

"SECTION 6. (a) Sections 1 through 3 of this Act take effect September 1, 2003.

(b) Sections 4 and 5 of this Act take effect".

(3) On page 4, line 22, strike "applies" and substitute "apply".

(4) On page 5, line 1, strike "this Act has" and substitute "Sections 4 and 5 of this Act have".

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Howard offered the following amendment to **HB 1278**:

Amend **HB 1278** by striking SECTION 3 of the bill and substituting the following:

SECTION 3. Section 211.003(b), Local Government Code, is amended to read as follows:

(b) In the case of designated places and areas of historical, cultural, or architectural importance and significance, the governing body of a municipality may regulate the construction, reconstruction, alteration, or razing of buildings and other structures, other than a building or other structure that is owned by a religious organization and is exempt from ad valorem taxation under Section 11.20, Tax Code.

SECTION 4. (a) Sections 1 and 2 of this Act take effect January 1, 2004, and apply only to a tax year that begins on or after that date, but only if the constitutional amendment proposed by the 78th Legislature, Regular Session, 2003, to authorize the legislature to exempt from ad valorem taxation land owned by a religious organization for purposes of expanding or constructing a religious facility is approved by the voters. If that amendment is not approved by the voters Sections 1 and 2 of this Act have no effect.

(b) Section 3 of this Act takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, Section 3 of this Act takes effect September 1, 2003.

Amendment No. 5 was adopted without objection.

HB 1278, as amended, was passed to engrossment. (Hartnett recorded voting present, not voting)

CSHB 1380 ON SECOND READING

(by Thompson, Elkins, Denny, Marchant, and Seaman)

CSHB 1380, A bill to be entitled An Act relating to certain products offered in connection with a consumer loan.

Amendment No. 1

Representative Turner offered the following amendment to **CSHB 1380**:

Amend **CSHB 1380** as follows:

On page 3, line 10 strike the word "and" after the semi-colon.

On page 3, line 13, between "representative" and the period insert "; and (7) the cost is reasonable."

Amendment No. 1 was withdrawn.

CSHB 1380 was passed to engrossment.

CSHB 1643 ON SECOND READING
(by Bailey and Reyna)

CSHB 1643, A bill to be entitled An Act relating to conditions of employment for peace officers employed by certain municipalities.

Representative Hill moved to table **CSHB 1643**.

A record vote was requested.

The motion to table was lost by (Record 615): 55 Yeas, 71 Nays, 2 Present, not voting.

Yeas — Branch; Brown, B.; Campbell; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hill; Hope; Hopson; Howard; Hupp; Isett; Jones, D.; Keffer, B.; Keffer, J.; Krusee; Laubenberg; Madden; Marchant; McCall; Mowery; Nixon; Paxton; Riddle; Seaman; Smith, T.; Smith, W.; Stick; Swinford; Taylor; West; Wohlgenuth; Wong; Woolley.

Nays — Allen; Alonzo; Bailey; Berman; Bohac; Bonnen; Burnam; Callegari; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Ellis; Escobar; Farrar; Flores; Gallego; Garza; Geren; Giddings; Guillen; Gutierrez; Haggerty; Hamilton; Hilderbran; Hochberg; Hodge; Homer; Jones, E.; Jones, J.; Keel; King; Kolkhorst; Laney; Luna; Mabry; Martinez Fischer; McClendon; McReynolds; Merritt; Moreno, J.; Morrison; Naishtat; Noriega; Olivo; Peña; Phillips; Pickett; Quintanilla; Reyna; Ritter; Rodriguez; Rose; Solis; Talton; Telford; Thompson; Turner; Uresti; Van Arsdale.

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

Absent, Excused — Farabee; Hunter; Kuempel; Oliveira; Smithee; Solomons; Truitt; Villarreal; Wise; Wolens.

Absent, Excused, Committee Meeting — Brown, F.; Pitts.

Absent — Baxter; Hughes; Lewis; Menendez; Mercer; Miller; Moreno, P.; Puente; Raymond; Zedler.

A record vote was requested.

CSHB 1643 failed to pass to engrossment by (Record 616): 51 Yeas, 57 Nays, 2 Present, not voting.

Yeas — Alonzo; Bailey; Berman; Bohac; Burnam; Callegari; Canales; Capelo; Castro; Chavez; Coleman; Cook, R.; Denny; Dukes; Dunnam; Edwards; Eiland; Ellis; Flores; Gallego; Giddings; Gutierrez; Hamilton; Hilderbran; Hochberg; Hodge; Homer; Hopson; Jones, J.; Keel; King; Laney; Lewis; Mabry; Martinez Fischer; McClendon; McReynolds; Moreno, J.; Morrison; Naishtat; Noriega; Olivo; Peña; Pickett; Quintanilla; Ritter; Rodriguez; Telford; Thompson; Turner; Van Arsdale.

Nays — Baxter; Bonnen; Branch; Brown, B.; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Dawson; Delisi; Driver; Eissler; Elkins; Farrar; Flynn; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hill; Hope; Howard; Hupp; Isett; Jones, D.; Keffer, B.; Keffer, J.; Kolkhorst; Krusee; Madden; Marchant; McCall; Merritt; Mowery; Paxton; Riddle; Seaman; Smith, T.; Smith, W.; Solis; Stick; Swinford; Taylor; West; Wohlgemuth; Wong; Woolley.

