

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-FOURTH DAY — MONDAY, MAY 9, 2005

The house met at 8 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 517).

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; Castro; 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, 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; Woolley; Zedler.

The invocation was offered by Gary Singleton, pastor, The Heights Baptist Church, Richardson, as follows:

Dear God, we come before you today and pause to say thank you that you are God and we are not. That takes all the pressure off of us to try and be someone that you never intended for us to be.

You tell us that you love us and have a plan for our lives. We trust that you have put us in positions of leadership and influence to bring about your plans in this place. We realize this day that we are not here on our own, that others have had a hand in helping to shape us and get us to where we are in our careers and in our lives. We pray your blessings on those individuals who have helped to make us who we are today. We also pray that you will remind us of our responsibility to lead them and others in our communities that we represent by serving them well.

We ask that you give us wisdom and patience as we seek to do your will. May we see the issues before us today through your perspective. Grant us the courage to act on what we understand to be true, right, merciful, and just. We

offer this day to you and trust that you will lead us as we pursue your purposes and plans. May our lives bring you pleasure in the way we live today. In Jesus' name we pray. Amen.

The speaker recognized Representative Hill 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 Nixon and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

CAPITOL PHYSICIAN

The speaker recognized Representative Morrison who presented Dr. Jefferson Alling of Decatur as the "Doctor for the Day."

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

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 16).

(Flynn in the chair)

RULES SUSPENDED

Representative Reyna moved to suspend Rule 8, Section 15 of the House Rules and all other necessary rules to take up and consider bills on the Local, Consent, and Resolutions Calendar set for Friday, May 6 on second and third reading today.

A record vote was requested.

The motion prevailed by (Record 518): 144 Yeas, 0 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(C); 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; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Nixon; Noriega, M.; Oliveira; 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; Woolley; Zedler.

Present, not voting — Mr. Speaker.

Absent — Castro; Martinez Fischer; Naishtat; Olivo.

RULES SUSPENDED

Representative Edwards moved to suspend all necessary rules to take up and consider the Congratulatory and Memorial Calendar set for Friday, May 6 today.

The motion prevailed.

HB 164 - RECOMMITTED

Representative Driver moved to recommit **HB 164** to the Committee on Law Enforcement.

The motion prevailed.

HR 1465 - ADOPTED

(by Laubenberg)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 1465**.

The motion prevailed.

The following resolution was laid before the house:

HR 1465, Honoring the city of Parker for its outstanding performance during Texas Trash-Off Day and for its status as a top community in the state for recycling.

HR 1465 was adopted.

HR 1429 - ADOPTED

(by Morrison)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 1429**.

The motion prevailed.

The following resolution was laid before the house:

HR 1429, Honoring Henry Samuel and Fay Maurine Jacob of Goliad County on the occasion of their 70th wedding anniversary.

HR 1429 was adopted.

HR 1467 - ADOPTED

(by Martinez)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 1467**.

The motion prevailed.

The following resolution was laid before the house:

HR 1467, Congratulating the first graduating class of Mid Valley Christian School.

HR 1467 was adopted.

HCR 170 - ADOPTED
(by J. Davis)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HCR 170**.

The motion prevailed.

The following resolution was laid before the house:

HCR 170, Commending Randolph Robert Reed of Pearland for his completion of the BP MS150 Bike Ride.

HCR 170 was adopted.

HR 1466 - ADOPTED
(by J. Davis, Taylor, and Talton)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 1466**.

The motion prevailed.

The following resolution was laid before the house:

HR 1466, Congratulating the winners of the 2005 Flooring America Dads Becoming Heroes Essay Contest.

HR 1466 was adopted.

(Edwards in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

HR 270 (by Gattis), Honoring Lance Corporal Justin Gower for his courageous service to his country.

HR 451 was previously adopted.

HR 1087 (by Chavez), Congratulating Lisa Corinne Mason of El Paso on her graduation with honors from New Mexico State University.

HR 1088 (by Chavez), Commending El Paso city employee Manny Grado for helping to make his community a better place in which to live.

HR 1089 (by Chavez), Congratulating Megan Connor of El Paso on winning first place in the Charolais steer division at the Houston Livestock Show.

HR 1090 (by Chavez), Honoring Charles Roark for his work with Hospice El Paso.

