

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-THIRD DAY — THURSDAY, MAY 5, 2005

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

The roll of the house was called and a quorum was announced present (Record 507).

Present — Mr. Speaker; Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Zedler.

Absent, Excused — Woolley.

Absent — Castro.

The invocation was offered by Dr. Howard Anderson, pastor, Coliseum Park Baptist Church, San Antonio, as follows:

Most gracious God, we humbly come before you on behalf of the people of Texas in general and especially for their house of representatives assembled, that you would be pleased to direct and prosper all of their consultations to the advancement of your glory, the safety, honor, and welfare of your people; that all things may be so ordered and settled by their endeavors upon the best and surest foundations, that peace and happiness, truth and justice, may be established among us for all generations.

We pray for those to whom we entrust the authority of legislation, that each may serve truly in their several callings to the glory of God and edifying and well governing of people, remembering the account they shall be called upon to give at the last great day.

God, we pray that we may always prove ourselves a people mindful of your favor and glad to do your will. Bless Texas with honorable industry, sound learning, and pure manners. Save us from violence, discord, confusion, pride, arrogance, and every evil way.

God, we acknowledge that you are our help and our deliverer. You have been our dwelling place in all generations. Before the mountains were brought forth, or ever you had formed the earth and the world, even from everlasting to everlasting, you are God. Amen and Amen.

The speaker recognized Representative McClendon who led the house in the pledges of allegiance to the United States and Texas flags.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Denny and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today and tomorrow because of illness in the family:

Woolley on motion of Hunter.

CAPITOL PHYSICIAN

The speaker recognized Representative Villarreal who presented Dr. James Martin of San Antonio as the "Doctor for the Day."

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

HR 1182 - READ

(by Seaman)

The chair laid out and had read the following previously adopted resolution:

HR 1182, In memory of U.S. Army Private First Class Danny Lamar Anderson of Corpus Christi.

INTRODUCTION OF GUESTS

The speaker recognized Representative Seaman who introduced the family of Private First Class Danny Lamar Anderson.

(Van Arsdale in the chair)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

HR 451 - ADOPTED

(by Gattis)

Representative Gattis moved to suspend all necessary rules to take up and consider at this time **HR 451**.

The motion prevailed.

The following resolution was laid before the house:

HR 451, Honoring Jack and Cammy Garey of Williamson County for their gift to the city of Georgetown.

HR 451 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Gattis who introduced Jack and Cammy Garey.

HR 1509 - ADOPTED

(by **Riddle**)

Representative Riddle moved to suspend all necessary rules to take up and consider at this time **HR 1509**.

The motion prevailed.

The following resolution was laid before the house:

HR 1509, Honoring Chaplain J. C. Straus for his service to the Fire Department of the City of New York following September 11, 2001.

HR 1509 was read and was adopted.

On motion of Representative Edwards, the names of all the members of the house were added to **HR 1509** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Riddle who introduced J. C. Straus.

HR 1488 - ADOPTED

(by **Gattis, et al.**)

Representative Gattis moved to suspend all necessary rules to take up and consider at this time **HR 1488**.

The motion prevailed.

The following resolution was laid before the house:

HR 1488, Recognizing May 5, 2005, as the National Day of Prayer.

HR 1488 was read and was adopted.

On motion of Representative Taylor, the names of all the members of the house were added to **HR 1488** as signers thereof.

HR 1480 - ADOPTED

(by **McReynolds**)

Representative McReynolds moved to suspend all necessary rules to take up and consider at this time **HR 1480**.

The motion prevailed.

The following resolution was laid before the house:

HR 1480, Recognizing May 2005 as American Stroke Month.

HR 1480 was read and was adopted.

HR 1352 - READ

(by Alonzo)

The chair laid out and had read the following previously adopted resolution:

HR 1352, Commemorating Cinco de Mayo, 2005.

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. 36 and Senate List No. 15).

MESSAGE FROM THE SENATE

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

INTRODUCTION OF GUEST

The chair recognized Representative Kuempel who introduced Sally Reynolds, former director of the Legislative Reference Library.

(Keel in the chair)

GENERAL STATE CALENDAR

SENATE BILLS

THIRD READING

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

SB 1006 ON THIRD READING

(Goodman - House Sponsor)

SB 1006, A bill to be entitled An Act relating to the period of time during which a person may be supervised in a pretrial intervention program and the fee that may be charged for the program.

SB 1006 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

SB 424 ON THIRD READING

(Branch - House Sponsor)

SB 424, A bill to be entitled An Act relating to the deadline for passing the examination for a license to practice medicine in this state.

A record vote was requested.

SB 424 was passed by (Record 508): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Zedler.

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

Absent, Excused — Woolley.

Absent — Castro; Chavez; Haggerty.

POSTPONED BUSINESS

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

HB 3001 ON THIRD READING

(by **Morrison, et al.**)

HB 3001, A bill to be entitled An Act relating to the amount of the annual constitutional appropriation to certain agencies and institutions of higher education and to the allocation of those funds to those agencies and institutions.

HB 3001 was read third time on May 3, and was postponed until 10 a.m. today.

Amendment No. 1

Representative Morrison offered the following amendment to **HB 3001**:

Amend **HB 3001** on third reading by striking all below the enacting clause and substituting the following:

SECTION 1. Section 62.021(a), Education Code, is amended to read as follows:

(a) Each fiscal year, an eligible institution is entitled to receive an amount allocated in accordance with this section from funds appropriated by Section 17(a), Article VII, Texas Constitution. The comptroller shall distribute funds allocated under this subsection only on presentation of a claim and issuance of a warrant in accordance with Section 403.071, Government Code. The comptroller may not issue a warrant from any funds allocated under this subsection before the

delivery of goods or services described in Section 17, Article VII, Texas Constitution, except for the payment of principal or interest on bonds or notes or for a payment for a book or other published library material as authorized by Section 2155.386, Government Code. The allocation of funds under this subsection is made in accordance with an equitable formula consisting of the following elements: space deficit, facilities condition, institutional complexity, and separate allocations for medical units and the Texas State Technical College System ~~[, and an additional allocation for Texas Southern University for compliance with the Texas Desegregation Plan]~~. The amounts allocated by the formula are as follows:

(1) \$3,007,669 to ~~[\$5,256,817 Texas A&M University Commerce, including an allocation of \$1,027,070 to Texas A&M University - Texarkana;~~

~~[\$8,818,023 Lamar University, including an allocation of \$491,946 to Lamar Institute of Technology, an allocation of \$743,967 to Lamar University at Orange and an allocation of \$2,336,605 to Lamar University at Port Arthur;~~

~~[\$3,007,669] Midwestern State University;~~

(2) \$18,021,033 to the University of North Texas;

(3) \$3,640,000 to the University of North Texas Health Science Center at Fort Worth;

(4) \$6,081,112 to ~~[\$7,131,692] The University of Texas–Pan American;~~

(5) [, including an allocation of] \$1,050,580 to The University of Texas at Brownsville;

(6) \$6,633,109 to Stephen F. Austin State University;

(7) to the following component institutions of the ~~[\$3,640,000 University of North Texas Health Science Center at Fort Worth;~~

~~[\$26,132,524] Texas State University System;~~

(A) \$5,737,451 to Lamar University, including an allocation of \$491,946 to Lamar Institute of Technology;

(B) \$743,967 to Lamar State College–Orange;

(C) \$2,336,605 to Lamar State College–Port Arthur;

(D) [Administration and the following component institutions, including an allocation of] \$3,887,211 to Angelo State University;

(E) [an allocation of] \$5,864,608 to Sam Houston State University;

(F) [an allocation of] \$14,479,112 to Texas State University–San Marcos;

(G) [an allocation of] \$1,635,271 to Sul Ross State University; and

(H) [an allocation of] \$266,322 to Sul Ross State University–Rio Grande College;

(8) \$7,191,493 to Texas Southern University ~~[(includes allocation of \$1,000,000 for compliance with Texas Desegregation Plan)];~~

(9) \$20,961,881 to Texas Tech University;

(10) \$7,735,000 to Texas Tech University Health Sciences Center;

(11) \$6,974,897 to Texas Woman's University;

(12) to the following component institutions of the ~~[\$36,952,989] University of Houston System;~~

~~(A) [Administration and the following component institutions, including an allocation of] \$25,986,116 to the University of Houston;~~

~~(B) [an allocation of] \$1,659,449 to the University of Houston–Victoria;~~

~~(C) [an allocation of] \$3,853,447 to the University of Houston–Clear Lake; and~~

~~(D) [an allocation of] \$5,453,977 to the University of Houston–Downtown;~~

~~(13) to the [~~\$12,692,873~~ The] following component institutions [~~components~~] of The Texas A&M University System;~~

~~(A) [~~including an allocation of] \$3,687,722 to Texas A&M University–Corpus Christi;~~~~

~~(B) [an allocation of] \$1,778,155 to Texas A&M International University;~~

~~(C) [an allocation of] \$3,555,651 to Texas A&M University–Kingsville; [~~and~~]~~

~~(D) [an allocation of] \$3,671,345 to West Texas A&M University;~~

~~(E) \$4,229,747 to Texas A&M University–Commerce; and~~

~~(F) \$1,027,070 to Texas A&M University–Texarkana; and~~

~~(14) \$3,850,000 to the Texas State Technical College System Administration and the following component campuses, but not its extension centers or programs:~~

~~(A) Texas State Technical College–Harlingen;~~

~~(B) Texas State Technical College–Marshall;~~

~~(C) Texas State Technical College–Sweetwater; and~~

~~(D) Texas State Technical College–Waco.~~

SECTION 2. Section 62.021(e), Education Code, is repealed.

SECTION 3. The amounts allocated under Section 62.021, Education Code, as amended by this Act, apply to each state fiscal year beginning with the state fiscal year beginning September 1, 2005.

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

Amendment No. 1 was adopted.

A record vote was requested.

HB 3001, as amended, was passed by (Record 509): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Chisum; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst;

Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Zedler.

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

Absent, Excused — Woolley.

Absent — Castro; Chavez; Corte; Deshotel; Driver; Krusee; Martinez Fischer; Mowery.

The chair stated that **HB 3001** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

STATEMENTS OF VOTE

When Record No. 509 was taken, I was in the house but away from my desk. I would have voted yes.

Castro

When Record No. 509 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 509 was taken, I was temporarily out of the house chamber. I would have voted yes.

Martinez Fischer

SB 99 ON SECOND READING **(Giddings - House Sponsor)**

SB 99, A bill to be entitled An Act relating to the extension of credit to a victim of identity theft.

SB 99 was considered in lieu of **CSHB 2013**.

SB 99 was read second time.

Amendment No. 1

Representative Giddings offered the following amendment to **SB 99**:

Amend **SB 99** as follows:

(1) In SECTION 1 of the bill, in the second sentence of proposed Section 35.585(a), Business & Commerce Code (House committee printing, page 1, lines 11-12), strike "may not deny to" and substitute "who has been notified that".

(2) In SECTION 1 of the bill, in the second sentence of proposed Section 35.585(a), Business & Commerce Code (House committee printing, page 1, line 12), between "contract" and "an extension", insert "has been the victim of identity theft may not deny the individual".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Taylor offered the following amendment to **SB 99**:

Amend **SB 99** (House Committee Printing) by inserting the following appropriately numbered SECTIONS of the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. The heading to Subtitle F, Title 5, Insurance Code, is amended to read as follows:

SUBTITLE F. INSURANCE FRAUD AND IDENTITY THEFT

SECTION _____. Subtitle F, Title 5, Insurance Code, is amended by adding Chapter 706 to read as follows:

CHAPTER 706. IDENTITY THEFT INSURANCE

Sec. 706.001. DEFINITIONS. (a) The definitions adopted under Article 5.13–2 apply to this chapter.

(b) In this chapter, "identity theft" means a criminal offense described by Section 32.51, Penal Code, or a substantially similar federal law or law in another state.

Sec. 706.002. COVERAGE AUTHORIZED. (a) An insurer authorized to write property and casualty insurance in this state may offer and issue insurance coverage for a loss suffered by a policyholder as a result of the policyholders' being a victim of identity theft or attempted identity theft.

(b) Coverage authorized by Subsection (a) may be:

(1) offered as a separate insurance policy or as a rider or endorsement to:

(A) a residential and commercial property insurance policy; or

(B) a personal or commercial casualty insurance policy; and

(2) underwritten and issued as an individual or group insurance policy.

Sec. 706.003. ELIGIBLE POLICYHOLDERS. (a) An insurer may issue coverage authorized under Section 706.002 to:

(1) an individual; or

(2) a group, business, employer, association, trustee, or other entity for the benefit of its members, customers, employees, members, or beneficiaries.

(b) An entity described by Subsection (a)(2) may be a group that:

(1) is formed solely for the purpose of obtaining insurance coverage under this chapter; or

(2) has already been formed for a purpose other than for obtaining insurance coverage under this chapter and that is described by Subsection (a)(2).

Sec. 706.004. RATES AND FORMS. Notwithstanding any other law, rates and forms for insurance coverage issued under this chapter are governed by Article 5.13–2.

Sec. 706.005. RULES. The commissioner may adopt rules as necessary to implement this article.

SECTION _____. Section 2(a), Article 5.13–2, Insurance Code, is amended to read as follows:

(a) This article applies to all lines of the following insurance written under policies or contracts of insurance issued by an insurer authorized to engage in the business of insurance in this state:

- (1) general liability insurance;
- (2) commercial property insurance, including farm and ranch insurance and farm and ranch owners insurance;
- (3) personal and commercial casualty insurance, except as provided by Subsection (b) of this section;
- (4) medical professional liability insurance;
- (5) fidelity and surety bonds other than criminal court appearance bonds;
- (6) personal umbrella insurance;
- (7) personal liability insurance;
- (8) guaranteed auto protection (GAP) insurance;
- (9) involuntary unemployment insurance;
- (10) financial guaranty insurance;
- (11) inland marine insurance;
- (12) rain insurance;
- (13) hail insurance on farm crops; [and]
- (14) commercial automobile insurance; and
- (15) identity theft insurance coverage issued under Chapter 706.

Amendment No. 2 was adopted.

SB 99, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2013 - LAID ON THE TABLE SUBJECT TO CALL

Representative Giddings moved to lay **CSHB 2013** on the table subject to call.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

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

Giddings on motion of Goolsby.

(Farabee in the chair)

SB 1680 ON SECOND READING (Isett - House Sponsor)

SB 1680, A bill to be entitled An Act relating to the repeal of the Agriculture Resources Protection Authority.

SB 1680 was considered in lieu of **HB 3275**.

SB 1680 was read second time and was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 3275 - LAID ON THE TABLE SUBJECT TO CALL

Representative Isett moved to lay **HB 3275** on the table subject to call.

The motion prevailed.

SB 1005 ON SECOND READING

(Keel - House Sponsor)

SB 1005, A bill to be entitled An Act relating to the suspension of sentence and the deferral of final disposition for a defendant younger than 25 in certain misdemeanor traffic cases.

SB 1005 was considered in lieu of **HB 1692**.

SB 1005 was read second time and was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero recorded voting no.)

HB 1692 - LAID ON THE TABLE SUBJECT TO CALL

Representative Keel moved to lay **HB 1692** on the table subject to call.

The motion prevailed.