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

Absent, Excused — Farabee; Hunter; Kuempel; Oliveira; Smithee; Solomons; Truitt; Villarreal; Wise; Wolens.

Absent, Excused, Committee Meeting — Brown, F.; Pitts.

Absent — Allen; Christian; Davis, J.; Davis, Y.; Deshotel; Dutton; Escobar; Garza; Geren; Guillen; Heflin; Hughes; Jones, E.; Laubenberg; Luna; Menendez; Mercer; Miller; Moreno, P.; Nixon; Phillips; Puente; Raymond; Reyna; Rose; Talton; Uresti; Zedler.

STATEMENTS OF VOTE

When Record No. 616 was taken, I was temporarily out of the house chamber. I would have voted no.

Allen

I was shown voting no on Record No. 616. I intended to vote yes.

Baxter

I was shown voting yes on Record No. 616. I intended to vote no.

Denny

When Record No. 616 was taken, my vote failed to register. I would have voted yes.

Deshotel

When Record No. 616 was taken, my vote failed to register. I would have voted yes.

Guillen

I was shown voting no on Record No. 616. I intended to vote yes.

Krusee

When Record No. 616 was taken, my vote failed to register. I would have voted yes.

Rose

I was shown voting no on Record No. 616. I intended to vote yes.

Stick

REASON FOR VOTE

On **HB 1643**, I intended to vote yes. My machine did not register any vote until I repeatedly pressed buttons. My machine registered a no vote as voting stopped before I could change it to yes. This malfunction did not change the outcome.

Stick

CSHB 2004 ON SECOND READING (by Marchant, et al.)

CSHB 2004, A bill to be entitled An Act relating to allowing the commissioners court of certain counties to deliberate in a closed meeting regarding business and financial considerations of a contract being negotiated.

CSHB 2004 was passed to engrossment.

CSHB 2237 ON SECOND READING (by Kuempel)

CSHB 2237, A bill to be entitled An Act relating to the financial assistance for the eligible survivor of a member of an organized volunteer fire-fighting unit.

CSHB 2237 was passed to engrossment.

CSHB 2397 ON SECOND READING (by Corte, et al.)

CSHB 2397, A bill to be entitled An Act relating to a vendor's or subcontractor's remedy for nonpayment of certain contracts.

Amendment No. 1

Representative Corte offered the following amendment to **CSHB 2397**:

Amend **CSHB 2397** as follows:

(1) On page 2, strike SECTION 3 and renumber subsequent SECTIONS appropriately.

(2) On page 3, beginning on line 24, strike all of Section 2251.052 and insert the following:

Sec. 2251.052. SUBCONTRACTOR REMEDY FOR VENDOR'S NONPAYMENT OF CONTRACT. (a) A subcontractor of a vendor under a contract with a governmental entity may suspend performance required under the contract with the vendor if:

(1) the governmental entity with whom the subcontractor's vendor has a contract does not pay the vendor an undisputed amount within the time limits provided by Subchapter B; or

(2) the governmental entity with whom the subcontractor's vendor has a contract has paid the vendor undisputed amounts and the vendor does not pay the subcontractor an undisputed amount within the time limits provided by Subchapter B.

(b) A subcontractor who suspends performance under subsection (a) must give the vendor written notice, a copy of which the subcontractor may provide the governmental entity with whom the vendor has a contract,:

(A) informing the vendor that payment has not been received; and

(B) stating the intent of the subcontractor to suspend performance for nonpayment.

(c) The subcontractor may not suspend performance under this section before the later of:

(1) the 10th day after the date the subcontractor gives notice under Subsection (b); or

(2) the date specified by Section 2251.053(b), if applicable.

(d) A subcontractor who suspends performance under this section is not:

(1) required to supply further labor, services, or materials until the subcontractor is paid the amount provided for under the contract, plus costs for demobilization and remobilization; or

(2) responsible for damages resulting from suspending work if the vendor has not notified the subcontractor in writing before performance is suspended that payment has been made or the governmental entity has notified the vendor that a bona fide dispute for payment exists.

(e) A notification under Subsection (d)(2) that a bona fide dispute for payment exists must include a list of the specific reasons for nonpayment. If a reason specified is that labor, services, or materials provided by the subcontractor are not provided in compliance with the contract, the subcontractor is entitled to a reasonable opportunity to:

(1) cure the noncompliance of the listed items; or

(2) offer a reasonable amount to compensate for listed items for which noncompliance cannot be promptly cured.

(3) On page 5, line 11, strike "HIGHWAY" and substitute "HIGHWAY-RELATED".

(4) On page 5 line 13, between "construction" and "of", insert "or maintenance".

(5) On page 5, line 13, between "highway" and the period, insert "or a related facility".

(6) On page 5, line 23, strike "or personally delivered".

Amendment No. 1 was adopted without objection.

CSHB 2397, as amended, was passed to engrossment.

HB 2619 ON SECOND READING

(by Ellis)

HB 2619, A bill to be entitled An Act relating to the amount of the application and license fee for a license to carry a concealed handgun.