HR 1091 (by Chavez), Honoring Shamaley Ford of El Paso on achieving a top ranking in the nation among Ford dealers.

HR 1092 (by Chavez), Honoring Teo Garcia of El Paso for his receipt of the Martin Luther King, Jr., Humanitarian Award.

HR 1093 (by Chavez), Recognizing Johnny "Natural" Najera of El Paso for his accomplishments in the music industry.

HR 1094 (by Chavez), Commending Mickey Loweree for her significant contributions to the El Paso community.

HR 1095 (by Chavez), Congratulating Malena Field for her appointment to the editorial board of the El Paso Times.

HR 1096 (by Chavez), Congratulating Sydney Witte of El Paso on winning first place in the Reserve Breed Champion Market Hog category at the Houston Livestock Show.

HR 1097 (by Chavez), Honoring Shay Lyn Mulligan of El Paso for her service as Safety Patrol captain at Mitzi Bond Elementary School.

HR 1098 (by Chavez), Congratulating Cindy Anaya of El Paso on winning first place at the regional cook-off at The Art Institute's Best Teen Chef 2005 scholarship competition.

HR 1099 (by Chavez), Honoring Travis Kirchner and the Poki Roni Ranch of El Paso.

HR 1101 (by Chavez), Honoring the newspaper and yearbook staffs of Burges High School on winning Silver Crown Awards from the Columbia Scholastic Press Association.

HR 1102 (by Chavez), Congratulating Justin Churchman of El Paso for being invited to attend the Junior National Young Leaders Conference.

HR 1103 (by Chavez), Commending the Marquez family of El Paso and Fast Lube, Inc.

HR 1104 (by Chavez), Honoring Sparks Housing Development Corporation on its 15th anniversary.

HR 1105 (by Chavez), Commending Erica Corral of El Paso for her academic achievements.

HR 1106 (by Chavez), Commending Jessica Corral of El Paso for her academic achievements.

HR 1107 (by Chavez), Honoring Our Lady of Mount Carmel Catholic school in El Paso for 87 years of service.

HR 1108 (by Chavez), Honoring Carlos Portillo, Jr., of El Paso for earning straight A's.

HR 1110 (by Craddick), Honoring Lyn Sockwell of Midland on being named the 2004 Safety Person of the Year by the Association of Energy Service Companies.

HR 1112 (by Farabee), Congratulating Sydney Matlock of Wichita Falls on winning the 2005 Scripps-Howard Regional Spelling Bee.

HR 1113 (by Farabee), Honoring the Wichita Falls Kiwanis Club for promoting literacy and the joy of reading through its "Read Around the World" program for children.

HR 1122 (by Pitts), Honoring Fred Bryant of Waxahachie on his receipt of the Carnegie Medal.

HR 1123 (by Pitts), Honoring Chris Frost of Waxahachie for his heroic rescue of his neighbor's infant son.

HR 1126 (by Bohac), Honoring Venturetech of Houston on the occasion of its 25th anniversary.

HR 1128 (by Dunnam and Hughes), Commending the Baylor University Bob Bullock Scholars Program and its participants.

HR 1131 (by Chavez), Congratulating Jaime Reza on earning the Assembly/Packaging Department Employee of the Year Award from the El Paso Lighthouse for the Blind.

HR 1132 (by Chavez), Congratulating Ester Munoz on earning the State Contracts Department Employee of the Year Award from the El Paso Lighthouse for the Blind.

HR 1133 (by Chavez), Congratulating Victor Galviz on earning the Federal Contracts Department Employee of the Year Award from the El Paso Lighthouse for the Blind.

HR 1134 (by Chavez), Congratulating Nicole Hollins on her receipt of the Martin Luther King, Jr., Humanitarian Award for her volunteerism in the El Paso community.

HR 1135 (by Chavez), Honoring Vanessa Romero of Montwood High School in El Paso for her success in the sport of track and field.

HR 1136 (by Chavez), Congratulating Brit Lopez of Coronado High School in El Paso for his accomplishments on the soccer field.

HR 1137 (by Chavez), Congratulating Laura Perales of El Paso for her success in the sport of softball.

HR 1139 (by Chavez), Congratulating Cinda Abeyta of El Paso on her receipt of the Martin Luther King, Jr., Humanitarian Award for her volunteerism.