SB 879 ON SECOND READING

(Menendez - House Sponsor)

SB 879, A bill to be entitled An Act relating to the regulation of firefighters and fire departments by the Texas Commission on Fire Protection.

SB 879 was considered in lieu of **HB 1956**.

SB 879 was read second time.

Amendment No. 1

Representative Menendez offered the following amendment to **SB 879**:

Amend **SB 879** on page 2 by striking lines 11 and 12 and inserting in lieu thereof the following:

SECTION 3. Section 419.063, Government Code, is amended by amending subsection (c) and adding subsection (d) to read as follows:

(c) The commission may not use money appropriated for scholarships, grants, loans, and other financial assistance to be awarded under this subchapter for the administrative expenses ~~of the commission or~~ of the funds allocation advisory committee.

Amendment No. 1 was adopted.

SB 879, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1956 - LAID ON THE TABLE SUBJECT TO CALL

Representative Menendez moved to lay **HB 1956** on the table subject to call.

The motion prevailed.

SB 1281 ON SECOND READING

(Bonnen - House Sponsor)

SB 1281, A bill to be entitled An Act relating to the regulation and permitting of a commercial industrial solid waste facility connected to a publicly owned treatment works facility.

SB 1281 was considered in lieu of **CSHB 1899**.

SB 1281 was read second time and was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1899 - LAID ON THE TABLE SUBJECT TO CALL

Representative Bonnen moved to lay **CSHB 1899** on the table subject to call.

The motion prevailed.

CSHB 634 ON SECOND READING

(by Baxter, Rose, Branch, et al.)

CSHB 634, A bill to be entitled An Act relating to requiring public officials to receive training in the requirements of the open meetings and public information laws.

CSHB 634 was read second time on April 18, postponed until April 25, postponed until May 2, and was again postponed until 10 a.m. today.

Representative Baxter moved to postpone consideration of **CSHB 634** until 10 a.m. tomorrow.

The motion prevailed.

CSHB 116 ON SECOND READING

(by Geren, Escobar, B. Cook, Leibowitz, et al.)

CSHB 116, A bill to be entitled An Act relating to the establishment of the farm and ranch lands conservation program.

CSHB 116 was read second time on April 22, postponed until April 28, and was again postponed until 11 a.m. today.

Representative Geren moved to postpone consideration of **CSHB 116** until 11 a.m. May 9.

The motion prevailed.

HB 944 ON SECOND READING
(by Geren)

HB 944, A bill to be entitled An Act relating to the license requirements of marine dealers, distributors, and manufacturers.

HB 944 was read second time on April 28 and was postponed until 11 a.m. today.

Representative Geren moved to postpone consideration of **HB 944** until 11 a.m. May 9.

The motion prevailed.

(Miller in the chair)

MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING

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

HB 3540 ON THIRD READING
(by Pitts)

HB 3540, A bill to be entitled An Act relating to certain fiscal matters affecting governmental entities.

Amendment No. 1

Representative Hopson offered the following amendment to **HB 3540**:

Amend **HB 3540** on third reading, in Section 531.080(e)(2), Government Code, as added to SECTION 7.01 of the bill by 2nd Reading Floor Amendment No. 1 by Hopson (page 1, line 12, 2nd Reading Floor Amendment No. 1), by striking "fairly and adequately".

Amendment No. 1 was adopted.

(Speaker in the chair)

Amendment No. 2

Representative J. Keffer offered the following amendment to **HB 3540**:

Amend **HB 3540** on third reading by striking Section 201.201, Tax Code, as amended by SECTION __.46 of Amendment No. 26 by Keffer, Jim.

Amendment No. 2 was adopted.

Amendment No. 3

Representative J. Keffer offered the following amendment to **HB 3540**:

Amend **HB 3540** on third reading by striking Section 161.551(a)(2), Health and Safety Code, as added by SECTION __.02 of Second Reading Amendment No. 26 by Keffer, Jim, and substituting the following:

(2) "Tobacco product" has the meaning assigned by Sections 155.001(15)(C)-(E), Tax Code.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Chisum offered the following amendment to **HB 3540**:

Amend **HB 3540** on 3rd Reading, in ARTICLE 11 of the bill, as added to bill on 2nd Reading by Amendment No. 3 by Menendez and Chisum, by adding the following appropriately numbered section to that article and renumbering the subsequent sections of the article accordingly:

SECTION 11.__. If any provision of this article or its the application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Krusee offered the following amendment to **HB 3540**:

Amend **HB 3540** by inserting the following appropriately numbered section to read as follows and renumbering subsequent sections accordingly:

SECTION ____. Section 162.227, Tax Code, is amended by adding Subsections (c-1) and (c-2) to read as follows:

(c-1) A license holder may take a credit on a return for the period in which the purchase occurred, and a person who does not hold a license may file a refund claim with the comptroller, if the license holder or person paid tax on diesel fuel and the diesel fuel is used in this state:

(1) as a feedstock or other component in the further manufacturing of tangible personal property for resale not as a motor fuel; or

(2) in the original production of oil or gas or to increase the production of oil or gas.

(c-2) A person who does not hold a license under this subchapter may file a refund claim with the comptroller if the person paid tax on kerosene and used or consumed the kerosene in this state in manufacturing or as a component part of a product that is not a motor fuel.

Amendment No. 5 was adopted.

Amendment No. 6

Representative Farabee offered the following amendment to **HB 3540**:

Amend **HB 3540** on third reading by striking SECTIONS 4.__ and 4.__ as added by Floor Amendment No. 37 by Farabee and substituting:

SECTION ____. Section 26.35731(b), Water Code, is amended to read as follows:

(b) The commission has discretion whether to postpone considering, processing, or paying [~~may not consider, process, or pay~~] a claim for reimbursement from the petroleum storage tank remediation account for corrective action work begun without prior commission approval after September 1, 1993, and filed with the commission prior to January 1, 2005 [~~without prior commission approval until all claims for reimbursement for corrective action work preapproved by the commission have been considered, processed, and paid~~].

Amendment No. 6 was adopted.

Amendment No. 7

Representative Krusee offered the following amendment to **HB 3540**:

Amend **HB 3540** by adding the following appropriately numbered section to read as follows and renumbering subsequent sections accordingly:

SECTION ____ . Section 162.227, Tax Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) A license holder may take a credit on a return for the period in which the purchase occurred, and a person who does not hold a license may file a refund claim with the comptroller, if the license holder or person paid tax on diesel fuel and the diesel fuel is used in this state by auxiliary power units or power take-off equipment on any motor vehicle. If the quantity of that diesel fuel can be accurately measured while the motor vehicle is stationary by any metering or other measuring device or method designed to measure the fuel separately from fuel used to propel the motor vehicle, the comptroller may approve and adopt the use of the device as a basis for determining the quantity of diesel fuel consumed in those operations for a tax credit or tax refund. If there is no separate metering device or other approved measuring method, the license holder may take the credit and the person who does not hold a license may claim the refund on a percentage of the diesel fuel consumed by each motor vehicle equipped with an auxiliary power unit or power take-off equipment. The comptroller shall determine the percentage of the credit or refund. The climate-control air conditioning or heating system of a motor vehicle that has a primary purpose of providing for the convenience or comfort of the operator or passengers is not a power take-off system, and a credit or refund may not be allowed for the tax paid on any portion of the diesel fuel that is used for that purpose. A credit or refund may not be allowed for the diesel fuel tax paid on that portion of the diesel fuel that is used for idling.

Amendment No. 7 was adopted.

Amendment No. 8

Representative Gattis offered the following amendment to **HB 3540**:

Amend **HB 3540** on 3rd Reading, in ARTICLE 8, SECTION 8.02 of the bill, as added to bill on 2nd Reading by Amendment No.18 by Gattis, by striking the added Section 531.078(a), Government Code, and substituting the following:

(a) In this section "gross receipts" means money received as compensation for services under a home and community services waiver or a community living assistance and support services waiver. The term does not include a charitable contribution, revenues received for services or goods other than waivers, or any money received from consumers or their families as reimbursement for services or goods normally not covered by the waivers.

Amendment No. 8 was adopted.

Amendment No. 9

Representatives Strama and Y. Davis offered the following amendment to **HB 3540**:

Amend **HB 3540** on third reading by striking Section 370.352(a), Transportation Code, as added by Amendment No. 28 by Dukes and as amended by Amendment No. 31 by Davis and substituting the following:

(a) A county by order of the commissioners court, may impose a tax on the sale of gasoline sold in the county to propel a motor vehicle on the public highways of this state if:

(1) the county is included in an authority or is adjacent to such a county, provided that a county not included in the authority must be located in the same metropolitan planning organization as the county in the authority to which it is adjacent;

(2) the county is located in the boundaries of a metropolitan planning area that is served by a metropolitan planning organization; and

(3) imposition of the tax is approved at an election called for that purpose and held in each county located in that metropolitan planning area.

(a-1) This subchapter, including Subsection (a), does not apply to a county with a population of more than two million.

Amendment No. 9 was adopted.

Amendment No. 10

Representatives Taylor, Smithee, and Seaman offered the following amendment to **HB 3540**:

Amend **HB 3540** on third reading by striking Article __.01 of the bill as added by Amendment No. 36 by Smithee and substituting the following:

ARTICLE __.01. REIMBURSEMENT OF EXCESSIVE OR UNFAIRLY DISCRIMINATORY RATES CHARGED BY CERTAIN INSURERS

SECTION __.01. Article 5.144, Insurance Code, is amended by amending Subsection (b) and adding Subsections (b-1) and (b-2) to read as follows:

(b) Except as provided by Subsection (d) of this article, if the commissioner determines that an insurer has charged a rate for personal automobile insurance or residential property insurance that is excessive or unfairly discriminatory, as described by Article 5.13-2 [~~or 5.101~~] of this code, the commissioner may order the insurer to:

(1) issue a refund of the excessive or unfairly discriminatory portion of the premium, plus interest on that amount, directly to each affected policyholder if the amount of that portion of the premium is at least 7.5 percent of the total premium charged for the coverage; or

(2) if the amount of that portion of the premium is less than 7.5 percent:

(A) provide each affected policyholder who renews the policy a future premium discount in the amount of the excessive or unfairly discriminatory portion of the premium, plus interest on that amount; and

(B) provide each affected policyholder who does not renew or whose coverage is otherwise terminated a refund in the amount described by Subdivision (1) of this subsection.

(b-1) The rate for interest assessed under Subsection (b) of this section is the lesser of 18 percent or the sum of the prime rate for the calendar year in which the order by the commissioner that the rate is excessive or unfairly discriminatory is issued and 6 percent. For purposes of this subsection, the prime rate is the prime rate as published in The Wall Street Journal for the first day of the calendar year that is not a Saturday, Sunday, or a legal holiday. The interest accrues beginning on the date on which the commissioner enters the order and continues to accrue until the refund is paid. An insurer may not be required to pay any interest penalty if the insurer prevails in an appeal of the commissioner's order under Subchapter D, Chapter 36 of this code.

(b-2) An insurer may not claim a premium tax credit to which the insurer is otherwise entitled unless the insurer has complied with this section.

Amendment No. 10 was adopted.

Amendment No. 11

Representative Pickett offered the following amendment to **HB 3540**:

Amend **HB 3540** by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES to the bill accordingly:

ARTICLE . LINCENSURE OF RESIDENTIAL FIRE ALARM TECHNICIANS

SECTION .01. Section 2, Article 5.43-2, Insurance Code, is amended by amending Subdivision (8) and adding Subdivision (17) to read as follows:

(8) "Monitoring" means the receipt of fire alarm and supervisory signals ~~[and retransmission]~~ or communication of those signals to a fire service communications center that is located in this state or serves property in this state.

(17) "Residential fire alarm technician" means a licensed individual who is designated by a registered firm to:

(A) plan, install, service, inspect, and certify residential single-family or two-family fire alarm or detection systems;

(B) perform the servicing or maintenance of a previously installed residential single-family or two-family fire alarm or detection system and certify the service or maintenance; or

(C) provide direct on-site supervision of an unlicensed employee of a registered firm while the employee is installing, servicing, inspecting, or maintaining residential single-family or two-family fire alarm or detection systems.

SECTION __.02. Section 3, Article 5.43-2, Insurance Code, is amended by amending Subsection (b) and adding Subsections (d) and (e) to read as follows:

(b) The licensing provisions of this article shall not apply to:

(1) a person or organization in the business of building construction that installs electrical wiring and devices that may include in part the installation of a fire alarm or detection system if:

(A) the person or organization is a party to a contract that provides that the installation will be performed under the direct supervision of and certified by a licensed employee or agent of a firm registered to install and certify such an alarm or detection device and that the registered firm assumes full responsibility for the installation of the alarm or detection device; and

(B) the person or organization does not plan, certify, lease, sell, service, or maintain fire alarms or detection devices or systems;

(2) a person or organization that owns and installs fire detection or fire alarm devices on the person's or organization's own property or, if the person or organization does not charge for the device or its installation, installs it for the protection of the person's or organization's personal property located on another's property and does not install the devices as a normal business practice on the property of another;

(3) a person who holds a license or other form of permission issued by an incorporated city or town to practice as an electrician and who installs fire or smoke detection and alarm devices in no building other than a single family or multifamily residence if:

(A) the devices installed are:

(i) single station detectors; or

(ii) multiple station detectors capable of being connected in such a manner that actuation of one detector causes all integral or separate alarms to operate, if the detectors are not connected to a control panel or to an outside alarm, do not transmit a signal off the premises, and do not use more than 120 volts; and

(B) all installations comply with provisions of the adopted edition of [~~Household Fire Warning Equipment~~], National Fire Protection Association Standard No. 72 [~~74~~];

(4) a person or organization that sells fire detection or fire alarm devices if the sales are exclusively over-the-counter or by mail order and if the person or organization does not plan, certify, install, service, or maintain this equipment;

(5) response to a fire alarm or detection device by a law enforcement agency or fire department or by a law enforcement officer or fireman acting in an official capacity;

(6) a Texas registered professional engineer acting solely in his professional capacity;

(7) a person or an organization that provides and installs at no charge to the property owners or residents a battery-powered smoke detector in a single-family or two-family residence if:

(A) the smoke detector bears a label of listing or approval by a testing laboratory approved by the State Board of Insurance;

(B) the installation complies with provisions of the adopted edition of National Fire Protection Association Standard No. 72 [74];

(C) the installers are knowledgeable in fire protection and the proper use of smoke detectors; and

(D) the detector is a single station installation and not a part of or connected to any other detection device or system;

(8) an [~~a regular~~] employee of a registered firm who is under the direct on-site supervision of a licensee;

(9) a building owner, the owner's managing agent, or their employees who install battery-operated single-station smoke detectors or who monitor fire alarm or fire detection devices or systems in the owner's building, and in which the monitoring is performed at the owner's property and monitored at no charge to the occupants of the building, and complies with applicable standards of the National Fire Protection Association as may be adopted by rule promulgated under this Act, and utilizes equipment approved by a testing laboratory approved by the State Board of Insurance for fire alarm monitoring;

(10) a person employed by a registered firm that sells and installs a smoke or heat detector in a single-family or two-family residence if:

(A) the detector bears a label of listing or approval by a testing laboratory approved by the State Board of Insurance;

(B) the installation complies with provisions of the adopted edition of National Fire Protection Association Standard No. 72 [74];

(C) the installers are knowledgeable in fire protection and the proper use and placement of detectors; and

(D) the detector is a single station installation and not a part of or connected to any other detection device or system; or

(11) a person or organization licensed to install or service burglar alarms under Chapter 1702, Occupations Code, [the Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes)] that provides and installs in a single-family or two-family residence a combination keypad that includes a panic button to initiate a fire alarm signal if the fire alarm signal:

(A) is monitored by a fire alarm firm registered under this article; and

(B) is not initiated by any fire or smoke detection device.