HB 2619 was passed to engrossment. (Burnam recorded voting no)

CSHB 2729 ON SECOND READING

(by Talton)

CSHB 2729, A bill to be entitled An Act relating to the regulation of bail bond sureties; providing penalties.

Amendment No. 1

On behalf of Representative Talton, Representative Keel offered the following amendment to **CSHB 2729**:

Amend **CSHB 2729** as follows:

(1) On page 3, line 27, strike "1704.204" and substitute "1704.204(a)".

(2) On page 5, between lines 3 and 4, insert:

(c) This section does not apply to a solicitation or unsolicited contact related to a Class C misdemeanor.

(3) On page 8, strike lines 2-17 and substitute:

(ii) a statement by the applicant ~~[that]~~, as of the date of the application, of any [the applicant has no unpaid] final judgments that have been unpaid for more than 30 days and that arose directly or indirectly from a bail bond executed by the applicant as a surety or as an agent for a surety [of forfeiture against the applicant in any county in which the applicant holds or has held a license]; and

(H) if the applicant is a corporation, a statement by the designated agent, as of the date of the application, of any [unpaid] final judgments that have been unpaid for more than 30 days and that arose directly or indirectly from [of forfeiture on] any bond executed by the agent as a surety or as an agent for a surety.

(d) Until payment of the final judgment, [The existence of] an unpaid final judgment disclosed under Subsection (b)(4)(G)(ii) or (b)(4)(H) bars [may not bar] licensure for the applicant unless the applicant has deposited with the court cash or a supersedeas bond in the amount of the final judgment pending:

(1) a ruling on a timely filed motion for a new trial; or

(2) an appeal [but may be considered by the board in determining whether to grant a license to the corporation with that agent].

(4) On page 11, line 27, between "trial" and "has", insert "or a notice of appeal".

(5) On page 13, line 6, strike "DEFAULT" and substitute "FAILURE TO PAY FINAL JUDGMENT".

(6) On page 13, line 9, strike "1704.204" and substitute "1704.204(a)".

Amendment No. 1 was adopted without objection.

CSHB 2729, as amended, was passed to engrossment.

CSHB 2802 ON SECOND READING
(by Giddings)

CSHB 2802, A bill to be entitled An Act relating to the establishment of a school of pharmacy at the University of North Texas Health Science Center at Fort Worth.

CSHB 2802 was passed to engrossment.

CSHB 2825 ON SECOND READING
(by Eissler)

CSHB 2825, A bill to be entitled An Act relating to compliance monitoring of school districts by the commissioner of education and the Texas Education Agency.

Amendment No. 1

Representative Eissler offered the following amendment to **CSHB 2825**:

Amend **CSHB 2825** by striking page 1, lines 10 and 11, and substituting the following:

- (1) determining compliance with:
 - (A) federal laws and regulations; and
 - (B) state laws and regulations relating to special education; and

Amendment No. 1 was adopted without objection.

CSHB 2825, as amended, was passed to engrossment.

HB 2826 ON SECOND READING
(by Eissler)

HB 2826, A bill to be entitled An Act relating to a continuing ad valorem tax for the payment of bonds issued by a school district.

HB 2826 was passed to engrossment. (Hopson recorded voting no)

CSHB 2933 ON SECOND READING
(by Flores)

CSHB 2933, A bill to be entitled An Act relating to the abolition of the Commission on Human Rights and the transfer of its functions to a civil rights division within the attorney general's office.

Amendment No. 1

On behalf of Representatives Swinford and Allen, Representative Gallego offered the following amendment to **CSHB 2933**:

Amend **CSHB 2933** as follows:

- (1) On page 3, line 12, after the semicolon, insert "or".
- (2) On page 3, line 13, strike "; or" and substitute ":".
- (3) On page 3, strike line 14.
- (4) On page 6, line 7, strike "416" and substitute "461".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Flynn offered the following amendment to **CSHB 2933**:

Amend **CSHB 2933** in SECTION 3 of the bill (House Committee Report) as follows:

Strike subsection (c) of Section 402.103 on Page 2, lines 24-26, and renumber subsequent subsections accordingly.

Amendment No. 2 was adopted without objection.

CSHB 2933, as amended, was passed to engrossment.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Woolley requested permission for the Committee on Calendars to meet while the house is in session.

Permission to meet was granted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 6:10 p.m. today, speakers committee room, for a formal meeting.

HB 3154 ON SECOND READING

(by Bonnen)

HB 3154, A bill to be entitled An Act relating to certain information regarding sales and use taxes imposed by a municipality and to the confidentiality of that information; providing penalties.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Hegar, Representative Bonnen offered the following committee amendment to **HB 3154**:

Amend **HB 3154** as follows:

In SECTION 1 of the bill, in new subsection (d), strike "relating to a seller under Subsection (c)(6)" and substitute "in accordance with Section 321.3023".

Amendment No. 1 was adopted without objection.

HB 3154, as amended, was passed to engrossment.

CSHB 3248 ON SECOND READING

(by Callegari)

CSHB 3248, A bill to be entitled An Act relating to liability of the state and certain political subdivisions for certain recreational activities.

CSHB 3248 was passed to engrossment.