HR 1140 (by Chavez), Congratulating John McCain on earning the Volunteer of the Year Award from the El Paso Lighthouse for the Blind.

HR 1141 (by Chavez), Congratulating Maria de la Liz Ramirez on earning the Supervisor of the Year Award from the El Paso Lighthouse for the Blind.

HR 1142 (by Chavez), Congratulating Preston "Rusty" Hooten on earning the Professional Staff Excellence Award from the El Paso Lighthouse for the Blind.

HR 1143 (by Chavez), Honoring the 60th anniversary of the Segura-McDonald VFW Post No. 5615.

HR 1148 (by Martinez), Congratulating Maria Elena Betancourt-Delgado of Donna on being recognized in Who's Who Among America's Teachers in 2004-2005.

HR 1149 (by Martinez), Honoring Maria del Carmen Torres for her volunteer work with Mercedes schools.

HR 1153 (by Gallego), Honoring native Texan Juan Ramos on his 2004 retirement from the National Institute of Mental Health.

HR 1159 (by A. Allen), Honoring the Empowering Teen Leaders group on its visit to the State Capitol.

HR 1193 (by Dukes), Honoring the Texas Music Museum for its contributions to the cultural fabric of the state.

HR 1252 (by Hopson), Honoring Ennis and Mildred Bolton of Jacksonville on the occasion of their 63rd wedding anniversary.

HR 1254 (by Crabb), Honoring the Kingwood Mustangs boys' basketball team for winning the 2005 UIL 5A state championship.

HR 1255 (by Crabb), Congratulating the Kingwood High School girls' cross-country team on winning the UIL 5A State Championship.

HR 1256 (by Crabb), Congratulating the Kingwood High School boys' swim team on winning the UIL 5A state championship.

HR 1259 was withdrawn.

HR 1264 (by Castro), Honoring Jason David Summerville on his May 2005 graduation from St. Edward's University.

HR 1268 (by Gallego and Rodriguez), Commending Gilberto Velasco of Presidio on his service to his community and this state.

HR 1270 (by Craddick), Honoring Pete and Violet Hammond of Midland on their 50th anniversary.

HR 1271 (by Hopson), Honoring Harold and Anita Small of Jacksonville on the occasion of their 50th wedding anniversary.

HR 1276 (by Krusee), Commending students from Stony Point High School for their exceptional showing at the SkillsUSA state competition.

HR 1277 (by Krusee), Commending the Scientific Research, Engineering, and Technical Services Showcase team from Stony Point High School for presenting a solar car and earning a first-place gold medal and trophy at the SkillsUSA state competition.

HR 1279 (by Madden), Honoring Marlene Mottwiler Horner of Dallas on the occasion of her 70th birthday.

HR 1280 (by Madden), Honoring Lee Nguyen of Plano on being named the 2004 Gatorade National High School Player of the Year.

HR 1281 (by McClendon), Honoring the Reverend Kenneth A. Allen for his exceptional tenure with Mount Zion First Baptist Church in San Antonio.

HR 1282 (by McClendon), Recognizing the Convoy of Hope on the occasion of its outreach in San Antonio on May 21, 2005.

HR 1284 (by Farabee), Congratulating Shawn Hutchinson of Iowa Park on winning the 2005 Jefferson Award for Outstanding Community Service.

HR 1286 (by Farabee), Honoring Heather Schreiber on her basketball career at The University of Texas at Austin.

HR 1293 (by Dutton), Congratulating Chester Smith of Houston on leading the Wheatley High School boys basketball team to the state tournament for the ninth time.

HR 1299 (by Burnam), Recognizing May 24, 2005, as Aviation Maintenance Technician Day in Texas.

HR 1341 (by Hopson), Honoring Lauren Pierce on being named the 2005 Cherokee County Junior Livestock Show Queen.

HR 1371 (by Giddings), Commending Alaa Yousef of DeSoto for earning a 2004-2005 Girl Scout Gold Award.

HR 1420 (by Grusendorf), Recognizing J. Mathew "Matt" Ross of Garland for his service to Representative Kent Grusendorf during the 79th Legislative Session.

HR 1421 (by Grusendorf), Recognizing Daniel "Danny" E. Gonzalez of Cypress for his service to Representative Kent Grusendorf during the 79th Legislative Session.