(d) A political subdivision may not require a registered firm, a licensee, or an employee of a registered firm to maintain a business location or residency within that political subdivision to engage in a business or perform any activity authorized under this article.

(e) A municipality or county may by ordinance require a registered firm to make a telephone call to a monitored property before the firm notifies the municipality or county of an alarm signal received by the firm from a fire detection device.

SECTION __.03. Section 5, Article 5.43-2, Insurance Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) A residential fire alarm technician must obtain a license issued by the board. The amount of the initial fee for the license may not exceed \$50, and the amount of the annual license renewal fee may not exceed \$50.

SECTION __.04. Sections 5B(e) and (f), Article 5.43-2, Insurance Code, are amended to read as follows:

(e) For a person who is licensed to install or service burglar alarms under Chapter 1702, Occupations Code [~~the Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes)~~], compliance with the insurance requirements of that chapter [~~Act~~] constitutes compliance with the insurance requirements of this section if the insurance held by the person complies with the requirements of this section in amounts and types of coverage.

(f) For a person who is licensed to install or service burglar alarms under Chapter 1702, Occupations Code [~~the Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes)~~], compliance with the bond and insurance requirements of that chapter [~~Act~~] constitutes compliance with the bond and insurance requirements of this section.

SECTION __.05. Section 5D, Article 5.43-2, Insurance Code, is amended by amending Subsections (a) and (d) and adding Subsection (a-2) to read as follows:

(a) Each applicant for a fire alarm technician, fire alarm planning superintendent, or residential fire alarm superintendent license must pass a written examination. Examinations shall be conducted by the State Fire Marshal or a testing service selected by the State Fire Marshal. Examinations shall cover this article and board rules and shall include specific testing of all categories of licensure. Not later than the 30th day after the day on which an examination is administered under this article, the State Fire Marshal shall send notice to each examinee of the results of the examination. If an examination is conducted, graded, or reviewed by a testing service, the State Fire Marshal shall send notice to the examinees of the results of the examination within two weeks after the date on which the State Fire Marshal receives the results from the testing service. If the notice of the examination results will be delayed for longer than 90 days after the examination date, the State Fire Marshal shall send notice to the examinee of the reason for the delay before the 90th day. If requested in writing by a person who fails the examination administered under this article, the State Fire Marshal shall send to the person an analysis of the person's performance on the examination.

(a-2) An applicant for a residential fire alarm technician license must provide with the required license application evidence of the applicant's successful completion of the required classroom instruction from a training school approved by the State Fire Marshal in accordance with this section.

(d) The training curriculum for a fire alarm technician and a residential fire alarm superintendent course shall consist of 16 hours of classroom instruction on all categories of licensure. The training curriculum for a residential fire alarm technician course shall consist of eight hours of classroom instruction on installing, servicing, and maintaining single-family and two-family residential fire alarm systems as defined by National Fire Protection Association Standard No. 72.

SECTION __.06. Section 6A, Article 5.43-2, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) The commissioner may not adopt a rule to administer this article that requires a financial membership, relationship, affiliation, or subscription with a firm, company, or organization that is not required to be registered under this article.

SECTION __.07. Section 7, Article 5.43-2, Insurance Code, is amended by amending Subsection (b) and adding Subsection (f) to read as follows:

(b) Except as provided by Subsection (c), a political subdivision may not offer ~~residential~~ alarm system sales, service, installation, or monitoring unless it has been providing monitoring services ~~[to residences]~~ within the boundaries of the political subdivision as of September 1, 1999. Any fee charged by the political subdivision may not exceed the cost of the monitoring.

(f) A residential fire alarm technician may not provide direct on-site supervision to an employee for purposes of Section 3(b)(8) of this article other than on residential single-family or two-family fire alarm or detection systems.

SECTION __.08. Sections 9(d) and (e), Article 5.43-2, Insurance Code, are amended to read as follows:

(d) No fire detection or fire alarm device may be sold or installed in this state unless accompanied by printed information supplied to the owner by the supplier or installing contractor concerning:

(1) instructions describing the installation, operation, testing, and proper maintenance of the device;

(2) information which will aid in establishing an emergency evacuation plan for the protected premises; ~~and~~

(3) the telephone number and location, including notification procedures, of the nearest fire department; and

(4) information that will aid in reducing the number of false fire alarms.

(e) Each registered firm that employs persons that are exempt from the licensing provisions of this article pursuant to Section 3(b)(10) of this article is required to appropriately train and supervise such exempt persons so as to ensure that each installation complies with the adopted provisions of National Fire Protection Standard No. 72 ~~[74]~~ or other adopted standards, that each smoke or heat detector installed or sold carries a label or listing of approval by a testing laboratory approved by the State Board of Insurance, and that such exempt persons are knowledgeable in fire protection and the proper use and placement of detectors.

SECTION __.09. (a) Not later than March 1, 2006, the Texas Department of Insurance shall adopt the rules and forms necessary to implement the changes in law made by this Act to Article 5.43-2, Insurance Code.

(b) Notwithstanding Article 5.43-2, Insurance Code, a residential fire alarm technician is not required to obtain a license under that article before June 1, 2006.

SECTION __.10. This Act takes effect September 1, 2005.

A record vote was requested.

Amendment No. 11 failed of adoption (not receiving the necessary two-third vote) by (Record 510): 85 Yeas, 57 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Bailey; Berman; Blake; Bonnen; Branch; Brown, B.; Brown, F.; Casteel; Chisum; Cook, B.; Cook, R.; Crabb; Davis, J.; Delisi; Denny; Driver; Eiland; Eissler; Elkins; Escobar; Farabee; Flynn; Gattis; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamric; Hardcastle; Herrero; Hill; Homer; Hope; Hopson; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, J.; Krusee; Kuempel; Laney; Leibowitz; Luna; Madden; Martinez; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Mowery; Nixon; Oliveira; Orr; Otto; Pickett; Pitts; Quintanilla; Raymond; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Swinford; Truitt; Uresti; Van Arsdale; West; Wong; Zedler.

Nays — Anchia; Baxter; Bohac; Burnam; Callegari; Campbell; Coleman; Corte; Crownover; Davis, Y.; Dawson; Deshotel; Dukes; Dunnam; Dutton; Edwards; Farrar; Flores; Frost; Gallego; Hamilton; Harper-Brown; Hartnett; Hegar; Hilderbran; Hochberg; Hodge; Howard; Hughes; Jones, J.; Keffer, B.; King, P.; King, T.; Kolkhorst; Laubenberg; Martinez Fischer; McCall; McClendon; Miller; Morrison; Naishtat; Noriega, M.; Olivo; Paxton; Peña; Phillips; Puente; Rodriguez; Rose; Strama; Talton; Taylor; Thompson; Turner; Veasey; Villarreal; Vo.

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

Absent, Excused — Giddings; Woolley.

Absent — Anderson; Castro; Chavez; Geren.

STATEMENTS OF VOTE

When Record No. 510 was taken, I was in the house but away from my desk. I would have voted no.

Anderson

When Record No. 510 was taken, I was temporarily out of the house chamber. I would have voted no.

Castro

I was shown voting yes on Record No. 510. I intended to vote no.

Gattis

I was shown voting yes on Record No. 510. I intended to vote no.

Zedler

HB 3540 - REMARKS BY REPRESENTATIVE PITTS

Mr. Speaker, members—before I move passage, I would like to just go over what we did. We had a fiscal note when we came in here yesterday, a general revenue of \$333 million. With the actions that we took on the floor yesterday, we have a total of \$585 million that this bill now has as a fiscal note. It has general revenue dedicated at \$465,979 with a total of approximately \$950 million. Mr. Speaker and members, let me tell you what we didn't get. We had counted on funding our budget \$300 million, through the Keffer amendment, that we voted on yesterday that we reconsidered, and was withdrawn because of objection from certain members. We were hoping we could get \$500 million from Sylvester Turner's bill, which was the internet lottery. So we didn't get \$800 million that we were hoping we could get to balance our budget. So, we will continue looking for other additional items of revenue so we can be able to fund our budget. There is another bill that will be coming over from the senate that will be a similar bill, and we will be able to get more revenue from that bill.

A record vote was requested.

HB 3540, as amended, was passed by (Record 511): 109 Yeas, 31 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chavez; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Flores; Flynn; Frost; Gallego; Gattis; Geren; Gonzales; Gonzalez Toureilles; Goodman; Griggs; Grusendorf; Guillen; Haggerty; Hamric; Hardcastle; Hegar; Hill; Hochberg; Homer; Hope; Howard; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, J.; Kolkhorst; Krusee; Kuempel; Luna; Madden; Martinez; McCall; McClendon; McReynolds; Merritt; Miller; Morrison; Mowery; Noriega, M.; Oliveira; Orr; Otto; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Reyna; Riddle; Ritter; Rose; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Uresti; Van Arsdale; Villarreal; Vo; West; Wong.

Nays — Bohac; Coleman; Davis, Y.; Deshotel; Dunnam; Farrar; Goolsby; Hamilton; Harper-Brown; Hartnett; Herrero; Hilderbran; Hodge; Hopson; Hughes; Keffer, B.; King, P.; Laubenberg; Leibowitz; Menendez; Moreno, J.; Naishtat; Nixon; Olivo; Paxton; Raymond; Rodriguez; Seaman; Smith, T.; Thompson; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Giddings; Woolley.

Absent — Burnam; Castro; King, T.; Laney; Martinez Fischer; Moreno, P.; Veasey.

STATEMENTS OF VOTE

When Record No. 511 was taken, I was in the house but away from my desk. I would have voted no.

Burnam

When Record No. 511 was taken, I was temporarily out of the house chamber. I would have voted yes.

Castro

I was shown voting yes on Record No. 511. I intended to vote no.

Farabee

I was shown voting yes on Record No. 511. I intended to vote no.

Gallego

I was shown voting no on Record No. 511. I intended to vote yes.

Hamilton

When Record No. 511 was taken, I was in the house but away from my desk. I would have voted no.

Martinez Fischer

I was shown voting yes on Record No. 511. I intended to vote no.

Phillips

I was shown voting no on Record No. 511. I intended to vote yes.

Seaman

When Record No. 511 was taken, I was in the house but away from my desk. I would have voted no.

Veasey

HB 790 ON THIRD READING

(by Crownover, Luna, Eissler, Zedler, et al.)

HB 790, A bill to be entitled An Act relating to the conduct of newborn screening by the Department of State Health Services.

HB 790 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1718 ON THIRD READING

(by Zedler)

HB 1718, A bill to be entitled An Act relating to the regulation of certain nursing practices.

HB 1718 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2753 ON THIRD READING

(by Pitts)

HB 2753, A bill to be entitled An Act relating to the powers, duties, and functions of the Legislative Budget Board.

A record vote was requested.

HB 2753 was passed by (Record 512): 140 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hochberg; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Zedler.

Nays — Herrero; Leibowitz.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Giddings; Woolley.

Absent — Castro; Hill; Hodge; Hughes; Moreno, J.

STATEMENTS OF VOTE

When Record No. 512 was taken, I was temporarily out of the house chamber. I would have voted yes.

Castro

When Record No. 512 was taken, my vote failed to register. I would have voted yes.

Hodge

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 1779 ON SECOND READING
(by P. King)**

CSHB 1779, A bill to be entitled An Act relating to the continuation, administration, and operations of the Public Utility Commission of Texas and the Office of Public Utility Counsel.

Representative P. King moved to postpone consideration of **CSHB 1779** until 10 a.m. May 11.

The motion prevailed.

REMARKS ORDERED PRINTED

Representative Thompson moved to print closing remarks by Representative Pitts on **HB 3540**.

The motion prevailed.

**CSHB 1283 ON SECOND READING
(by Truitt, Solomons, and Hamric)**

CSHB 1283, A bill to be entitled An Act relating to the continuation and functions of the Texas State Board of Examiners of Professional Counselors; providing an administrative penalty.

CSHB 1283 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**CSHB 1413 ON SECOND READING
(by Truitt, Solomons, and Hamric)**

CSHB 1413, A bill to be entitled An Act relating to the continuation and functions of the Texas State Board of Examiners of Marriage and Family Therapists.

CSHB 1413 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**CSHB 2544 ON SECOND READING
(by Hamric, Solomons, Dunnam, and Truitt)**

CSHB 2544, A bill to be entitled An Act relating to the continuation and functions of the Texas Alcoholic Beverage Commission.

Amendment No. 1

Representative Martinez Fischer offered the following amendment to **CSHB 2544**:

Amend **CSHB 2544** by inserting the following appropriately numbered SECTION and renumbering SECTIONS of the bill appropriately:

SECTION ___. Section 11.64, Alcoholic Beverage Code, is amended by adding Subsection (e) to read as follows:

(e) If a permit or license holder has the opportunity under this section to pay a civil penalty rather than have the permit or license suspended, the permit or license holder may elect to have the permit or license suspended for fewer than the number of days the permit or license would otherwise be suspended by paying a civil penalty under this section for each day the permit or license holder elects to have the suspension period reduced.

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Hupp offered the following amendment to **CSHB 2544**:

Amend **CSHB 2544** by inserting the following appropriately numbered Sections to the bill and renumbering the remaining Sections of the bill as appropriate:

SECTION ___. Chapter 26, Alcoholic Beverage Code, is amended by adding Section 26.08 to read as follows:

Sec. 26.08. INVENTORY TRANSFER. The holder of more than one wine and beer retailer's off-premise permit who is also the holder of a local cartage permit may transfer alcoholic beverages between any of the permit holder's premises in the same county during the time described by Section 105.051, subject to rules prescribed by the commission. This section does not authorize the holder of a wine and beer retailer's off-premise permit to transfer a malt beverage beyond the area covered by the territorial agreement between the manufacturer of the malt beverage and the distributor of the malt beverage.

SECTION ___. Section 43.01, Alcoholic Beverage Code, is amended by adding Subsection (c) to read as follows:

(c) A wine and beer retailer's off-premise permit holder who also holds a local cartage permit may transfer alcoholic beverages it is authorized to sell in accordance with Section 26.08.

SECTION ___. Section 43.04, Alcoholic Beverage Code, is amended to read as follows:

Sec. 43.04. ELIGIBILITY FOR PERMIT. The commission may issue a local cartage permit to a warehouse or transfer company or to a holder of a package store, wine only package store, wine and beer retailer's off-premise permit, or local distributor's permit.

SECTION ___. Section 43.05, Alcoholic Beverage Code, is amended to read as follows:

Sec. 43.05. VEHICLES USED BY PERMITTEE. (a) A ~~No~~ local cartage permittee may not transport alcoholic beverages ~~[liquor]~~ unless:

(1) a description of each vehicle used in the transportation, as required by the commission, has been submitted to the commission; and

(2) each vehicle has been plainly marked or lettered to indicate that it is being used for the transportation of alcoholic beverages [~~liquor~~] by a local cartage permittee.