CSHB 3257 ON SECOND READING

(by Delisi)

CSHB 3257, A bill to be entitled An Act relating to a health reimbursement arrangement program for active school employees.

Amendment No. 1

Representative Delisi offered the following amendment to **CSHB 3257**:

Amend **CSHB 3257** on page 6, line 26, between "that" and "are unspent", by inserting "were designated by the employee for health care expenses and".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Delisi offered the following amendment to **CSHB 3257**:

Amend **CSHB 3257** on page 11, between lines 14 and 15, by inserting the following:

Sec. 4F. EQUITABILITY IN NEGOTIATED RATES. (a) A health benefit plan used to provide coverage under the program must be designed to ensure that an employee who purchases coverage under the health benefit plan through the employee's health reimbursement arrangement account is entitled to pay a physician or other health care provider for services provided to the employee that are not reimbursed from the account at the same rate negotiated with the physician or other health care provider by the approved health benefit plan provider for provision of those services under the plan.

(b) Subsection (a) of this section applies to medical services, dental services, and vision care services.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Gallego offered the following amendment to **CSHB 3257**:

Amend **CSHB 3257** as follows:

(1) On page 1, strike lines 6-9.

(2) Strike SECTION 1.05 of the bill (page 5, line 17 through page 7, line 17) and substitute the following:

SECTION 1.05. Sections 3(a) and (b), Article 3.50-8, Insurance Code, are amended to read as follows:

(a) For purposes of this section, "cafeteria plan" means a plan as defined and authorized by Section 125, Internal Revenue Code of 1986, and its subsequent amendments. If an active employee is covered by a cafeteria plan of a school district, other educational district, participating charter school, or regional education service center, the state contribution under this article may [shall] be deposited in the cafeteria plan, and the employee may elect among the options provided by the cafeteria plan. A cafeteria plan receiving state contributions under this article may include a medical savings account option and must include, at a minimum, the following options:

(1) [a health care reimbursement account;

(2)] a benefit or coverage other than that provided under Article 3.50-7 of this code, or any employee coverage or dependent coverage available under Article 3.50-7 of this code but not otherwise fully funded by the state or the employer contributions, any of which must be a "qualified benefit" under Section 125, Internal Revenue Code of 1986, and its subsequent amendments;

(2) [(3)] an option for the employee to receive the state contribution as supplemental compensation; or

(3) [(4)] an option to divide the state contribution among two or more of the other options provided under this subsection.

(b) If an active employee is not covered by a cafeteria plan of a school district, other educational district, participating charter school, or regional education service center, the state contribution under this article shall, at the election of the employee:

(1) be paid to the active employee as supplemental compensation; or

(2) contributed to a health reimbursement arrangement account established for that employee as provided by this article.

SECTION 1.06. Article 3.50-8, Insurance Code, is amended by adding Sections 3A and 3B to read as follows:

Sec. 3A. HEALTH REIMBURSEMENT ARRANGEMENT PROGRAM.

(a) Each employee that elects to participate in the health reimbursement arrangement program authorized under Section 3 of this article shall direct the expenditure of the amount of the state contribution made to an account for that employee under this article.

(b) Money described by Subsection (a) of this section may be used by an employee only in accordance with this article for the employee and the employee's dependents for health benefit plan coverage offered by approved health benefit plan providers and for other qualified health care expenses.

(3) On page 7, line 18, strike "Sec. 2A." and substitute "Sec.3B.".

(4) On page 7, line 21, strike "Section 2" and substitute "Section 3A".

(5) On page 9, line 10, strike "Section 2" and substitute "Section 3A".

(6) On page 9, line 13, strike "Section 2(a) of this article" and substitute "Section 3(b) of this article".

(7) Renumber the SECTIONS of ARTICLE 1 of the bill appropriately.

(8) On page 12, line 7, strike "[supplemental compensation]" and substitute "or supplemental compensation".

(9) On page 12, strike lines 11-12.

(10) On page 12, line 16, strike "Section 2A" and substitute "Section 3B".

(11) On page 13, strike lines 1-11.

(12) Renumber the SECTIONS of ARTICLE 3 of the bill appropriately.

Representative Delisi moved to table Amendment No. 3.

The motion to table prevailed.

Amendment No. 4

Representative Hochberg offered the following amendment to **CSHB 3257**:

Amend **CSHB 3257** by adding the following appropriately numbered SECTION to ARTICLE 3 of the bill and renumbering subsequent SECTIONS in ARTICLE 3 appropriately:

SECTION 3._____. Notwithstanding other provisions of this Act:

(1) the change in law made by this Act applies only in relation to 20 school districts chosen by the commissioner of education; and

(2) for all other school districts, those districts are covered by the law as it existed immediately before the effective date of this Act, and the prior law is continued in effect for this purpose.

Representative Delisi moved to table Amendment No. 4.

The motion to table prevailed.

A record vote was requested.

CSHB 3257, as amended, was passed to engrossment by (Record 617): 76 Yeas, 54 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; King; Kolkhorst; Krusee; Laubenberg; Madden; Marchant; McCall; Merritt; Miller; Morrison; Nixon; Paxton; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Stick; Swinford; Talton; Taylor; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Ellis; Escobar; Farrar; Flores; Gallego; Garza; Giddings; Guillen; Gutierrez; Hochberg; Hodge; Homer; Hopson; Jones, J.; Keffer, J.; Laney; Lewis; Luna; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Mercer; Moreno, J.; Naishtat; Noriega; Olivo; Peña; Phillips; Pickett; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Telford; Thompson; Uresti.