HR 1422 (by Grusendorf), Recognizing Alexandra "Alex" Kier of Arlington for her service to Representative Kent Grusendorf during the 79th Legislative Session.

HR 1423 (by Grusendorf), Recognizing Christine Olivia Nguyen of Houston for her service to Representative Kent Grusendorf during the 79th Legislative Session.

HR 1424 (by Grusendorf), Recognizing Berkley Barnes Scroggins of Fredricksberg for his service to Representative Kent Grusendorf during the 79th Legislative Session.

HR 1425 (by Grusendorf), Recognizing Margaret "Meg" Clifford of Austin for her service to Representative Kent Grusendorf during the 79th Legislative Session.

HR 1426 (by Grusendorf), Recognizing Doug Williams for his service to Representative Kent Grusendorf during the 79th Legislative Session.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

HCR 2 (by Craddick), In memory of U.S. Army Sergeant Brian Baker.

HR 8 (by Hodge, J. Jones, Giddings, and Y. Davis), In memory of Tillie Mae Parker Baylor of Dallas.

HR 1340 (by Hughes), In memory of Dr. William Howard Wisner of Mineola.

HR 1359 was withdrawn.

HR 1361 (by Hopson), In memory of Eleanor Helen Liebscher Nau of Austin.

HR 1364 (by T. King), In memory of Senior Patrol Agent Travis Wayne Attaway of the U.S. Border Patrol.

HR 1365 (by T. King), In memory of Senior Patrol Agent Jeremy Wilson of the U.S. Border Patrol.

HR 1370 (by Bailey), In memory of Joe Grady Moore, Jr., of Austin.

HR 1374 (by Escobar), In memory of Dr. Joseph Montgomery-Davis of Raymondville.

HR 1375 (by R. Cook), In memory of Ronald Lee Kellett of Rockport.

HR 1381 (by Quintanilla), In memory of Christopher Angel Reyes of Fabens.

HR 1382 (by Quintanilla), In memory of Ramon Gutierrez.

HR 1383 (by Quintanilla), In memory of Louie Manuel Lara of El Paso.

HR 1384 (by Quintanilla), In memory of Rosario Parada of San Elizario.

HR 1385 (by Quintanilla), In memory of Margarita C. Godoy of San Elizario.

HR 1386 (by Quintanilla), In memory of Jose Guadalupe Payan of El Paso.

HR 1387 (by Quintanilla), In memory of Frank "Topi" Rodriguez of Fabens.

HR 1389 (by Wong), In memory of Tena Loverde Ferrara of Houston.

HR 1390 (by Wong), In memory of Carl Albert Munson, Jr., of Georgetown and Houston.

The resolutions were unanimously adopted by a rising vote.

On motion of Representative Hope, the names of all the members of the house were added to **HCR 2**, **HR 1364**, and **HR 1365** as signers thereof.

(Speaker pro tempore in the chair)

PROVIDING FOR A LOCAL, CONSENT, AND RESOLUTIONS CALENDAR

Representative Reyna moved to suspend all necessary rules to set a local, consent, and resolutions calendar for 9 a.m. Friday, May 13.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local and Consent Calendars, upon final adjournment today, E2.024, for a formal meeting, to consider a local and consent calendar.

**LOCAL, CONSENT, AND RESOLUTIONS CALENDAR
SECOND READING**

The following bills were laid before the house, read second time, and passed to third reading, and the following resolutions were laid before the house on committee report and adopted (members registering votes are shown following the caption):

CSHB 43 (by Y. Davis), A bill to be entitled An Act relating to requiring the Texas Department of Criminal Justice to conduct a mandatory human immunodeficiency virus test on certain inmates and state jail felons.

HB 192 (by Eissler), A bill to be entitled An Act relating to the determination of the validity of certain Montgomery County Hospital District election petitions.

HB 281 (by Hope and W. Smith), A bill to be entitled An Act relating to the authority of certain counties to apply a county fire code to certain buildings.

CSHB 506 (by Hilderbran), A bill to be entitled An Act relating to hunting on or over certain submerged land; providing a penalty.

CSHB 541 (by Krusee), A bill to be entitled An Act relating to the types of nonprofit organizations that may conduct raffles.