(b) The transportation of alcoholic beverages [~~liquor~~] by a permittee in a vehicle not described and marked in accordance with this section is a violation of this code and is a ground for the cancellation of the permit.

SECTION __. Section 43.06, Alcoholic Beverage Code, is amended to read as follows:

Sec. 43.06. CERTAIN TRANSPORTATION PROHIBITED. The [No.] holder of a local cartage permit may not for hire transport alcoholic beverages [~~liquor~~] between incorporated cities or towns in this state.

SECTION __. Section 71.07, Alcoholic Beverage Code, is amended to read as follows:

Sec. 71.07. EXCHANGE OR TRANSPORTATION OF BEER BETWEEN LICENSED PREMISES UNDER SAME OWNERSHIP. The holder of more than one retail dealer's off-premise license who is also the holder of a local cartage permit may transfer beer between any of the license holder's premises in the same county during the time described by Section 105.051, subject to rules prescribed by the commission. This section does not authorize the holder of a retail dealer's off-premise license to transfer a malt beverage beyond the area covered by the territorial agreement between the manufacturer of the malt beverage and the distributor of the malt beverage [Section 69.11 of this code relates to the exchange or transportation of beer between licensed premises by retail dealers].

Representative Geren moved to table Amendment No. 2.

A record vote was requested.

The motion to table prevailed by (Record 513): 119 Yeas, 22 Nays, 2 Present, not voting.

Yeas — Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Blake; Bohac; Bonnen; Branch; Brown, F.; Burnam; Callegari; Campbell; Casteel; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Harper-Brown; Hartnett; Hegar; Herrero; Hochberg; Hodge; Homer; Hope; Hunter; Isett; Jackson; Jones, D.; Keel; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Noriega, M.; Oliveira; Olivo; Otto; Peña; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Swinford; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; West; Wong; Zedler.

Nays — Allen, A.; Berman; Brown, B.; Corte; Edwards; Eissler; Hilderbran; Hill; Hopson; Howard; Hughes; Hupp; Keffer, B.; McReynolds; Miller; Orr; Paxton; Pickett; Reyna; Riddle; Straus; Talton.

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

Absent, Excused — Giddings; Woolley.

Absent — Castro; Hardcastle; Jones, J.; Phillips; Vo.

STATEMENTS OF VOTE

I was shown voting no on Record No. 513. I intended to vote yes.

A. Allen

When Record No. 513 was taken, I was temporarily out of the house chamber. I would have voted yes.

Castro

When Record No. 513 was taken, I was in the house but away from my desk. I would have voted yes.

Vo

(Castro now present)

Amendment No. 3

Representative Nixon offered the following amendment to **CSHB 2544**:

Amend **CSHB 2544** by adding the following appropriately numbered SECTIONS and renumbering SECTIONS of the bill appropriately:

SECTION ____. Subchapter B, Chapter 11, Alcoholic Beverage Code, is amended by adding Section 11.481 to read as follows:

Sec. 11.481. MANDATORY REFUSAL OF PERMIT: SEXUALLY ORIENTED BUSINESS. The commission or administrator shall refuse to grant a permit for a premises on which a sexually oriented business, as defined by Section 243.002, Local Government Code, operates.

SECTION ____. Section 11.61, Alcoholic Beverage Code, is amended by adding Subsection (i) to read as follows:

(i) The commissioner or administrator shall cancel an original or renewal permit if it is found, after notice and hearing, that a sexually oriented business, as defined by Section 243.002, Local Government Code, operates on the premises.

SECTION ____. Subchapter B, Chapter 61, Alcoholic Beverage Code, is amended by adding Section 61.421 to read as follows:

Sec. 61.421. MANDATORY REFUSAL OF PERMIT: SEXUALLY ORIENTED BUSINESS. The commission or administrator shall refuse to grant a license for a premises on which a sexually oriented business, as defined by Section 243.002, Local Government Code, operates.

SECTION ____. Section 61.71, Alcoholic Beverage Code, is amended by adding Subsection (j) to read as follows:

(j) The commissioner or administrator shall cancel an original or renewal license if it is found, after notice and hearing, that a sexually oriented business, as defined by Section 243.002, Local Government Code, operates on the premises.

SECTION ____ . Subchapter D, Chapter 101, Alcoholic Beverage Code, is amended by adding Section 101.76 to read as follows:

Sec. 101.76. CONSUMPTION ON PREMISES OF SEXUALLY ORIENTED BUSINESS. (a) In this section, "sexually oriented business" has the meaning assigned by Section 243.002, Local Government Code.

(b) Except as provided by Subsection (d), a person commits an offense if the person consumes an alcoholic beverage on the premises of a sexually oriented business.

(c) Except as provided by Subsection (d), a person who maintains a sexually oriented business commits an offense if the person allows the consumption of an alcoholic beverage on the premises of the sexually oriented business.

(d) It is not an offense under this section to consume or allow consumption of an alcoholic beverage on premises covered by a license or permit under this code that authorizes consumption of alcoholic beverages on the premises.

SECTION ____ . Sections 11.61(i) and 61.71(j), Alcoholic Beverage Code, as added by this Act, apply only to a license or permit originally granted after the effective date of this Act or a license or permit originally granted before the effective date of this Act and renewed after the effective date of this Act.

Representative Hamric moved to table Amendment No. 3.

A record vote was requested.

The motion to table prevailed by (Record 514): 80 Yeas, 61 Nays, 2 Present, not voting.

Yeas — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Casteel; Castro; Chavez; Coleman; Cook, B.; Cook, R.; Crownover; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Escobar; Farabee; Farrar; Flores; Frost; Geren; Gonzales; Gonzalez Tourelles; Haggerty; Hamilton; Hamric; Hardcastle; Herrero; Hodge; Homer; Hope; Hopson; Hunter; Jones, D.; Keel; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Leibowitz; Luna; Martinez; Martinez Fischer; McCall; McClendon; Merritt; Moreno, J.; Moreno, P.; Morrison; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Solis; Solomons; Straus; Swinford; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Nays — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Brown, B.; Brown, F.; Campbell; Chisum; Corte; Crabb; Delisi; Denny; Elkins; Flynn; Gallego; Gattis; Goolsby; Griggs; Grusendorf; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hochberg; Howard; Hughes; Hupp; Isett; Jackson; Keffer, B.; Keffer, J.; Laney; Laubenberg; Madden; McReynolds; Menendez; Miller; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Raymond; Reyna; Riddle; Seaman; Smithee; Strama; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Zedler.

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

Absent, Excused — Giddings; Woolley.

Absent — Branch; Callegari; Goodman; Guillen; Jones, J.

STATEMENTS OF VOTE

When Record No. 514 was taken, I was in the house but away from my desk. I would have voted no.

Branch

I was shown voting present, not voting on Record No. 514. I intended to vote no.

Dawson

When Record No. 514 was taken, my vote failed to register. I would have voted present, not voting.

Guillen

I was shown voting no on Record No. 514. I intended to vote yes.

Hupp

I was shown voting yes on Record No. 514. I intended to vote no.

Kolkhorst

I was shown voting yes on Record No. 514. I intended to vote no.

T. Smith

I was shown voting yes on Record No. 514. I intended to vote no.

W. Smith

I was shown voting yes on Record No. 514. I intended to vote no.

Solomons

CSHB 2544 - REMARKS BY REPRESENTATIVE HAMRIC

Thank you, Mr. Speaker, members. I appreciate all your help and your patience today. I know that there are many questions with regards to the structure of the alcoholic beverage industry and the policies at the TABC. The commission felt that the sunset bill was not the proper place, nor was it timely, to address all these issues. Thank you for your attention.

CSHB 2544 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

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

HB 681 ON THIRD READING**(by Gattis)**

HB 681, A bill to be entitled An Act relating to the forfeiture of good conduct time from inmates who file frivolous applications for writ of habeas corpus.

HB 681 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Gonzales, Herrero, and Leibowitz recorded voting no.)

HB 1777 ON THIRD READING**(by P. King)**

HB 1777, A bill to be entitled An Act relating to regulation of the electric power market.

Amendment No. 1

Representative Farabee offered the following amendment to **HB 1777**:

Amend **HB 1777** as follows:

1.) Section 38, Subchapter D, Utilities Code, is amended by adding Section 38.072 to read as follows:

Sec. 38.072. ELECTRIC TECHNOLOGY IMPROVEMENT. (a) The commission shall adopt rules for the recovery of costs that utilities incur for research and development of technologies and business practices related to the production, transmission, distribution, storage, metering, and use of electricity; mitigating risks in competitive energy markets; minimizing the environmental impacts of production and delivery of electricity, and developing uniform commercial standards for the energy industry.

(b) The rules shall encourage utilities to take advantage of the research and development resources in this state and its institutions, with the objective of providing to the state and its citizens the benefits if advanced electricity technologies, systems, and processes; increased efficiency and reliability in the production, delivery, and use of electricity; reduced cost of providing electricity; and reduced environmental impact of electricity production and delivery, while contributing to economic development and job creation.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Naishtat offered the following amendment to **HB 1777**:

Amend **HB 1777** on third reading, by inserting the following appropriately numbered sections and renumbering subsequent sections of the bill accordingly:

SECTION ____ . Subtitle D, Title 16, Property Code, is amended by adding Chapter 431 to read as follows:

CHAPTER 431. ENERGY-EFFICIENT BUILDING PROGRAM

Sec. 431.001. DEFINITION. In this chapter, "National Housing Act" means Section 203(b), (i), or (k) of the National Housing Act (12 U.S.C. Sections 1709(b), (i), and (k)).

Sec. 431.002. ENERGY-EFFICIENT BUILDING ACCREDITATION PROGRAM. (a) The commission, in consultation with the Energy Systems Laboratory at the Texas Engineering Experiment Station of The Texas A&M University System, the Texas Commission on Environmental Quality, and an advisory committee appointed by the commission, may establish an energy-efficient building accreditation program for buildings that exceed the building energy performance standards under Section 388.003, Health and Safety Code, by 15 percent or more.

(b) If the commission establishes a program under this chapter, the commission, in consultation with the Energy Systems Laboratory, shall update the program on or before December 1 of each even-numbered year using the best available energy-efficient building practices.

(c) If the commission establishes a program under this chapter, the program must include a checklist system to produce an energy-efficient building scorecard to help:

(1) home buyers compare potential homes and, by providing a copy of the completed scorecard to a mortgage lender, qualify for energy-efficient mortgages under the National Housing Act; and

(2) communities qualify for emissions reduction credits by adopting codes that meet or exceed the energy-efficient building or energy performance standards established under Chapter 388, Health and Safety Code.

Sec. 431.003. PUBLIC INFORMATION PROGRAM. The commission may establish a public information program to inform homeowners, sellers, buyers, and others regarding energy-efficient building ratings.

Sec. 431.004. MEASUREMENT SYSTEM FOR REDUCTION IN ENERGY AND EMISSIONS. If the commission establishes a program under this chapter, the Energy Systems Laboratory shall establish a system to measure the reduction in energy and emissions produced under the energy-efficient building program and report those savings to the commission.

Sec. 431.005. CERTIFICATION FEE. If the commission establishes a program under this chapter, the commission may set a certification fee sufficient to cover the cost of administering the program and pay for any education efforts conducted under this chapter.

SECTION ____. Section 388.009, Health and Safety Code, as added by Section 17, Chapter 1331, Acts of the 78th Legislature, Regular Session, 2003, is repealed.

Amendment No. 2 was adopted.

HB 1777, as amended, was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

REMARKS ORDERED PRINTED

Representative Leibowitz moved to print remarks by Representative Hamric regarding **CSHB 2544**.

The motion prevailed.

**HB 1842 ON THIRD READING
(by Delisi)**

HB 1842, A bill to be entitled An Act relating to the licensing and regulation of massage therapists; providing a penalty.

HB 1842 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Merritt recorded voting no.)

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 107 ON SECOND READING
(by Van Arsdale, et al.)**

CSHB 107, A bill to be entitled An Act relating to prohibiting actions brought against certain persons alleging injury relating to an individual's weight gain, obesity, or any health condition associated with weight gain or obesity.

CSHB 107 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 1093 ON SECOND READING
(by Turner)**

HB 1093, A bill to be entitled An Act relating to the eligibility of certain inmates of the Texas Department of Criminal Justice for medically recommended intensive supervision.

Representative Turner moved to postpone consideration of **HB 1093** until 10 a.m. May 9.

The motion prevailed.

**HB 2575 ON SECOND READING
(by Hamric)**

HB 2575, A bill to be entitled An Act relating to the tax rate for emergency services districts located in certain populous counties.

Representative Hamric moved to postpone consideration of **HB 2575** until 10 a.m. May 10.

The motion prevailed.

CSHB 26 ON SECOND READING**(by Delisi)**

CSHB 26, A bill to be entitled An Act relating to an electronic database of major state contracts and related documents.

CSHB 26 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 686 ON SECOND READING**(by Rose)**

CSHB 686, A bill to be entitled An Act relating to the use of certain factors in determining premiums charged for professional liability insurance for physicians and health care providers.

CSHB 686 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 692 ON SECOND READING**(by Menendez, Riddle, Hupp, Dukes, Vo, et al.)**

HB 692, A bill to be entitled An Act relating to the punishment for and certain civil consequences of committing the offense of prostitution.

Amendment No. 1

Representative Menendez offered the following amendment to **HB 692**:

Amend **HB 692** (house committee printing) as follows:

(1) On page 1, line 5, strike "Section 43.02(c), Penal Code, is amended" and substitute "Section 43.02, Penal Code, is amended by amending Subsection (c) and adding Subsection (d)".

(2) On page 1, between lines 18 and 19, insert the following new subsection:

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

Amendment No. 1 was adopted.

HB 692, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1012 ON SECOND READING
(by Hilderbran)

CSHB 1012, A bill to be entitled An Act relating to the offense of abuse of a corpse and to the offense of criminal mischief in certain circumstances; providing a criminal penalty.

Amendment No. 1

Representative Hilderbran offered the following amendment to **CSHB 1012**:

Amend **CSHB 1012** (House committee substitute) by inserting new subsections (e) and (f) on page 2, line 10 to read as follows:

(e) It is a defense to prosecution under this section that the actor:

(1) as a member or agent of a cemetery organization, removed or damaged anything that had been placed in or on any portion of the organization's cemetery in violation of the rules of the organization; or

(2) removed anything:

(A) placed in the cemetery in violation of the rules of the cemetery organization; or

(B) placed in the cemetery by or with the cemetery organization's consent but that, in the organization's judgment, had become wrecked, unsightly, or dilapidated.

(f) In this section, "cemetery" and "cemetery organization" have the meanings assigned by Section 711.001, Health and Safety Code.

Amendment No. 1 was adopted.

CSHB 1012, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1467 ON SECOND READING
(by Hamilton)

HB 1467, A bill to be entitled An Act relating to the offense of prohibited sexual conduct.

Amendment No. 1

Representative Hamilton offered the following amendment to **HB 1467**:

Amend **HB 1467** (House Committee Printing) on page 1, line 20, by striking "person" and substituting "minor".