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

Absent, Excused — Farabee; Hunter; Kuempel; Oliveira; Smithee; Solomons; Truitt; Villarreal; Wise; Wolens.

Absent, Excused, Committee Meeting — Brown, F.; Pitts.

Absent — Bailey; Edwards; Moreno, P.; Mowery; Puente; Turner.

HB 3313 ON SECOND READING
(by Capelo)

HB 3313, A bill to be entitled An Act relating to the optional county fee for the county road and bridge fund.

(Speaker in the chair)

A record vote was requested.

HB 3313 failed to pass to engrossment by (Record 618): 57 Yeas, 66 Nays, 1 Present, not voting.

Yeas — Alonzo; Bailey; Campbell; Canales; Capelo; Casteel; Christian; Corte; Crownover; Davis, J.; Davis, Y.; Denny; Driver; Escobar; Flores; Gallego; Garza; Geren; Goodman; Goolsby; Grusendorf; Gutierrez; Hamric; Hardcastle; Harper-Brown; Hochberg; Hughes; Jones, E.; Keffer, J.; King; Kolkhorst; Krusee; Laney; Lewis; Luna; Madden; Martinez Fischer; McReynolds; Mercer; Morrison; Naishtat; Peña; Phillips; Raymond; Rodriguez; Seaman; Smith, T.; Smith, W.; Solis; Swinford; Taylor; Thompson; Uresti; West; Wilson; Woolley; Zedler.

Nays — Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Burnam; Callegari; Chavez; Chisum; Cook, B.; Cook, R.; Crabb; Dawson; Delisi; Deshotel; Dukes; Dunnam; Dutton; Eissler; Elkins; Ellis; Farrar; Flynn; Gattis; Giddings; Griggs; Guillen; Hartnett; Hegar; Hilderbran; Hill; Hodge; Homer; Hope; Hopson; Howard; Hupp; Isett; Jones, D.; Jones, J.; Keel; Keffer, B.; Laubenberg; Mabry; Marchant; McCall; McClendon; Menendez; Merritt; Miller; Moreno, J.; Noriega; Olivo; Paxton; Pickett; Quintanilla; Riddle; Ritter; Rose; Stick; Talton; Telford; Van Arsdale; Wohlgemuth; Wong.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farabee; Hunter; Kuempel; Oliveira; Smithee; Solomons; Truitt; Villarreal; Wise; Wolens.

Absent, Excused, Committee Meeting — Brown, F.; Pitts.

Absent — Allen; Castro; Coleman; Edwards; Eiland; Haggerty; Hamilton; Heflin; Moreno, P.; Mowery; Nixon; Puente; Reyna; Turner.

STATEMENTS OF VOTE

When Record No. 618 was taken, I was temporarily out of the house chamber. I would have voted yes.

Allen

I was shown voting no on Record No. 618. I intended to vote yes.

Deshotel

I was shown voting yes on Record No. 618. I intended to vote no.

Madden

I was shown voting no on Record No. 618. I intended to vote yes.

Telford

I was shown voting yes on Record No. 618. I intended to vote no.

Zedler

POSTPONED BUSINESS

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

CSHB 109 ON SECOND READING

(by Chavez, Wilson, Gutierrez, Flores, and Raymond)

CSHB 109, A bill to be entitled An Act relating to customs brokers.

CSHB 109 was read second time earlier today and was postponed until 4 p.m. today.

Amendment No. 1

On behalf of Representative Wilson, Representative Chavez offered the following amendment to **CSHB 109**:

Amend **CSHB 109** as follows:

(1) On page 5, line 22, immediately before "original receipt", insert "property and the".

(2) On page 8, line 17, strike "\$1" and substitute "\$1.60".

Amendment No. 1 was adopted without objection.

Amendment No. 2

On behalf of Representative Wilson, Representative Chavez offered the following amendment to **CSHB 109**:

Amend **CSHB 109** as follows:

(1) On page 9, line 8, strike "signed by the person claiming the exemption".

(2) On page 9, line 12, after "statement", insert "signed by the person claiming the exemption that states".

Amendment No. 2 was adopted without objection.

CSHB 109, as amended, was passed to engrossment.

**GENERAL STATE CALENDAR
(consideration continued)**

**CSHB 3343 ON SECOND READING
(by Wohlgemuth and Turner)**

CSHB 3343, A bill to be entitled An Act relating to the coordination of statewide public transportation by the Texas Transportation Commission and the Texas Department of Transportation.

Amendment No. 1

Representative Wohlgemuth offered the following amendment to **CSHB 3343**:

Amend **CSHB 3343** as follows:

(1) On page 6, line 15, strike "adding subsection (c)" and substitute "amending subsection (b) and adding subsections (c) and (d)".