CSHB 608 (by Giddings), A bill to be entitled An Act relating to school district internship programs in which students earn credit for high school graduation by working with elected government officials.

HB 659 (by Hupp), A bill to be entitled An Act relating to authorizing a qualified organization under the Charitable Raffle Enabling Act to conduct a reverse raffle.

CSHB 719 (by J. Jones and Anchia), A bill to be entitled An Act relating to publicizing a list of voters' rights.

CSHB 812 (by Flynn), A bill to be entitled An Act relating to the creation of the Sunrise Municipal Utility District of Hunt County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

CSHB 813 (by Flynn), A bill to be entitled An Act relating to the creation of the Union Valley Ranch Municipal Utility District of Hunt County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

HB 833 (by Gattis), A bill to be entitled An Act relating to hours of sale for certain alcoholic beverages in certain areas.

CSHB 863 (by Kolkhorst), A bill to be entitled An Act relating to an employment preference for veterans at state agencies.

CSHB 888 (by Seaman), A bill to be entitled An Act relating to the reporting of cost claims information under certain health benefit plans.

CSHB 934 (by Taylor), A bill to be entitled An Act relating to notice requirements in certain proceedings relating to charitable trusts.

CSHB 967 (by Haggerty), A bill to be entitled An Act relating to administration of the criminal justice information system.

HB 1054 (by Hope), A bill to be entitled An Act relating to the creation of the Montgomery County Municipal Utility District No. 100; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Puente, Representative Hope offered the following committee amendment to **HB 1054**:

Amend **HB 1054** on page 5, between lines 26 and 27, by inserting the following:

Sec. 8119.103. LIMITATION ON USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain outside the district boundaries to acquire a site for a water treatment plant, water storage facility, wastewater treatment plant, or wastewater disposal facility.

Amendment No. 1 was adopted.

HB 1055 (by Hope), A bill to be entitled An Act relating to the creation of the Montgomery County Municipal Utility District No. 101; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Puente, Representative Hope offered the following committee amendment to **HB 1055**:

Amend **HB 1055** on page 5, between lines 24 and 25, by inserting the following:

Sec. 8120.103. LIMITATION ON USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain outside the district boundaries to acquire a site for a water treatment plant, water storage facility, wastewater treatment plant, or wastewater disposal facility.

Amendment No. 1 was adopted.

CSHB 1079 (by West), A bill to be entitled An Act relating to the eligibility of certain judges to retire with full benefits.

CSHB 1137 (by W. Smith), A bill to be entitled An Act relating to the authority of the Department of Public Safety to enter into agreements with foreign countries for issuance of driver's licenses.

HB 1140 (by Flynn), A bill to be entitled An Act relating to the specifications and fees for legal papers filed with a county clerk.

CSHB 1141 (by Flynn), A bill to be entitled An Act relating to the conversion of the Verandah Fresh Water Supply District of Hunt County to a municipal utility district; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

HB 1165 (by Harper-Brown), A bill to be entitled An Act relating to the employment of county traffic officers by certain counties.

HB 1181 (by Dutton, et al.), A bill to be entitled An Act relating to access to criminal history record information by a domestic relations office.

HB 1209 (by Gattis), A bill to be entitled An Act relating to using county election precincts for any election held on the November uniform election date.

HB 1346 (by Gattis), A bill to be entitled An Act relating to the creation of the CLL Municipal Utility District No. 1; providing authority to impose a tax and issue bonds.

CSHB 1353 (by R. Cook), A bill to be entitled An Act relating to creation and operation of a guaranty fund for certain groups certified to self insure for workers' compensation insurance coverage and to service companies that administer the guaranty fund.

CSHB 1382 (by J. Jones), A bill to be entitled An Act relating to notice of cancellation of a voter's registration.

SB 718 (Berman - House Sponsor), in lieu of **HB 1444**, A bill to be entitled An Act relating to boundaries of emergency services districts.

Representative Berman moved to lay **HB 1444** on the table subject to call.

The motion prevailed.

HB 1571 (by Taylor), A bill to be entitled An Act relating to requirements for a group life insurance policy to be issued for certain employee groups.

CSHB 1610 (by Chisum), A bill to be entitled An Act relating to a county fee and certain maps regarding an activity that excavates or cuts the surface of a county road.