Amendment No. 1 was adopted.

HB 1467, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2036 ON SECOND READING**(by R. Allen)**

CSHB 2036, A bill to be entitled An Act relating to the regulation of sex offender treatment providers and the treatment of sex offenders; providing a penalty.

CSHB 2036 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

SB 248 ON SECOND READING**(McReynolds - House Sponsor)**

SB 248, A bill to be entitled An Act relating to authorizing the use of approved nonsurgical methods to sterilize dogs and cats.

SB 248 was considered in lieu of **HB 1808**.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Hardcastle, Representative McReynolds offered the following committee amendment to **SB 248**:

Amend **SB 248** on page 2, line 8 by inserting the words "as labeled and" after the word "technologies" and before the word "approved".

Amendment No. 1 was adopted.

SB 248, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1808 - LAID ON THE TABLE SUBJECT TO CALL

Representative McReynolds moved to lay **HB 1808** on the table subject to call.

The motion prevailed.

SB 449 ON SECOND READING**(Seaman - House Sponsor)**

SB 449, A bill to be entitled An Act relating the conversion of certain mutual life insurance companies to insurance holding companies and stock life insurance companies.

SB 449 was considered in lieu of **HB 1746**.

SB 449 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1746 - LAID ON THE TABLE SUBJECT TO CALL

Representative Seaman moved to lay **HB 1746** on the table subject to call.

The motion prevailed.

HB 1870 ON SECOND READING

(by Turner)

HB 1870, A bill to be entitled An Act relating to a deceptive trade practice in connection with advertising for a household goods carrier.

Amendment No. 1

Representative Turner offered the following amendment to **HB 1870**:

Amend **HB 1870** on page 6, line 2, by striking "selling" and substituting "buying" and striking "to" and substituting "for".

Amendment No. 1 was adopted.

HB 1870, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2310 ON SECOND READING

(by Geren)

CSHB 2310, A bill to be entitled An Act relating to services provided by manufacturers and distributors of beer to beer retailers.

Representative Geren moved to postpone consideration of **CSHB 2310** until 11 a.m. May 9.

The motion prevailed.

HB 2627 ON SECOND READING

(by P. Moreno)

HB 2627, A bill to be entitled An Act relating to certain requirements for issuance of a barbershop permit.

HB 2627 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Hamilton recorded voting no.)

HB 2864 ON SECOND READING

(by Luna)

HB 2864, A bill to be entitled An Act relating to the use of sales tax revenue to pay or secure certain municipal public securities.

HB 2864 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 62 ON SECOND READING
(by McClendon)

CSHB 62, A bill to be entitled An Act relating to procedures for appealing a residential eviction suit.

CSHB 62 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2454 ON SECOND READING
(by J. Jones)

CSHB 2454, A bill to be entitled An Act relating to the eligibility of certain voters to vote a limited ballot in a new county of residence.

CSHB 2454 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2573 ON SECOND READING
(by Callegari, Hegar, Casteel, Miller, Hamric, et al.)

CSHB 2573, A bill to be entitled An Act relating to a motor vehicle financial responsibility verification program; providing a penalty.

Representative Callegari moved to postpone consideration of **CSHB 2573** until 10 a.m. May 9.

The motion prevailed.

CSHB 1023 ON SECOND READING
(by Denny)

CSHB 1023, A bill to be entitled An Act relating to the length of a ballot proposition.

CSHB 1023 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero, Hochberg, and Leibowitz recorded voting no.)

CSHB 611 ON SECOND READING
(by Chavez)

CSHB 611, A bill to be entitled An Act relating to distribution of recordings on consignment.

Representative Chavez moved to postpone consideration of **CSHB 611** until 10 a.m. May 10.

The motion prevailed.

CSHB 3285 ON SECOND READING
(by Swinford)

CSHB 3285, A bill to be entitled An Act relating to the abolition of the State Aircraft Pooling Board and the principal part of its functions.

CSHB 3285 - POINT OF ORDER

Representative Rodriguez raised a point of order against further consideration of **CSHB 3285** under Rule 4, Section 11(a) of the House Rules on the grounds that the committee meeting was not properly posted.

The point of order was withdrawn.

Representative Swinford moved to postpone consideration of **CSHB 3285** until the end of today's calendar.

The motion prevailed.

CSHB 647 ON SECOND READING
(by Krusee)

CSHB 647, A bill to be entitled An Act relating to the issuance of county obligations for public improvements and to the review and approval of refunding bonds by the attorney general.

CSHB 647 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Keel and Leibowitz recorded voting no.)

HB 2823 ON SECOND READING
(by Rose)

HB 2823, A bill to be entitled An Act relating to the form of payments made to certain disabled peace officers under the Crime Victims' Compensation Act.

HB 2823 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2826 ON SECOND READING
(by Truitt)

HB 2826, A bill to be entitled An Act relating to frivolous or bad-faith complaints filed with the Texas Ethics Commission.

Amendment No. 1

Representative Truitt offered the following amendment to **HB 2826**:

Amend **HB 2826** on page 1, line 8, between "complaint" and "filed", by inserting "relating to that person".

Amendment No. 1 was adopted.

HB 2826, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero and Leibowitz recorded voting no.)

CSHB 1999 ON SECOND READING
(by Van Arsdale, et al.)

CSHB 1999, A bill to be entitled An Act relating to the preparation of medical history reports by parents who relinquish children for adoption.

CSHB 1999 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2289 ON SECOND READING
(by T. King and Raymond)

HB 2289, A bill to be entitled An Act relating to required notice of and a lien resulting from damage to a fence.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Taylor, Representative T. King offered the following committee amendment to **HB 2289**:

Amend **HB 2289** on page 1, line 11, by striking "has" and substituting "may obtain from a court in this state a judgment entitling the person to".

Amendment No. 1 was adopted.

Amendment No. 2 (Committee Amendment No. 2)

Representative T. King offered the following committee amendment to **HB 2289**:

Amend **HB 2289** on page 2, line 23-27, by striking Section 3 of the bill and renumber subsequent sections accordingly.

Amendment No. 2 was adopted.

Amendment No. 3

On behalf of Representative Orr, Representative T. King offered the following amendment to **HB 2289**:

Amend **HB 2289** (House Committee Printing) as follows:

(1) On page 2, line 14, between "FENCE." and "A peace officer", insert "(a)".

(2) On page 2, between lines 22 and 23, insert the following:

(b) A peace officer is not liable to an owner of land or any other person for damage resulting from the peace officer's failure to notify the owner under Subsection (a).

Amendment No. 3 was adopted.

Amendment No. 4

Representatives T. King and Orr offered the following amendment to **HB 2289**:

Amend **HB 2289** (House Committee Printing) as follows:

(1) On page 2, line 14, between "FENCE." and "A peace officer", insert "(a)".

(2) On page 2, line 22, between "damage" and the period, insert ", if the owner has registered with the political subdivision in accordance with Subsection (c)".

(3) On page 2, between lines 22 and 23, insert the following:

(c) A landowner must provide an agency or department of a political subdivision that employs peace officers with the following information if the landowner would like a peace officer of that agency or department to notify the landowner of damage under Subsection (a):

(1) the landowner's name, address, and telephone number; and

(2) the location and a description of the landowner's property.

Amendment No. 4 was adopted.

Amendment No. 5

Representative T. King offered the following amendment to **HB 2289**:

Amend **HB 2289** (House Committee Printing) as follows:

(1) On page 2, line 14, between "FENCE." and "A peace officer", insert "(a)".

(2) On page 2, between lines 22 and 23, insert the following:

(b) A peace officer is not liable to an owner of land or any other person for damage resulting from the peace officer's failure to notify the owner under Subsection (a).

Amendment No. 5 was withdrawn.

HB 2289, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2000 ON SECOND READING
(by Denny and Howard)

CSHB 2000, A bill to be entitled An Act relating to the information that must be included in a school district bond election proposition.

CSHB 2000 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Leibowitz recorded voting no.)

HB 2080 ON SECOND READING
(by Paxton, J. Keffer, et al.)

HB 2080, A bill to be entitled An Act relating to the ad valorem tax status of a license to occupy a dwelling unit in a tax-exempt retirement community.

HB 2080 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2173 ON SECOND READING
(by Bailey)

CSHB 2173, A bill to be entitled An Act relating to the promotional system for municipal civil service fire fighters.

Representative Bailey moved to postpone consideration of **CSHB 2173** until 10 a.m. May 10.

The motion prevailed.

CSHB 2704 ON SECOND READING
(by Krusee)

CSHB 2704, A bill to be entitled An Act relating to the authority of local governments to enter into certain agreements for the construction, maintenance, or operation of toll or nontoll projects or facilities on the state highway system.

Amendment No. 1

Representative Krusee offered the following amendment to **CSHB 2704**:

Amend **CSHB 2704** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS as appropriate:

SECTION _____. Subtitle I, Title 9, Government Code, is amended by adding Chapter 1479 to read as follows:

CHAPTER 1479. COUNTY BONDS FOR FACILITIES ON STATE
HIGHWAY SYSTEM

Sec. 1479.001. DEFINITION. In this chapter, "state highway system" means the highways in this state included in the plan providing for a system of state highways prepared under Section 201.103, Transportation Code.

Sec. 1479.002. AUTHORITY TO ISSUE BONDS. (a) A county may issue bonds to provide funds for the design, development, financing, construction, maintenance, operation, extension, expansion, or improvement of a toll or nontoll project or facility on the state highway system located in the county or, as a continuation of the project or facility, in an adjacent county.

(b) To provide for the payment of bonds issued under this section, a county may:

(1) pledge revenue from any available source, including payments received under an agreement with the Texas Department of Transportation under Section 222.104, Transportation Code;

(2) pledge, levy, and collect taxes subject to any constitutional limitation; or

(3) provide for a combination of Subdivisions (1) and (2).

(c) Any election required to permit action under Subsection (b) must be held in conformance with the Election Code or other law applicable to the county.

(d) A county that issues bonds under this section may exercise any of the rights and powers granted to the governing body of an issuer under Chapter 1371.

(e) A bond issued under this section must mature not later than 40 years after its date of issuance.

(f) This section is wholly sufficient authority for the issuance of bonds, the pledge of revenues, taxes, or any combination of revenues and taxes, and the performance of other acts and procedures authorized by this section by a county without reference to any other provision of law or any restriction or limitation contained in those provisions, except as specifically provided by this section. To the extent of any conflict or inconsistency between this section and any other law, this section shall prevail and control. A county may use any law not in conflict with this section to the extent convenient or necessary to carry out any power or authority, expressed or implied, granted by this section.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Phillips offered the following amendment to **CSHB 2704**:

Amend **CSHB 2704** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS as appropriate:

SECTION _____. Section 222.104, Transportation Code, is amended by adding Subsections (f)-(h) to read as follows:

(f) To the maximum extent permitted by law, the department may delegate the full responsibility for design, bidding, and construction, including oversight and inspection, to a municipality, county, regional mobility authority, or regional tollway authority with whom the department enters into an agreement under this section.

(g) An agreement under this section must provide that a municipality, county, regional mobility authority, or regional tollway authority is required to meet state design criteria, construction specifications, and contract administration procedures unless the department grants an exception.

(h) An agreement under this section should prescribe the roles and responsibilities of the parties and establish timeframes for any department reviews or approvals in a manner that will, to the maximum extent possible, expedite the development of the project.

SECTION _____. Subchapter E, Chapter 222, Transportation Code, is amended by adding Section 222.1045 to read as follows:

Sec. 222.1045. CONTRACTS OF CERTAIN PUBLIC ENTITIES. (a) In this section, "public entity" means a municipality, county, regional mobility authority, or a regional tollway authority.

(b) A public entity may contract with a private entity to act as the public entity's agent in:

(1) the design, financing, maintenance, operation, or construction, including oversight and inspection, of a toll or nontoll facility under Section 222.104(b); or

(2) the maintenance of a state highway or a portion of a state highway subject to an agreement under Section 222.104 (c).

(c) A public entity shall:

(1) select a private entity under Subsection (b) on the basis of the private entity's qualifications and experience; and

(2) enter into a project development agreement with the private entity.

(d) A private entity selected shall comply with Chapter 1001, Occupations Code, and all laws related to procuring engineering services and construction bidding that are applicable to the public entity that selected the private entity.

(e) A public entity may assign the public entity's right to payment of pass-through tolls under Section 222.104(b) or 222.104(c) to the private entity.

Amendment No. 2 was adopted.

CSHB 2704, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Escobar, Gonzales, Guillen, Herrero, Keel, Leibowitz, P. Moreno, and Raymond recorded voting no.)

CSHB 2705 ON SECOND READING

(by Krusee)

CSHB 2705, A bill to be entitled An Act relating to the authority of counties to issue bonds to construct, maintain, or operate toll or nontoll projects or facilities on the state highway system.

Representative Krusee moved to postpone consideration of **CSHB 2705** until 10 a.m. May 11.

The motion prevailed.

CSHB 2652 ON SECOND READING

(by Krusee)

CSHB 2652, A bill to be entitled An Act relating to the creation of a private activity bond program for highway and surface freight facilities.

Amendment No. 1

Representative Pickett offered the following amendment to **CSHB 2652**:

Amend **CSHB 2652** as follows:

(1) On page 2, line 2, strike "receives and evaluates" and substitute "and the Bond Review Board receive and evaluate".

(2) On page 2, between lines 6 and 7, insert the following:

(g) A private activity bond issued for highway facilities or surface freight transfer facilities is governed by Chapter 1372, Government Code.

Amendment No. 1 was adopted.

CSHB 2652, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Keel and Leibowitz recorded voting no.)

CSHB 3100 ON SECOND READING
(by McReynolds)

CSHB 3100, A bill to be entitled An Act relating to the regulation of the practice of nursing.

Representative McReynolds moved to postpone consideration of **CSHB 3100** until 10 a.m. May 9.

The motion prevailed.

HB 3356 ON SECOND READING
(by Nixon)

HB 3356, A bill to be entitled An Act relating to governmental contingent fee contracts for legal services entered into by a local governmental entity.

Representative Nixon moved to postpone consideration of **HB 3356** until 10 a.m. May 12.

The motion prevailed.

CSHB 2337 ON SECOND READING
(by Corte, Escobar, and Gallego)

CSHB 2337, A bill to be entitled An Act relating to the use of information provided by an applicant for a driver's license or personal identification certificate in an image verification system.

Amendment No. 1

Representative Hughes offered the following amendment to **CSHB 2337**:

Amend **CSHB 2337** (House Committee Report) on page 3, between lines 13 and 14, by inserting the following:

(d) The department, another state or federal law enforcement agency, or a state or federal agency may not use or share information from the image verification system established under this section for the purpose of conducting any form of surveillance or monitoring.

Amendment No. 1 was adopted.

Amendment No. 1 - Vote Reconsidered

Representative Keel moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion to reconsider prevailed.

Representative Keel moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 515): 98 Yeas, 46 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Anchia; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Dawson; Denny; Driver; Dukes; Dutton; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Gattis; Geren; Gonzales; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamric; Hardcastle; Harper-Brown; Hegar; Herrero; Hill; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Madden; Martinez Fischer; McCall; McReynolds; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Nixon; Oliveira; Orr; Otto; Pitts; Puente; Rose; Seaman; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Wong; Zedler.