(2) On page 6, between lines 15 and 16, insert the following:

"(b) It is the intent of the legislature that, whenever possible, and to the maximum extent feasible, the existing network of transportation providers, and in particular the fixed route components of the existing networks, be used to meet the client transportation requirements of the state's social service agencies and their agents. The legislature recognizes the contributions of nonprofit entities dedicated to providing social services and related activities and encourages the continued community involvement of those entities in this area. The legislature likewise recognizes the potential cost savings and other benefits for utilizing

existing private sector transportation resources. The department will contract with and promote the use of private sector transportation resources to the maximum extent feasible consistent with the goals of this subsection."

(3) On page 6, lines 16 and 17, strike "The Texas Department of Health and the Health and Human Services Commission" and substitute "Each health and human services agency of this state".

(4) On page 6, lines 18 and 19, strike "Texas Department of Health and the Health and Human Services Commission" and substitute "health and human services agency".

(5) On page 6, line 20, between "services" and ".", insert "for clients of eligible programs".

(6) On page 6, between lines 20 and 21, insert the following:

"(d) The department may contract with any public or private transportation provider or with any regional transportation broker for the provision of public transportation services."

(7) On page 7, line 1, between "services" and ".", insert "for clients of eligible programs".

(8) On page 7, line 4, strike "shall" and substitute "may".

(9) On page 7, line 7, between "services" and ".", insert "for clients of eligible programs".

(10) On page 7, line 13, between "services" and ".", insert "for clients of eligible programs".

(11) On page 7, line 19, between "services" and ".", insert "for clients of eligible programs".

(12) On page 8, line 2, between "services" and ".", insert "for clients of eligible programs".

(13) On page 8, line 8, between "services" and ".", insert "for clients of eligible programs".

(14) On page 8, line 16, between "services" and ".", insert "for clients of eligible programs".

(15) On page 8, line 26, between "services" and ".", insert "for clients of eligible programs".

(16) On page 9, between lines 3 and 4, insert the following and renumber subsequent sections appropriately:

"SECTION 13. LEGISLATIVE INTENT REGARDING PROVISION OF HEALTH AND HUMAN SERVICE TRANSPORTATION THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION. It is the intent of the legislature that the provision of health and human service transportation through the Texas Department of Transportation will improve the delivery of transportation services to clients and enhance their access to transportation services. Furthermore, it is the intent of the legislature that these services be provided in a manner that will generate efficiencies in operation, control costs, and permit increased levels of service. The Texas Department of Transportation shall encourage cooperation and coordination among transportation providers, regional transportation brokers, and actual and potential clients in an effort to achieve the stated legislative goals.

SECTION 14. Any funds that are used by the Texas Department of Transportation to implement the transportation services provided in Sections 3, 4, 5, 6, 7, 8, 9, 10, and 11 shall be accounted for and budgeted separately from other funds appropriated to the Texas Department of Transportation for any other public transportation program or budget strategy."

Amendment No. 1 was adopted without objection.

CSHB 3343, as amended, was passed to engrossment.

CSHB 3395 ON SECOND READING
(by Christian)

CSHB 3395, A bill to be entitled An Act relating to the ad valorem tax appraisal of qualified timber land.

Representative Christian moved to postpone consideration of **CSHB 3395** until 2 p.m. Wednesday, May 14.

The motion prevailed without objection.

CSHB 3486 ON SECOND READING
(by Delisi and Madden)

CSHB 3486, A bill to be entitled An Act relating to a health care facility's return of certain unused drugs to a pharmacy.

Amendment No. 1

Representative Delisi offered the following amendment to **CSHB 3486**:

Amend **CSHB 3486** as follows:

(1) On page 2, strike lines 7 through 9 and substitute the following:

(b) A pharmacist for the pharmacy shall examine a drug returned under this section to ensure the integrity of the drug product. A health care facility may not return a drug that:

(1) has been compounded;

(2) appears on inspection to be adulterated;

(3) requires refrigeration; or

(4) has less than 120 days until the expiration date or end of the shelf life.

(2) On page 2, lines 12 and 13, strike "health care facility" and substitute "state Medicaid program"

(3) On page 2, between lines 13 and 14, insert the following:

(e) The board shall adopt the rules, policies, and procedures necessary to administer this section, including rules that require a health care facility to inform the Health and Human Services Commission of medicines returned to a pharmacy under this section.

(4) Insert the following appropriately numbered SECTIONS and renumber subsequent SECTIONS of the bill accordingly:

SECTION __. Section 32.028, Human Resources Code, is amended by adding Subsection (i), (j), and (k) to read as follows:

(i) The Health and Human Services Commission shall adopt rules governing the determination of the amount of reimbursement or credit for restocking drugs under Section 562.1085, Occupations Code, that recognize the costs of processing the drugs, including the cost of:

- (1) reporting the drug's prescription number and date of original issue;
- (2) verifying whether the drug's expiration date or the drug's recommended shelf life exceeds 120 days;
- (3) determining the source of payment; and
- (4) preparing credit records.

(j) The commission shall provide an electronic system for the issuance of credit for returned drugs that complies with the Health Insurance Portability and Accountability Act of 1996, Pub. L. 104-191, as amended. To ensure a cost-effective system, only drugs for which the credit exceeds the cost of the restocking fee by at least 100 percent are eligible for credit.

(k) The commission shall establish a task force to develop the rules necessary to implement Subsections (i) and (j). The task force must include representatives of nursing facilities and long-term care facilities.