Amendment No. 1

Representative Chisum offered the following amendment to **CSHB 1610**:

Amend **CSHB 1610** as follows:

(1) SECTION 1, on page 2 delete subsection 240.907(e) by striking lines 6 through 15

Amendment No. 1 was adopted.

HB 1631 (by Hilderbran), A bill to be entitled An Act relating to amendment of restrictions governing certain residential subdivisions.

CSHB 1664 was withdrawn.

HB 1687 (by Dutton), A bill to be entitled An Act relating to fees charged by a juvenile justice alternative education program.

CSHB 1741 (by Seaman), A bill to be entitled An Act relating to the creation by certain municipalities and powers of regional mobility authorities.

CSHB 1773 (by Miller), A bill to be entitled An Act relating to the authority of certain counties to impose a hotel occupancy tax.

HB 1789 (by Callegari), A bill to be entitled An Act relating to certain obsolete documents issued in connection with the licensing of drivers.

CSHB 1812 (by Hamilton), A bill to be entitled An Act relating to annexation and incorporation procedures for certain unincorporated areas in certain counties.

HB 1863 (by Uresti), A bill to be entitled An Act relating to the termination of a campaign treasurer appointment.

CSHB 1918 (by R. Allen), A bill to be entitled An Act relating to the interagency exchange of information regarding certain offenders with special needs.

CSHB 1925 (by Driver), A bill to be entitled An Act relating to removal or covering of certain signs in a construction or maintenance work zone.

CSHB 1934 (by Gonzalez Toureilles and F. Brown), A bill to be entitled An Act relating to security fees for justice courts.

SB 1011 (Swinford - House Sponsor), in lieu of **HB 1942**, A bill to be entitled An Act relating to restrictions on and reporting of certain expenditures by registered lobbyists.

Representative Swinford moved to lay **HB 1942** on the table subject to call.

The motion prevailed.

HB 1945 (by Hilderbran, et al.), A bill to be entitled An Act relating to the filing of personal financial statements by the state chair of a political party.

SB 896 (Hartnett - House Sponsor), in lieu of **HB 1972**, A bill to be entitled An Act relating to the powers and duties of and the appointment of certain election officers.

Representative Hughes moved to lay **HB 1972** on the table subject to call.

The motion prevailed.

SB 895 (Hartnett - House Sponsor), in lieu of **HB 1973**, A bill to be entitled An Act relating to the processing of certain election ballots voted early.

Representative Hughes moved to lay **HB 1973** on the table subject to call.

The motion prevailed.

CSHB 1977 (by Gallego), A bill to be entitled An Act relating to the presentation of Star of Texas awards to peace officers, firefighters, and emergency medical first responders who are killed or sustain serious or fatal injuries in the line of duty.

CSHB 2011 (by Nixon), A bill to be entitled An Act relating to the creation of a living trust; providing a civil penalty.

CSHB 2041 (by Campbell and Gallego), A bill to be entitled An Act relating to a TEXAS grant pilot project to provide incentives for students to attend certain underutilized public institutions of higher education.

CSHB 2059 (by Madden, et al.), A bill to be entitled An Act relating to the period of voter registration of a person registered by a federal postcard application.

CSHB 2079 (by J. Keffer), A bill to be entitled An Act relating to the creation, administration, powers, duties, functions, operations, and financing of the Stephens Regional Special Utility District.

HB 2100 (by Delisi), A bill to be entitled An Act relating to heirloom wedding anniversary certificates.

CSHB 2120 (by R. Allen and Jackson), A bill to be entitled An Act relating to the efficient administration and certain powers of county government.

HB 2154 (by Smithee), A bill to be entitled An Act relating to the declination of compensation by a candidate for a county or precinct office.

HB 2158 (by Delisi), A bill to be entitled An Act relating to an exemption from annual registration fees for a retired physician who provides volunteer medical services in a disaster.

CSSB 1103 (Hughes - House Sponsor), in lieu of **HB 2203**, A bill to be entitled An Act relating to the powers and duties of the General Land Office and the disposition of certain unsurveyed public school land. (Quintanilla recorded voting no.)

Representative Hughes moved to lay **HB 2203** on the table subject to call.

The motion prevailed.