Nays — Alonzo; Anderson; Bailey; Burnam; Castro; Chavez; Coleman; Corte; Davis, Y.; Delisi; Deshotel; Dunnam; Edwards; Eiland; Frost; Gonzalez Tourelles; Guillen; Hamilton; Hilderbran; Hochberg; Hodge; Hughes; Jones, J.; King, T.; Luna; Martinez; Menendez; Naishtat; Noriega, M.; Olivo; Paxton; Peña; Pickett; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Smithee; Solis; Thompson; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Giddings; Woolley.

Absent — Hartnett; McClendon; Phillips.

CSHB 2337 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Leibowitz, Peña, and Phillips recorded voting no.)

HB 2378 ON SECOND READING (by Swinford)

HB 2378, A bill to be entitled An Act relating to transferring responsibility for the child-care facilities for state employees from the Texas Building and Procurement Commission to the Health and Human Services Commission.

Amendment No. 1

Representative Swinford offered the following amendment to **HB 2378**:

Amend **HB 2378** by striking all below the enacting clause and substituting the following:

SECTION 1. Sections 663.001(2) and (3), Government Code, are amended to read as follows:

(2) "Child care program" means the program developed or administered under this chapter ~~[by the commission]~~ to provide child care services for state employees.

(3) "Commission" means the Texas Building and Procurement [General Services] Commission.

SECTION 2. Section 663.101, Government Code, is amended to read as follows:

Sec. 663.101. ADMINISTRATION OF CHILD CARE PROGRAM. (a) The commission shall provide child care services for state employees by the development ~~[and administration]~~ of the child care program.

(b) The commission by rule may establish methods to ~~[administer and]~~ supervise the entity operating the child care program.

SECTION 3. Subchapter C, Chapter 663, Government Code, is amended by adding Sections 663.1011 and 663.1012 to read as follows:

Sec. 663.1011. MEMORANDUM OF UNDERSTANDING. (a) The commission may enter into a memorandum of understanding with The University of Texas at Austin to operate the child care program.

(b) The memorandum of understanding must include the responsibilities of the commission and the university regarding the operation of the child care program, including:

(1) developing the curriculum for the child care program;

(2) designating the location of child care facilities;

(3) providing and maintaining the buildings and other property where the child care facilities are located;

(4) determining the size of the child care facilities and the child-to-teacher ratio for each age group at the facility; and

(5) performing the duties described by Section 663.108.

Sec. 663.1012. CONTRACT WITH ENTITY. (a) If the commission does not enter into a memorandum of understanding with The University of Texas at Austin to operate the child care program under Section 663.1011, the commission shall contract with a private or public entity to operate the child care program.

(b) Before the commission issues a request for proposal for bids to operate the child care program, the commission shall develop the request for proposal with the assistance of The University of Texas at Austin.

SECTION 4. Section 663.102, Government Code, is amended to read as follows:

Sec. 663.102. STANDARDS OF CHILD CARE PROGRAM. The commission shall, in consultation with The University of Texas at Austin, set specific performance standards for child care services under the child care program that conform to the standards of quality child care set by the National Association for the Education of Young Children or the National Child Care Association.

SECTION 5. Section 663.106, Government Code, is amended to read as follows:

Sec. 663.106. LEASE TO CHILD CARE PROVIDER. The commission may [shall] lease to a child care provider selected by the commission a site for a child care facility at a reasonable rate.

SECTION 6. Section 663.108, Government Code, is amended to read as follows:

Sec. 663.108. DUTIES OF ENTITY OPERATING CHILD CARE PROGRAM [~~PROVIDER~~]. The entity operating the [A provider for a] child care program [facility] shall:

(1) obtain for each child care [the] facility a license under Chapter 42, Human Resources Code;

(2) maintain liability insurance coverage by an insurer [insurance company] approved by the Texas Department [State Board] of Insurance in an amount approved by the commission;

(3) indemnify the state and the commission from:

(A) a claim, demand, or cause of action asserted by a person as a result of the child care facility's operation; and

(B) an act or omission of the provider or the child care facility's personnel;

(4) provide furniture, equipment, toys, or other materials necessary for the child care facility;

(5) keep a list of child care applicants who are waiting for enrollment in the child care facility; and

(6) pay salaries and provide insurance for persons employed at the child care [employees of the] facility.

SECTION 7. Section 663.109, Government Code, is amended to read as follows:

Sec. 663.109. MONITORING OF CHILD CARE PROGRAM [~~FACILITIES~~]. The commission shall monitor the activities and operations of the entity operating the child care program [a child care facility by conducting regular visits to the facility during operating hours to investigate, inspect, and evaluate the services provided].

SECTION 8. Section 663.111(a), Government Code, is amended to read as follows:

(a) The commission shall monitor the number of children participating in the child care program and determine, in consultation with the entity operating the child care program, when additional child care facilities are needed [may begin procedures to establish another child care facility when the number of applicants on a waiting list to enroll in a facility is 50 or more].

SECTION 9. The heading to Section 663.112, Government Code, is amended to read as follows:

Sec. 663.112. CHILD CARE PROGRAM [~~FACILITY~~] ACCOUNT.

SECTION 10. Section 663.112(a), Government Code, is amended to read as follows:

(a) The legislature may appropriate money from the Texas capital trust fund established under Chapter 2201 to establish and operate the [a] child care program [facility under this chapter].

SECTION 11. Section 663.052, Government Code, is redesignated as Section 663.114, Government Code, to read as follows:

Sec. 663.114 [~~663.052~~]. REPORT OF COMMISSION. (a) The commission shall report to the legislature each legislative session.

(b) The report must:

(1) summarize the development and progress of the child care program;
and

(2) describe additional child care services needed by state employees.

SECTION 12. Sections 663.001(4), 663.002, 663.051, 663.104, 663.107, 663.111(b), 2165.103, and 2166.551, Government Code, are repealed.

Amendment No. 1 was adopted.

HB 2378, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

CSHB 3200 ON SECOND READING (by Madden, McCall, and Laubenberg)

CSHB 3200, A bill to be entitled An Act relating to single employer benefit plans.

CSHB 3200 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 846 ON SECOND READING (by Flynn, Madden, and Eissler)

CSHB 846, A bill to be entitled An Act relating to the regulation of deferred presentment transactions and lenders for deferred presentment transactions.

CSHB 846 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 846** under Rule 4, Section 32(c)(2) and (3) of the House Rules on the grounds that the bill analysis does not grant rulemaking authority and is incorrect.

The point of order was withdrawn.

Representative Flynn moved to postpone consideration of **CSHB 846** until the end of today's calendar.

The motion prevailed.

CSHB 584 ON SECOND READING (by Delisi and Woolley)

CSHB 584, A bill to be entitled An Act relating to reimbursement under certain health benefit plans for services provided by licensed athletic trainers.

CSHB 584 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Harper-Brown and Paxton recorded voting no.)

CSHB 669 ON SECOND READING

(by J. Jones)

CSHB 669, A bill to be entitled An Act relating to a study of the feasibility of requiring registration of certain assisted living facilities.

CSHB 669 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSSB 220 ON SECOND READING

(Grusendorf - House Sponsor)

CSSB 220, A bill to be entitled An Act relating to the maintenance of records by a notary public.

CSSB 220 was considered in lieu of **HB 46**.

CSSB 220 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 46 - LAID ON THE TABLE SUBJECT TO CALL

Representative Grusendorf moved to lay **HB 46** on the table subject to call.

The motion prevailed.

(Kolkhorst in the chair)

HB 1799 ON SECOND READING

(by Denny)

HB 1799, A bill to be entitled An Act relating to a transfer and nonsubstantive revision of laws governing the holding of local option elections regarding alcoholic beverages.

HB 1799 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1884 ON SECOND READING

(by Van Arsdale)

CSHB 1884, A bill to be entitled An Act relating to the records management and preservation services fee.

CSHB 1884 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1984 ON SECOND READING
(by Bohac)

CSHB 1984, A bill to be entitled An Act relating to the information required to be provided with a notice of appraised value for ad valorem tax purposes and an ad valorem tax bill.

Amendment No. 1

Representative Bohac offered the following amendment to **CSHB 1984**:

Amend **CSHB 1984** as follows:

- (1) On page 1, line 10 (committee printing), strike ":" and substitute ".".
- (2) On page 1 (committee printing), strike lines 11 through 17.
- (3) On page 1, line 18 (committee printing), strike "(3) the differences" and substitute "the difference".
- (4) On page 1, lines 19 and 20 (committee printing), strike "and taxable value".
- (5) Strike page 2, line 25, through page 3, line 24 (committee printing), and substitute:
 - (11) for real property, state the differences, expressed as a percent increase or decrease, as applicable, in the following for the current tax year as compared to the fifth tax year before that tax year:
 - (A) the appraised value of the property; and
 - (B) the amount of taxes imposed on the property by the unit; and
 - (12) include any other information required by the comptroller.
- (c-1) If any information required by Subsection (c)(11) to be included in a tax bill or separate statement is unavailable, the tax bill or statement must state that the information is not available for that year. This subsection expires December 31, 2011.

Amendment No. 1 was adopted.

CSHB 1984, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2280 ON SECOND READING
(by Denny)

HB 2280, A bill to be entitled An Act relating to the implementation of a statewide voter registration system as required by the federal Help America Vote Act.

Amendment No. 1

Representative Denny offered the following amendment to **HB 2280**:

Amend **HB 2280** (Committee Printing) as follows:

(1) On page 6, line 22, strike "January 1, 2007" and substitute "January 1, 2008".

(2) On page 6, line 25, strike "Subsection (c)(1)" and substitute "Subdivision (1)".

(3) On page 7, lines 1-2, strike "January 2, 2007" and substitute "January 2, 2008".

Amendment No. 1 was adopted.

HB 2280, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

(Speaker in the chair)

CSHB 2644 ON SECOND READING
(by Hughes, Frost, Hopson, Merritt, and Pickett)

CSHB 2644, A bill to be entitled An Act relating to delay in the deregulation of certain electric utilities.

Amendment No. 1

Representative Hughes offered the following amendment to **CSHB 2644**:

Amend **CSHB 2644** as follows:

(1) On page 1, line 6, strike "Subchapters J and K" and substitute "Subchapter J".

(2) On page 1, line 7, strike "DELAY" and substitute "STATUS".

(3) On page 1, lines 18 and 19, strike "be treated as areas in which it is not in the public interest to transition" and substitute "not be transitioned".

(4) On page 2, strike lines 11-14, and substitute the following:

(b) On or after January 1, 2010, the commission may require an electric utility subject to this subchapter to file a transition to competition plan with the commission.

(5) On page 3, strike lines 13-15 and substitute "RELATED MATTERS. The commission may not authorize customer choice until the later of January 1, 2010, or the date the".

(6) Strike page 3, line 18 through page 8, line 5.

Amendment No. 1 was adopted.

Amendment No. 2

Representative McReynolds offered the following amendment to **CSHB 2644**:

Amend **CSHB 2644** on page 3, between lines 17 and 18 by inserting the following:

Sec. 39.454. EXISTING RIGHTS AND OBLIGATIONS. This subchapter may not be construed to:

(1) interfere with or abrogate the rights or obligations of any party, including a retail or wholesale customer, to a contract with an investor-owned electric utility, federal power marketer, federal power marketing agency, river authority, municipally owned utility, or electric cooperative;

(2) interfere with or abrogate the rights or obligations of a party under a contract or agreement concerning certificated utility service areas; or

(3) result in a change in wholesale power costs to wholesale customers in this state purchasing electricity under wholesale power contracts the pricing provisions of which are based on formulary rates, fuel adjustments, or average system costs.

Amendment No. 2 was adopted.

CSHB 2644, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 3162 ON SECOND READING
(by M. Noriega)

HB 3162, A bill to be entitled An Act relating to the temporary replacement of a member of a political party's county executive committee who enters active military service.

HB 3162 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 949 ON SECOND READING
(by Eiland)

HB 949, A bill to be entitled An Act relating to certain limitations in health benefit plans and health insurance policies.

HB 949 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Berman, Farabee, Harper-Brown, Keel, Laubenberg, Paxton, Phillips, and Wong recorded voting no.)

CSHB 1132 ON SECOND READING
(by Haggerty)

CSHB 1132, A bill to be entitled An Act relating to the regulation of and rights of private security personnel; providing a penalty.

Representative Haggerty moved to postpone consideration of **CSHB 1132** until 10 a.m. May 10.

The motion prevailed.

CSHB 1575 ON SECOND READING
(by Dutton and Goodman)

CSHB 1575, A bill to be entitled An Act relating to juvenile delinquency; providing a criminal penalty.

CSHB 1575 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Harper-Brown, Laubenberg, Paxton, and Phillips recorded voting no.)

CSHB 1634 ON SECOND READING
(by R. Allen)

CSHB 1634, A bill to be entitled An Act relating to arson and arson investigation; creating offenses.

Amendment No. 1

Representative R. Allen offered the following amendment to **CSHB 1634**:

Amend **CSHB 1634** by striking added Section 28.02(e), Penal Code (page 1, lines 18-19) and substituting the following:

(e) An offense under Subsection (a-1) is a state jail felony, except that the offense is a felony of the third degree if it is shown on the trial of the offense that bodily injury or death was suffered by any person by reason of the commission of the offense.

Amendment No. 1 was adopted.

CSHB 1634, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1682 ON SECOND READING
(by McCall, Rodriguez, and Miller)

CSHB 1682, A bill to be entitled An Act relating to a breach in the security of a computerized data system that includes personal identifying information; providing a civil penalty.

CSHB 1682 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2955 ON SECOND READING
(by Hamric)

CSHB 2955, A bill to be entitled An Act relating to the operation of a motor vehicle.

Amendment No. 1

Representative Keel offered the following amendment to **CSHB 2955**:

Amend **CSHB 2955** on page 1, line 11, between "if" and "the" by inserting the following:

⋮

(1) the owner of the vehicle is a resident of a county with a population of more than 3 million; and

(2)

Amendment No. 1 was adopted.

CSHB 2955, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Leibowitz recorded voting no.)

CSHB 3461 ON SECOND READING

(by Baxter)

CSHB 3461, A bill to be entitled An Act relating to the manner in which a municipality may impose a moratorium on certain property development.

Amendment No. 1

Representative Baxter offered the following amendment to **CSHB 3461**:

Amend **CSHB 3461** on page 1, line 15, by striking "or industrial use" and substituting "heavy industrial use, or use as a quarry"

Amendment No. 1 was adopted.

Amendment No. 2

Representative Baxter offered the following amendment to **CSHB 3461**:

Amend **CSHB 3461** on page 7, line 10, by striking "or approval".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Rodriguez offered the following amendment to **CSHB 3461**:

Amend **CSHB 3461** on page 1, line 24, through page 2, line 1, by striking "A municipality may not adopt a moratorium on property development" and substituting "A municipality with a population of more than 25,000 may not adopt a moratorium on residential or commercial property development and a municipality with a population of 25,000 or less may not adopt a moratorium on residential property development".

Representative Baxter moved to table Amendment No. 3.

(J. Keffer in the chair)

The motion to table prevailed.

CSHB 3461, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Leibowitz and Rose recorded voting no.)