SECTION __. The Health and Human Services Commission shall adopt the rules required by Section 32.028(i) and (j), Human Resources Code, as added by this Act, not later than December 1, 2003.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Delisi offered the following amendment to **CSHB 3486**:

Amend **CSHB 3486** as follows:

- (1) On page 2, lines 21 and 22, strike "pharmacy that returns unused drugs" and substitute "pharmacist that returns unused drugs or the health care facility at which the pharmacist practices or serves".
- (2) On page 2, line 22, strike "manufacturer" and substitute "pharmacy".
- (3) On page 2, lines 23 and 24, strike "pharmacy or manufacturer" and substitute "pharmacist, health care facility, or pharmacy".
- (4) On page 3, strike lines 12 through 14.

Amendment No. 2 was adopted without objection.

CSHB 3486, as amended, was passed to engrossment.

CSHB 3578 ON SECOND READING (by Wong)

CSHB 3578, A bill to be entitled An Act relating to powers, duties, and name of the Upper Kirby Management District.

Amendment No. 1

Representative Wong offered the following amendment to **CSHB 3578**:

Amend **CSHB 3578** as follows:

1. On page 2, line 20, strike the word "or" between the words "code," and "or a"

2. On page 2, line 22 insert after the word "code" and before the "." The following: , or a cable operator as defined by 47 U.S.C. Section 522, as amended."

3. On page 3, line 8, to page 3, line 14, strike current subsection (b) and insert new subsections (b) and (c) as follows:

"(b) The district may acquire, operate, or charge fees for the use of the district conduits for:

(1) another person's:

(A) telecommunications network;

(B) fiber-optic cable; or

(C) electronic transmission line or

(2) any other type of transmission line or supporting facility.

(c) The district may not require a person to use a district conduit."

Amendment No. 1 was adopted without objection.

CSHB 3578, as amended, was passed to engrossment.

HB 3607 ON SECOND READING

(by Hilderbran)

HB 3607, A bill to be entitled An Act relating to the calculation of net to land in the ad valorem tax appraisal of open-space land used for wildlife management.

Amendment No. 1

Representative Hilderbran offered the following amendment to **HB 3607**:

Amend **HB 3607** by striking page 1, line 22, through page 2, line 3, and substituting the following:

that qualifies under Subdivision (7) for appraisal under this subchapter, the chief appraiser may not consider in the calculation of net to land the income that would be due to the owner under a hunting or recreational lease of the land.

Amendment No. 1 was adopted without objection.

HB 3607, as amended, was passed to engrossment.

GENERAL STATE CALENDAR

SENATE BILLS

SECOND READING

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

CSSB 501 ON SECOND READING

(Hupp - House Sponsor)

CSSB 501, A bill to be entitled An Act relating to the places where weapons are prohibited and to the application of criminal trespass laws to persons licensed to carry a concealed handgun.

Representative Berman moved to postpone consideration of **CSSB 501** until 10 a.m. Friday, May 16.

The motion prevailed without objection.

CONSTITUTIONAL RULE SUSPENDED

Representative Lewis moved to suspend the constitutional rule requiring bills to be read on three several days and to place all bills on the major and general state calendars on third reading and final passage.

The motion prevailed.

MOTION FOR ONE RECORD VOTE

On motion of Representative Chisum and by unanimous consent, the house agreed to use the first record vote taken for all bills that require a record vote on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

HB 1022 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1022, A bill to be entitled An Act relating to employment status and contract entitlements of public school educators who fail to obtain appropriate certification.

On motion of Representative Eissler, the house concurred in the senate amendments to **HB 1022**.

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

Amend in Section 21.0031, by adding Subsection (e):

(e) This section does not apply to certified teachers assigned to teach a subject for which they are not certified.

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

Amend **HB 1022** as follows:

(1) In SECTION 1 of the bill, in proposed Section 21.0031(b), Education Code (senate committee printing, page 1, line 24), strike "On the date on which an" and substitute "After an employee receives notice that the".

(2) In SECTION 1 of the bill, in proposed Section 21.0031(c), Education Code (senate committee printing, page 1, lines 36-37), strike "Sections 21.206 and 21.207 do not apply to the decision" and substitute "the notice and hearing requirements of this chapter do not apply to the decision".

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Pickett and by unanimous consent, the reading and referral of bills was taken up at this time.

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the

house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

**MAJOR AND GENERAL STATE CALENDARS
HOUSE AND SENATE BILLS
THIRD READING**

The following bills on second reading were laid before the house, read third time, and passed by the following record vote (members registering votes and the results of the vote are shown following bill number).

(Record 619): 131 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Ellis; Escobar; 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; Hupp; Isett; 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.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Stick; Swinford; Talton; Taylor; Telford; Thompson; Uresti; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farabee; Hunter; Kuempel; Oliveira; Smithee; Solomons; Truitt; Villarreal; Wise; Wolens.

Absent, Excused, Committee Meeting — Brown, F.; Pitts.

Absent — Burnam; Coleman; Edwards; Moreno, P.; Puente; Turner.