CSHB 2301 (by Turner), A bill to be entitled An Act relating to proceedings involving the change of rates of a water and sewer utility.

CSHB 2344 (by Luna), A bill to be entitled An Act relating to the Council on Cardiovascular Disease and Stroke.

HB 2381 (by Hegar), A bill to be entitled An Act relating to posting on the Internet the notice of a meeting of the governing body of a county and certain districts and political subdivisions.

Amendment No. 1

Representative Hegar offered the following amendment to **HB 2381**:

Amend **HB 2381** in SECTION 1 of the bill by striking added Subsection (b) to Section 551.043, Government Code, and substituting the following:

(b) If this chapter specifically requires or allows a governmental body to post notice of a meeting on the Internet:

(1) the governmental body satisfies the requirement that the notice must be posted in a place readily accessible to the general public at all times by making a good-faith attempt to continuously post the notice on the Internet during the prescribed period;

(2) the governmental body must still comply with any duty imposed by this chapter to physically post the notice at a particular location; and

(3) if the governmental body makes a good-faith attempt to continuously post the notice on the Internet during the prescribed period, the notice physically posted at the location prescribed by this chapter must be readily accessible to the general public during normal business hours.

Amendment No. 1 was adopted.

HB 2408 (by Bonnen), A bill to be entitled An Act relating to delivery to an employer of an order or writ for the withholding of child support from an employee's earnings.

CSHB 2422 (by Frost), A bill to be entitled An Act relating to the designation of Farm-to-Market Road 2065 as the Staff Sergeant Herbert S. Robertson, Jr., Memorial Highway.

CSHB 2451 (by J. Moreno), A bill to be entitled An Act relating to the sale, service, and delivery of alcoholic beverages; providing penalties.

HB 2458 (by J. Jones), A bill to be entitled An Act relating to authorizing the commissioner's court of a county to delegate its authority to make certain budget transfers.

CSHB 2465 (by Denny), A bill to be entitled An Act relating to a public hearing conducted by the secretary of state in regard to the question of approval of a voting system or voting system equipment for use in elections.

HB 2473 (by Delisi), A bill to be entitled An Act relating to certain state publications maintained by the Texas State Library and Archives Commission.

CSHB 2476 (by Delisi), A bill to be entitled An Act relating to allowing the Texas Medical Disclosure Panel to hold telephonic hearings.

CSHB 2495 (by Wong), A bill to be entitled An Act relating to the transfer of a motor vehicle title at a dealer auction.

CSHB 2507 (by Bohac, Bailey, and A. Allen), A bill to be entitled An Act relating to the regulation of mobile food units and roadside food vendors in certain populous areas.

HB 2509 (by Bohac), A bill to be entitled An Act relating to jurisdiction of a municipal court over an action to enforce certain vehicle dealer and manufacturer license plate laws.

CSHB 2524 was withdrawn.

CSHB 2526 (by Flores), A bill to be entitled An Act relating to the promotional activities of certain alcoholic beverage license or permit holders.

CSHB 2531 (by Chavez), A bill to be entitled An Act relating to the local administrative judge for the El Paso Council of Judges.

HB 2560 (by Laubenberg), A bill to be entitled An Act relating to validation of the creation of and certain acts taken by the Rockwall County Public Safety and Fire Assistance District.

CSHB 2589 (by Y. Davis, Hartnett, et al.), A bill to be entitled An Act relating to local control of fire fighter and police officer employment matters in certain municipalities.

CSHB 2590 (by Gonzales), A bill to be entitled An Act relating to the issuance of a package store tasting permit to the holder of a wine only package store permit.

HB 2594 (by Coleman), A bill to be entitled An Act relating to the health disparities task force.

CSHB 2636 (by Isett), A bill to be entitled An Act relating to the rate of and the period for which interest is paid on certain tax refunds.

CSHB 2647 (by Homer and Phillips), A bill to be entitled An Act relating to designation of Farm-to-Market Road 68 in Fannin County as Speaker Jimmy Turman Road.

HB 2667 (by Dutton), A bill to be entitled An Act relating to the election of a director of a municipal utility district.

HB 2694 (by Anchia), A bill to be entitled An Act relating to the eligibility of certain counties to use the competitive proposal procedure for certain purchases.