CSHB 2048 ON SECOND READING
(by Uresti)

CSHB 2048, A bill to be entitled An Act relating to certain online services and transactions involving state agencies.

Amendment No. 1

Representative Baxter offered the following amendment to **CSHB 2048**:

Amend **CSHB 2048** as follows:

(1) Add the following appropriately numbered sections and renumber the subsequent sections of the bill accordingly:

SECTION __. Section 2054.111(e), Government Code, is amended to read as follows:

(e) A state agency or local government that uses the project may charge a fee under Subchapter I if:

(1) the fee is necessary to recover the actual costs directly and reasonably incurred by the agency or local government because of the project for:

(A) the use of electronic payment methods; or

(B) interfacing with other information technology systems;

(2) the fee does not include an amount to recover state agency or local government employee costs;

(3) the state agency or local government approves the amount of the fee using the state agency's or local government's standard approval process for fee increases;

(4) the chief financial officer for the state agency or local government certifies that the amount of the fee is necessary to recover the actual costs incurred because of the project; and

(5) the authority approves the amount of the fee.

SECTION __. Section 2054.1115(b), Government Code, is amended to read as follows:

(b) The state agency or local government may charge a reasonable fee, as provided by Section 2054.111 or Subchapter I, to recover costs incurred through electronic payment methods used under this section.

SECTION __. Sections 2054.252(a) and (e), Government Code, are amended to read as follows:

(a) The authority shall implement a project designated "TexasOnline" that establishes a common electronic infrastructure through which state agencies and local governments, including licensing entities, may by any method [electronically]:

(1) send and receive documents or required payments to and from:

(A) members of the public;

(B) persons who are regulated by the agencies or local governments; and

(C) the agencies and local governments;

(2) receive applications for original and renewal licenses and permits, including occupational licenses, complaints about occupational license holders, and other documents for filing from members of the public and persons who are regulated by a state agency or local government that, when secure access is necessary, can be electronically validated by the agency, local government, member of the public, or regulated person;

(3) send original and renewal occupational licenses to persons regulated by licensing entities;

(4) send profiles of occupational license holders to persons regulated by licensing entities and to the public;

(5) store information; and

(6) provide and receive any other service to and from the agencies and local governments or the public.

(e) The authority shall charge fees to licensing entities as provided by this subchapter in amounts sufficient to cover the cost of implementing this section with respect to licensing entities. The authority shall charge a subscription fee to be paid by each licensing entity. The authority may not charge the subscription fee until the service for which the fee is charged is available on the Internet. If the authority determines that the transaction costs exceed the maximum increase in occupational license issuance or renewal fees allowed under Subsection (g), the authority may also charge a reasonable convenience fee to be recovered from a license holder who uses the project for online issuance or renewal of a license.

SECTION __. Section 2054.258, Government Code, is amended to read as follows:

Sec. 2054.258. TRAINING FOR AUTHORITY MEMBERS. Not later than six months after the date on which an authority member is appointed, the member must complete training on the following:

(1) the legislation that created the authority [~~and the division~~] and the project;

(2) the department rules that relate to the authority and the project;

(3) the programs operated by the authority [~~and division~~];

(4) the role and functions of the authority [~~and division~~];

(5) the current budget for the authority [~~and division~~];

(6) the results of the most recent formal audit of the authority;

(7) the requirements of:

(A) the open meetings law, Chapter 551;

(B) the public information law, Chapter 552;

(C) the administrative procedure law, Chapter 2001; and

(D) other laws relating to public officials, including conflict of interest laws; and

(8) any applicable ethics policies adopted by the authority or the Texas Ethics Commission.

SECTION __. Section 2054.259, Government Code, is amended to read as follows:

Sec. 2054.259. GENERAL POWERS AND DUTIES OF TEXASONLINE AUTHORITY. The authority shall:

- (1) develop policies related to operation of the project;
- (2) approve or disapprove services to be provided by the project;
- (3) operate and promote the project;
- (4) oversee contract performance for the project;
- (5) comply with department financial requirements;
- (6) oversee money generated for the operation and expansion of the project;
- (7) develop project pricing policies, including policies regarding any fees that a state agency, including the authority, or a local government may charge for a transaction that uses the project;
- (8) evaluate participation in the project to determine if performance efficiencies or other benefits and opportunities are gained through project implementation;
- (9) advise the department about the project; and
- (10) coordinate with the department to receive periodic security audits of the operational facilities of the project.

SECTION __. Subchapter I, Chapter 2054, Government Code, is amended by adding Section 2054.2591 to read as follows:

Sec. 2054.2591. FEES. (a) The authority shall set fees that a state agency, including the authority, or a local government may charge for a transaction that uses the project. The authority shall set fees at amounts sufficient to recover the direct and indirect costs of the project.

(b) A fee set by the authority for using the project is in addition to any other statutory fees. The revenue collected from the fees must be used to support the project, including the recovery of project costs.

SECTION __. Section 2054.265, Government Code, is amended to read as follows:

Sec. 2054.265. SEPARATION OF RESPONSIBILITIES. The authority shall develop and implement policies that clearly separate the policymaking responsibilities of the authority and the management responsibilities of the department ~~[division]~~.

SECTION __. Subchapter I, Chapter 2054, Government Code, is amended by adding Section 2054.273 to read as follows:

Sec. 2054.273. RECOVERY OF FEES. A person that pays a fee for using the project may recover the fee in the ordinary course of business.

SECTION __. Subchapter E, Chapter 548, Transportation Code, is amended by adding Section 548.258 to read as follows:

Sec. 548.258. USE OF TEXASONLINE. (a) In this section, "TexasOnline" has the meaning assigned by Section 2054.003, Government Code.

(b) The department may adopt rules to require an inspection station to use TexasOnline to:

- (1) purchase inspection certificates; or

(2) send to the department a record, report, or other information required by the department.

SECTION __. The following laws are repealed:

(1) Sections 2054.251(2), 2054.264, and 2054.2645, Government Code; and

(2) Section 7, Chapter 342, Acts of the 77th Legislature, Regular Session, 2001.

(2) Strike Section 4 of the bill (page 2, lines 1-5) and substitute the following appropriately numbered section:

SECTION __. 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 on the 91st day after the last day of the legislative session.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Villarreal offered the following amendment to **CSHB 2048**:

Amend **CSHB 2048** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION __. (a) Section 531.0312, Government Code, is amended by adding Subsection (e) to read as follows:

(e) Each local workforce development board, the Texas Head Start State Collaboration Office, and each school district shall provide the Texas Information and Referral Network with information regarding eligibility for and availability of child-care and education services for inclusion in the statewide information and referral network. The local workforce development boards, Texas Head Start State Collaboration Office, and school districts shall provide the information in a form determined by the executive commissioner. In this subsection, "child-care and education services" has the meaning assigned by Section 531.03131.

(b) Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.03131 to read as follows:

Sec. 531.03131. ELECTRONIC ACCESS TO CHILD-CARE AND EDUCATION SERVICES REFERRAL INFORMATION. (a) In this section, "child-care and education services" means:

(1) subsidized child-care services administered by the Texas Workforce Commission and local workforce development boards and funded wholly or partly by federal child-care development funds;

(2) child-care and education services provided by a Head Start or Early Head Start program provider;

(3) child-care and education services provided by a school district through a prekindergarten or after-school program; and

(4) any other government-funded child-care and education services, other than education and services provided by a school district as part of the general program of public and secondary education, designed to educate or provide care for children under the age of 13 in middle- or low-income families.

(b) In addition to providing health and human services information, the Texas Information and Referral Network Internet site established under Section 531.0313 shall provide information to the public regarding child-care and education services provided by public or private entities throughout the state. The Internet site will serve as a single point of access through which a person may be directed on how or where to apply for all child-care and education services available in the person's community.

(c) The Internet site must:

(1) be geographically indexed and designed to inform an individual about the child-care and education services provided in the area where the person lives;

(2) contain prescreening questions to determine a person's or family's probable eligibility for child-care and education services; and

(3) be designed in a manner that allows staff of the Texas Information and Referral Network to:

(A) provide an applicant with the telephone number, physical address, and electronic mail address of the nearest Head Start or Early Head Start office or center and local workforce development center and the appropriate school district; and

(B) send an electronic mail message to each appropriate entity described by Paragraph (A) containing the name of and contact information for each applicant and a description of the services the applicant is applying for.

(d) On receipt of an electronic mail message from the Texas Information and Referral Network under Subsection (c)(3)(B), each entity shall contact the applicant to verify information regarding the applicant's eligibility for available child-care and education services and, on certifying eligibility, shall match the applicant with entities providing those services in the applicant's community, including local workforce development boards, local child-care providers, or a Head Start or Early Head Start program provider.

(e) The child-care resource and referral network under Chapter 310, Labor Code, and each entity providing child-care and education services in this state, including local workforce development boards, the Texas Education Agency, school districts, Head Start and Early Head Start program providers, municipalities, counties, and other political subdivisions of this state, shall cooperate with the Texas Information and Referral Network as necessary in the administration of this section.

(f) Not later than the last day of the month following each calendar quarter, the commission shall file with the legislature a report regarding the use of the Internet site in the provision and delivery of child-care and education services during the reporting period. The report must include:

(1) the number of referrals made to Head Start or Early Head Start offices or centers;

(2) the number of referrals made to local workforce development centers; and

(3) the number of referrals made to each school district.

(c) If before implementing any provision of this section a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

Amendment No. 2 was adopted.

CSHB 2048, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2569 ON SECOND READING
(by Eiland)

HB 2569, A bill to be entitled An Act relating to the office of district attorney for the 253rd Judicial District and to the creation of the office of district attorney for the 344th Judicial District.

HB 2569 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2613 ON SECOND READING
(by Eiland, Seaman, and Taylor)

HB 2613, A bill to be entitled An Act relating to the adoption of the Interstate Insurance Product Regulation Compact.

HB 2613 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2678 ON SECOND READING
(by Smithee)

CSHB 2678, A bill to be entitled An Act relating to the use of certain information to underwrite professional liability insurance for physicians and health care providers.

CSHB 2678 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2755 ON SECOND READING
(by McReynolds and B. Cook)

CSHB 2755, A bill to be entitled An Act relating to the authority of certain development corporations to undertake projects for the development, retention, or expansion of business enterprises.

CSHB 2755 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1733 ON SECOND READING
(by Swinford)

HB 1733, A bill to be entitled An Act relating to prohibiting disclosure of certain records or reports by the Texas Feed and Fertilizer Service.

HB 1733 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 3195 ON SECOND READING
(by T. Smith)

HB 3195, A bill to be entitled An Act relating to combined municipal sales tax ballot propositions.

HB 3195 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2303 ON SECOND READING
(by Driver)

CSHB 2303, A bill to be entitled An Act relating to the administration of the Private Security Act.

Representative Driver moved to postpone consideration of **CSHB 2303** until 10 a.m. tomorrow.

The motion prevailed.

CSHB 2304 ON SECOND READING
(by Driver)

CSHB 2304, A bill to be entitled An Act relating to the regulation of alarm systems and alarm systems companies.

Amendment No. 1

Representative Driver offered the following amendment to **CSHB 2304**:

Amend **CSHB 2304** by adding the appropriately numbered section;
Sec. _____. personal emergency response providers as defined by Section 1702.006 of the Texas Occupations Code are not covered by this act.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Driver offered the following amendment to **CSHB 2304**:

Amend **CSHB 2304** by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter F, Chapter 214, Local Government Code, is amended by adding Section 214.1955 to read as follows:

Sec. 214.1955. MULTI-UNIT HOUSING FACILITIES. (a) A municipality may not refuse to issue an alarm system permit for a residential location solely because the residential location is an individual residential unit located in a multi-unit housing facility.

(b) In issuing an alarm system permit for an alarm installed in an individual residential unit of a multi-unit housing facility, the municipality shall issue the permit to the person occupying the individual residential unit.

(c) A municipality may impose a penalty under Section 214.197 for the signaling of a false alarm on the premises of a multi-unit housing facility for a facility other than an individual residential unit only if the permit holder is notified of:

(1) the date of the signaling of the false alarm;

(2) the address of the multi-unit housing facility where the signaling of the false alarm occurred; and

(3) the identification of the individual facility, if applicable, located on the multi-unit housing facility premises where the signaling of the false alarm occurred.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Driver offered the following amendment to **CSHB 2304**:

Amend **CSHB 2304** on page 5, between lines 7 and 8, by inserting the following:

(d) An alarm systems company commits an offense if the company violates Subsection (a) or (b). An offense under this subsection is a Class C misdemeanor.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Delisi offered the following amendment to **CSHB 2304**:

Amend **CSHB 2304** as follows:

(1) On page 4, line 10, strike "and 1702.287" and substitute ", 1702.287, and 1702.288".

(2) On page 5, between lines 13 and 14, insert the following:

Sec. 1702.288. NOTICE OF CERTAIN INFORMATION TO RECIPIENT OF ALARM SYSTEM SERVICES. (a) The board shall adopt rules in accordance with this section that require a license holder acting as an alarm systems company under this chapter to inform each of the license holder's clients

that the client is entitled to receive a written contract for alarm system services that contains the client's fee arrangement and other relevant information about services to be rendered.

(b) The rules shall require that a written contract for alarm system services shall be furnished to a client in accordance with Subsection (a) not later than the seventh day after the date the client requests the written contract.

(c) The rules shall require that the written contract for services shall be dated and signed by the owner or manager of an alarm systems company or a person expressly authorized by the owner or manager to sign written contracts on behalf of the company.

(d) The rules shall require that, not later than the seventh day after the date of entering into a contract for services regulated by the board with another alarm system company or alarm systems monitor, an alarm system company shall:

(1) notify the recipient of those services of the name, address, and telephone number, and individual to contact at the company that purchased the contract;

(2) notify the recipient of services at the time the contract is negotiated that another licensed company may provide any of the services requested by sub-contracting or outsourcing those services; and

(3) if any of the services are sub-contracted or outsourced to a licensed third party, notify the recipient of services, by mail, of the name, address, phone number and license number of the company providing those services.

(e) The rules shall require that notice provided to a recipient of services under Subsection (d) shall be:

(1) mailed to the recipient in a written form that emphasizes the required information; and

(2) include stickers or other materials to be affixed to an alarm system indicating the alarm systems company's or alarm systems monitor's new telephone number.

Amendment No. 4 was adopted.

CSHB 2304, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Harper-Brown, Laubenberg, Paxton, and Phillips recorded voting no.)

POSTPONED BUSINESS

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

CSHB 3285 ON SECOND READING (by Swinford)

CSHB 3285, A bill to be entitled An Act relating to the abolition of the State Aircraft Pooling Board and the principal part of its functions.

CSHB 3285 was read second time earlier today and was postponed until this time.

CSHB 3285 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero and Leibowitz recorded voting no.)

(Speaker in the chair)

CSHB 846 ON SECOND READING
(by Flynn, Madden, and Eissler)

CSHB 846, A bill to be entitled An Act relating to the regulation of deferred presentment transactions and lenders for deferred presentment transactions.

CSHB 846 was read second time earlier today and was postponed until this time.

Representative Flynn moved to postpone consideration of **CSHB 846** until 10 a.m. tomorrow.

The motion prevailed.