HB 3443 (Telford - no)(130-1-1)

HB 3306

HB 3441 (Telford - no) (130-1-1)

HB 3459 (Alonzo, Coleman, Deshotel, Dunnam, Gallego, Guillen, Hodge, Mabry, Naishtat, Pickett, Raymond, Rodriguez, Solis, Telford, and Thompson - no) (116-15-1)

HB 3305

HB 3442

HB 3378

HB 3318

SB 652

HB 3546 (Rose and Zedler - no) (129-2-1)

HB 2912

HB 796

HB 1278 (Harnett - present, not voting) (130-0-2)

HB 2004

HB 2825 (Alonzo, Dunnam, Mabry, Raymond, Rose, and Solis - no) (125-6-1)

HB 2826 (Alonzo, Dunnam, Mabry, Raymond, Rose, and Solis - no) (125-6-1)

HB 3154

HB 3343

HB 3486

HB 3578

The following bills on second reading were laid before the house, read third time, and passed by a voice vote (members registering votes are shown following bill number):

HB 3207

The chair stated that **HB 3207** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

HB 508

HB 1094

HB 1172 (Alonzo, Coleman, Deshotel, Giddings, Guillen, Hodge, Naishtat, Raymond, Rodriguez, Solis, Telford, and Thompson - no)

HB 1380 (Branch, Marchant, and Rose - no)

HB 2237

HB 2397

HB 2619

HB 2729

HB 2802

HB 2933

HB 3248

HB 3257 (Alonzo, Coleman, Deshotel, Guillen, Hilderbran, Hodge, Naishtat, Phillips, Pickett, Raymond, Rodriguez, Solis, and Thompson - no)

HB 109 (Zedler - no)

HB 3607

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Government Reform, upon final adjournment today, speakers committee room, for a formal meeting, to consider **CSHB 2**.

Regulated Industries, upon final adjournment today, Desk 82, for a formal meeting, to consider pending business.

FIVE DAY POSTING RULE SUSPENDED

Representative Solis moved to suspend the five day posting rule to allow the Committee on Human Services to consider **SB 923** and **SB 1489**.

The motion prevailed without objection.

ADJOURNMENT

Representative McClendon moved that the house adjourn until 10 a.m. Monday, May 12 in memory of Mayme Yvonne Bailey Williams of San Antonio.

The motion prevailed without objection.

The house accordingly, at 7:42 p.m., adjourned until 10 a.m. Monday, May 12.

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 3634 (By Rose), Relating to the creation, administration, powers, duties, operation, and financing of the Winfield Municipal Utility District No. 1.

To Natural Resources.

HB 3636 (By R. Cook), Relating to the creation, administration, powers, duties, operation, and financing of the Colony Municipal Utility District No. 1.

To Natural Resources.

HCR 245 (By Hilderbran), Addressing issues relative to small community water systems that face exceptional physical or financial circumstances in attempting to comply with federal Safe Drinking Water Act requirements relating to naturally occurring materials.

To Environmental Regulation.

HCR 246 (By Hilderbran), Memorializing the U.S. congress to provide funding or statutory relief relating to naturally occurring materials and associated regulatory effects on small community water systems.

To Environmental Regulation.

HCR 247 (By Delisi), Memorializing the congress of the United States to modify the Federal Internal Revenue Code to allow retirees to pay for health care costs on a pre-tax basis.

To State Health Care Expenditures, Select.

HR 1100 (By Bohac), Encouraging the City of Houston to redevelop Long Point Road.

To Civil Practices.

SB 56 to Public Health.

SB 206 to Appropriations.

SB 688 to Public Education.

SB 963 to Border and International Affairs.

SB 970 to Agriculture and Livestock.

SB 999 to Urban Affairs.

SB 1007 to Higher Education.

SB 1014 to Land and Resource Management.

SB 1297 to Higher Education.

SB 1382 to State Affairs.

SB 1410 to Judicial Affairs.

SB 1743 to Human Services.

SB 1903 to Urban Affairs.

SJR 13 to State Affairs.

SIGNED BY THE SPEAKER

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

House List No. 38

HCR 10

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 9

Corrections - **SB 591**

County Affairs - **HB 3135, HB 3587, SB 604, SB 892, SB 1022, SB 1796**

Financial Institutions - **SB 774, SB 876, SB 1668**

Higher Education - **HB 2977**

Insurance - **HB 152, HB 1706, HB 2907**

Land and Resource Management - **HB 1818, HB 3524, SB 1892**

Law Enforcement - **HB 2079**

Licensing and Administrative Procedures - **SB 279, SB 597**

Local Government Ways and Means - **HB 2176, SB 725**

Natural Resources - **HB 1756, HB 2950, HB 3623, HB 3625**

Public Education - **HB 2831**

Public Health - **HB 2800**

State Affairs - **HB 569, HB 2777**

Urban Affairs - **SB 1326, SB 1663**

ENGROSSED

May 9 - HB 397, HB 1366, HB 1483, HB 1606, HB 2548, HB 2593

ENROLLED

May 9 - HB 808, HB 1322, HB 1370, HB 2383, HCR 10

SIGNED BY THE GOVERNOR

May 9 - HB 535, HB 1011, HB 1236, HB 1508, HCR 64, HCR 88, HCR 159, HCR 190, HCR 191, HCR 202, HCR 203, HCR 205, HCR 211, HCR 222