FIVE DAY POSTING RULE SUSPENDED

Representative P. King moved to suspend the five day posting rule to allow the Committee on Regulated Industries to consider **HCR 159** and **SB 533**.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Environmental Regulation, upon recess today, Desk 69, for a formal meeting, to consider pending business.

Corrections, upon recess today, Desk 50, for a formal meeting, to consider pending business.

Land and Resource Management, upon recess today, Desk 74, for a formal meeting, to consider pending business.

Urban Affairs, upon recess today, Desk 48, for a formal meeting, to consider pending business.

Border and International Affairs, upon recess today, Desk 75, for a formal meeting, to consider pending business.

Public Education, upon recess today, speakers committee room, 2W.6, for a formal meeting, to consider pending business.

Pensions and Investments meeting that was recessed earlier today is cancelled.

Culture, Recreation, and Tourism, upon recess today, Desk 66, for a formal meeting, to consider pending business.

State Affairs, upon recess today, Desk 9, for a formal meeting, to consider committee business.

Judiciary, upon recess today, Desk 70, for a formal meeting, to consider pending business.

Law Enforcement, upon recess today, Desk 56, for a formal meeting, to consider pending business.

Transportation, upon recess today, Desk 46, for a formal meeting, to consider pending business.

Energy Resources, upon recess today, Desk 106, for a formal meeting, to consider pending business.

Regulated Industries, upon recess today, JHR 120, for a public hearing, to consider **HCR 159, SB 533**, and pending business.

Natural Resources, upon recess today, Desk 112, for a formal meeting, to consider pending business.

Pensions and Investments, 7 p.m. today, 3509 Ranch Road 620, Austin, TX, for a work session.

Calendars, upon recess today, 3N.3, for a formal meeting, to consider the calendar.

PROVIDING FOR RECESS

Representative Hupp moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 9 a.m. tomorrow.

The motion prevailed.

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.)

(Bonnen in the chair)

RECESS

In accordance with a previous motion, the house, at 2:56 p.m., recessed until 9 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 3589 (By F. Brown), Relating to the creation of the Research Valley Innovation District.

To County Affairs.

HCR 160 (By Hughes), Granting Choices Adolescent Treatment Center, Inc., permission to sue the state and the Department of State Health Services as the successor of the Texas Department of Mental Health and Mental Retardation and the Texas Commission on Alcohol and Drug Abuse.

To Civil Practices.

HCR 163 (By Craddick), Honoring Charles and Margaret Semple of Midland on the occasion of their 40th anniversary.

To Rules and Resolutions.

HCR 164 (By Craddick), Congratulating Don Hedgpeth of Medina on receiving the 2004 Wrangler Award for Outstanding Art Book from the National Cowboy & Western Heritage Museum.

To Rules and Resolutions.

HCR 166 (By Chisum), Memorializing congress to increase funding to the fully authorized level and include advance funds for the Low Income Home Energy Assistance Program and to pursue a more equitable funding allocation formula for the program.

To Energy Resources.

SB 24 to Transportation.

SB 49 to Insurance.

SB 54 to Business and Industry.

SB 229 to Transportation.

SB 272 to Culture, Recreation, and Tourism.

SB 386 to Public Education.

SB 408 to Regulated Industries.

SB 409 to Regulated Industries.

SB 454 to Culture, Recreation, and Tourism.

SB 520 to Civil Practices.

SB 624 to Licensing and Administrative Procedures.

SB 697 to Public Education.

SB 698 to Insurance.

SB 707 to Licensing and Administrative Procedures.

SB 711 to Regulated Industries.

SB 712 to Energy Resources.

SB 771 to Economic Development.

- SB 799** to Public Education.
- SB 804** to Culture, Recreation, and Tourism.
- SB 806** to Agriculture and Livestock.
- SB 826** to Insurance.
- SB 905** to Criminal Jurisprudence.
- SB 984** to Human Services.
- SB 1018** to Business and Industry.
- SB 1037** to Higher Education.
- SB 1044** to Land and Resource Management.
- SB 1049** to County Affairs.
- SB 1056** to Business and Industry.
- SB 1071** to Law Enforcement.
- SB 1089** to Transportation.
- SB 1090** to Defense Affairs and State-Federal Relations.
- SB 1104** to Land and Resource Management.
- SB 1107** to County Affairs.
- SB 1108** to County Affairs.
- SB 1149** to Insurance.
- SB 1159** to Licensing and Administrative Procedures.
- SB 1198** to Local Government Ways and Means.
- SB 1199** to Local Government Ways and Means.
- SB 1204** to Culture, Recreation, and Tourism.
- SB 1206** to Transportation.
- SB 1214** to County Affairs.
- SB 1227** to Higher Education.
- SB 1246** to Licensing and Administrative Procedures.
- SB 1272** to Elections.
- SB 1275** to Criminal Jurisprudence.
- SB 1284** to Insurance.
- SB 1370** to Ways and Means.
- SB 1469** to Criminal Jurisprudence.
- SB 1507** to Criminal Jurisprudence.
- SB 1528** to Higher Education.
- SB 1529** to Higher Education.

SB 1537 to Natural Resources.
SB 1538 to Financial Institutions.
SB 1578 to Judiciary.
SB 1589 to State Affairs.
SB 1596 to Licensing and Administrative Procedures.
SB 1631 to Business and Industry.
SB 1654 to Juvenile Justice and Family Issues.
SB 1660 to County Affairs.
SB 1669 to Agriculture and Livestock.
SB 1677 to County Affairs.
SB 1693 to Public Education.
SB 1713 to Transportation.
SB 1716 to Higher Education.
SB 1741 to Natural Resources.
SB 1751 to Urban Affairs.
SB 1764 to Ways and Means.
SB 1791 to Criminal Jurisprudence.
SB 1795 to Natural Resources.
SB 1824 to Natural Resources.
SB 1826 to County Affairs.
SB 1832 to Judiciary.
SB 1847 to Natural Resources.
SB 1848 to Natural Resources.
SB 1849 to Natural Resources.
SB 1870 to Natural Resources.
SCR 10 to Transportation.
SCR 15 to State Affairs.
SCR 16 to Agriculture and Livestock.
SCR 17 to Higher Education.
SCR 18 to Agriculture and Livestock.
SCR 19 to Higher Education.
SCR 27 to Higher Education.
SJR 3 to Natural Resources.

SIGNED BY THE SPEAKER

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

House List No. 36

HB 297, HB 708, HB 760, HB 901, HB 1154

Senate List No. 15

SB 461, SB 571, SB 1298

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1**MESSAGE FROM THE SENATE**

SENATE CHAMBER

Austin, Texas

Thursday, May 5, 2005

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

LOCAL AND UNCONTESTED CALENDAR

HB 102 Van Arsdale SPONSOR: Lindsay
Relating to the renewal requirements for a respiratory care practitioner certificate.

HB 224 Corte SPONSOR: Shapiro
Relating to the treatment of certain persons younger than 18 years of age admitted for voluntary inpatient mental health services and discharge from that treatment for those persons.

HB 231 Hartnett SPONSOR: Wentworth
Relating to trial by special judge in civil and family law cases.

HB 593 Smithee SPONSOR: Seliger
Relating to the terms of court of the 47th Judicial District.

HB 597 Smithee SPONSOR: Seliger
Relating to the creation of an additional county court at law in Randall County.

HB 801 Uresti SPONSOR: Nelson
Relating to training for Department of Family and Protective Services personnel receiving reports of child abuse and neglect.

HB 802 Uresti SPONSOR: Nelson
Relating to the investigation of certain reports of child abuse and neglect.

- HB 885** Seaman SPONSOR: Brimer
Relating to premium reserve amounts required for title insurers.
- HB 918** Krusee SPONSOR: Wentworth
Relating to the authority of a municipality to establish economic development programs in certain areas.
- HB 937** Homer SPONSOR: Madla
Relating to authorizing the sampling or tasting of certain alcoholic beverages.
- HB 1007** Ritter SPONSOR: Lucio
Relating to certain low-interest home loan programs administered by the Texas State Affordable Housing Corporation.
- HB 1286** Callegari SPONSOR: Brimer
Relating to the regulation of service contract providers and administrators.
- HB 1393** Flores SPONSOR: Shapiro
Relating to the regulation of certain investigators by the Texas Private Security Board.
- HB 1604** Keffer, Bill SPONSOR: Shapiro
Relating to the period in which a birth certificate must be filed or a birth reported.
- HB 2307** Cook, Byron SPONSOR: Fraser
Relating to the terms of office of the Product Development and Small Business Incubator Board.
- HB 2761** Taylor SPONSOR: Fraser
Relating to the amount of homeowners insurance required in connection with certain financing arrangements.
- HB 2870** Smithee SPONSOR: Eltife
Relating to regulation of rates and forms used to write guaranty bonds.
- HB 2872** Smithee SPONSOR: Eltife
Relating to the applicability of certain insurance laws to multi-peril insurance policies.
- HB 2913** Luna SPONSOR: Hinojosa
Relating to the jurisdiction of the district courts in Nueces County to receive guilty pleas in and dispose of certain misdemeanor cases.
- SB 433** Wentworth
Relating to the authorization of airport districts and the issuance of bonds and the exercise of eminent domain by the districts.
- SB 628** Lucio
Relating to an urban land bank program in certain municipalities.
- SB 630** Van de Putte
Relating to audits of providers in the medical assistance program.
- SB 645** Barrientos
Relating to the authority of certain counties to regulate the use of outdoor lighting.

- SB 723** Lucio
Relating to a study of affordable housing needs and potential revenue sources for affordable housing.
- SB 833** Barrientos
Relating to the required use of tax increment financing to provide affordable housing in certain reinvestment zones.
- SB 1035** West, Royce
Relating to the Council on Cardiovascular Disease and Stroke.
- SB 1100** Deuell
Relating to the promotion of tourism related to the musical heritage of this state.
- SB 1122** West, Royce
Relating to the Board of Law Examiners board member compensation.
- SB 1138** Estes
Relating to a student recreational and health facilities fee at Midwestern State University.
- SB 1183** West, Royce
Relating to fetal and infant mortality review; imposing penalties.
- SB 1225** Barrientos
Relating to the regulation of rainwater harvested for domestic use.
- SB 1253** Brimer
Relating to measures to support efforts of municipalities and counties to recruit or retain special events.
- SB 1295** Deuell
Relating to the distribution of proceeds from the sale of certain forfeited property in a criminal case.
- SB 1377** Staples
Relating to certain fees imposed by the secretary of state and the maximum amount that may be imposed in connection with the adoption of a child in another country.
- SB 1433** Madla
Relating to the conditions of employment for firefighters employed by certain districts and entities; providing penalties.
- SB 1491** Williams
Relating to a fee charged for services provided by the staff of the state law library.
- SB 1581** Zaffirini
Relating to the creation of a state pharmacy assistance program based on up-front discounts and to supplemental rebates obtained for prescription drugs provided under certain other state programs.
- SB 1648** Staples
Relating to civil actions.
- SB 1659** Carona
Relating to municipal authority over certain property that is subject to an agreement.

SB 1673 Barrientos
Relating to the creation of a sheriff's department civil service system in certain counties.

SB 1742 West, Royce
Relating to authorizing certain nature centers to charge admission fees.

SB 1794 Armbrister
Relating to suspending the implementation of certain gas utilities' interim cost recovery and rate adjustments.

SB 1798 Armbrister
Relating to the creation of the North Fort Bend Water Authority; providing authority to issue bonds; granting the power of eminent domain; providing an administrative penalty.

SB 1827 Whitmire
Relating to the system by which an application for a low income housing tax credit is scored.

SB 1828 Estes
Relating to the creation of the Smiley Road Water Control and Improvement District; providing authority to impose a tax and issue bonds.

SB 1864 Jackson, Mike
Relating to the powers of the Galveston County Municipal Utility District No. 51, including powers related to the construction, maintenance, operation, and financing of roads or turnpikes; providing the authority to impose taxes and issue bonds.

SB 1867 Jackson, Mike
Relating to the creation of the NASA Area Management District; providing authority to impose an assessment, impose a tax, and issue bonds.

SB 1871 Jackson, Mike
Relating to the creation of the Brazoria County Municipal Utility District No. 44; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

SB 1878 Deuell
Relating to validating actions of and amending assessments imposed by the Falcon's Lair Utility and Reclamation District, of Dallas County, Texas.

SB 1881 Deuell
Relating to the validation, annexation, powers, and duties of the Parker Creek Municipal Utility District of Rockwall County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

SB 1882 Jackson, Mike
Relating to the creation of the Galveston County Municipal Utility District No. 67; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 5, 2005 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 102 Menendez SPONSOR: Wentworth
In memory of G. W. Worth, Jr., of San Antonio.

SB 447 Janek
Relating to the sale of tax receivables by a local government.

SB 1176 Armbrister
Relating to systems and programs administered by the Employees Retirement System of Texas.

SB 1667 Duncan
Relating to responsibilities of certain state agencies concerning radioactive substances; imposing fees and surcharges; providing administrative and civil penalties.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 5, 2005 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 145 Kuempel SPONSOR: Armbrister
Honoring Sally Ann Reynolds, former director of the Legislative Reference Library for her remarkable career in state government.

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

SB 374 (29 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 4

Agriculture and Livestock - **SB 1091, SB 1428, SB 1680, SB 1708**

Business and Industry - **SB 149, SB 327, SB 335, SB 1593**

Civil Practices - **HB 852, SB 15**

Corrections - **HB 196, HB 1896, HB 2711**

County Affairs - **HB 602, HB 1017, HB 2235, HB 2618, HB 2829, HB 2845, HB 2957, HB 3552, SB 718, SB 1435, SB 1437**

Criminal Jurisprudence - **HB 781, HB 1075, HB 1425, HB 1859, HB 2258, HB 2271, HB 2343, HB 3131, SB 56, SB 599, SB 611, SB 1005, SB 1126, SJR 17**

Culture, Recreation, and Tourism - **HB 552, HB 1303, HB 1636, HB 2026, HB 2052, HB 2895, HB 2938, HB 3309, HCR 34, HCR 98, HCR 105, HCR 108, HCR 111, HCR 115, HCR 117, HCR 131, SCR 22**

Elections - **SB 895, SB 896, SB 1011**

Energy Resources - **HCR 96, SB 1103, SCR 6**

Environmental Regulation - **SB 1281**

Financial Institutions - **HB 3428**

Government Reform - **HB 1516, HB 2593**

Higher Education - **HB 133, HB 1748, HB 1791, HB 1931, HB 3005**

Human Services - **HB 1756, HB 3067**

Insurance - **HB 2965, SB 50, SB 53, SB 449, SB 500, SB 781**

Judiciary - **HB 2596, HB 3441**

Land and Resource Management - **HB 1632, HB 1772, SB 200**

Licensing and Administrative Procedures - **HB 3196**

Natural Resources - **HB 1223, HB 2424, HB 2429, HB 3524, SB 547**

Pensions and Investments - **HB 1795**

Public Health - **HB 677, HB 820, HB 929, HB 3174**

State Affairs - **HB 908, HB 3314, SB 220, SB 286**

Transportation - **HB 2402, SB 1074**

Ways and Means - **HB 3406**

ENGROSSED

May 4 - HB 283, HB 1095, HB 1249, HB 1706, HB 2405, HB 3115