HB 2695 (by Anchia), A bill to be entitled An Act relating to allowing a county to consider health insurance benefits provided by a bidder to its employees when awarding a purchasing contract.

CSHB 2759 (by Taylor, T. Smith, Eiland, Dawson, and Hegar), A bill to be entitled An Act relating to the maximum number of registered voters that may be contained in a county election precinct.

CSHB 2772 (by Farabee), A bill to be entitled An Act relating to health savings accounts and high-deductible health plans implemented as a part of the group benefits program of the Employees Retirement System of Texas.

HB 2783 (by Wong), A bill to be entitled An Act relating to the time for responding to notice of certain sworn complaints filed with the Texas Ethics Commission.

CSHB 2796 (by Chavez), A bill to be entitled An Act relating to the provision of health care in areas near the Texas-Mexico border.

HB 2856 (by Uresti), A bill to be entitled An Act relating to the repeal of the regulation of career counseling services.

CSHB 2883 (by Smithee), A bill to be entitled An Act relating to Texas Life, Accident, Health, and Hospital Service Insurance Guaranty Association.

CSHB 2891 was deferred until the end of today's Local, Consent, and Resolutions Calendar.

HB 2931 (by Delisi), A bill to be entitled An Act relating to the authority of a municipality that includes or is near a defense base to issue bonds for facilities to be leased to the federal government.

CSHB 2977 (by Gonzales), A bill to be entitled An Act relating to the establishment of criminal law hearing officers in Hidalgo County.

HB 3015 (by Hill and Hodge), A bill to be entitled An Act relating to next of kin for purposes of making funeral arrangements.

Amendment No. 1

Representative Hill offered the following amendment to **HB 3015**:

Amend **HB 3015** (House Committee Report) on page 1, line 5, by striking "Occupations" and substituting "Health and Safety".

Amendment No. 1 was adopted.

CSHB 3041 (by Branch, Hodge, Alonzo, Hartnett, and Anchia), A bill to be entitled An Act relating to the designation of the structure on Spur 366 connecting the east and west levee of the Trinity River as the Margaret Hunt Hill Bridge.

HB 3114 (by Corte), A bill to be entitled An Act relating to managing and maximizing federal money for certain state programs.

Amendment No. 1 (Committee Amendment No. 1)

Representative Corte offered the following committee amendment to **HB 3114**:

Amend **HB 3114** as follows:

On Page 1, Line 17, strike "coordinate" and substitute "consult" in its place.

On Page 1, Line 18, insert "when determining how" between "Transportation" and "to".

Amendment No. 1 was adopted.

HB 3116 (by Corte), A bill to be entitled An Act relating to the authority of regional planning commissions with respect to mutual aid agreements for emergency management purposes.

CSHB 3118 (by R. Allen), A bill to be entitled An Act relating to fees collected for services provided by the Commission on Jail Standards.

CSHB 3129 (by Hamilton), A bill to be entitled An Act relating to the creation of a driver safety program for holders of provisional driver's licenses.

CSHB 3144 (by Hughes), A bill to be entitled An Act relating to a prohibition on hunting on certain parts of Big Sandy Creek in Wood County; providing penalties.

HB 3147 (by Turner, et al.), A bill to be entitled An Act relating to authorizing the Texas Building and Procurement Commission to enter into more favorable lease with option to purchase agreements with regards to certain space currently occupied under lease with option to purchase agreements.

SB 1126 (Escobar - House Sponsor), in lieu of **HB 3154**, A bill to be entitled An Act relating to the confidentiality of records regarding sex offense victims.

Representative Escobar moved to lay **HB 3154** on the table subject to call.

The motion prevailed.

HB 3164 (by M. Noriega), A bill to be entitled An Act relating to taxes, assessments, and impact fees imposed on residential property by the Greater East End Management District.

CSHB 3269 (by Blake, McReynolds, Dunnam, et al.), A bill to be entitled An Act relating to the duties of the Texas Historical Commission relating to El Camino Real de los Tejas National Historic Trail.

HB 3315 (by B. Brown), A bill to be entitled An Act relating to state compensation for certain primary election expenses.

CSHB 3384 (by Chavez), A bill to be entitled An Act relating to the authority of a junior college district or local workforce development board to contract under the Interlocal Cooperation Act.

CSSB 1471 (Morrison - House Sponsor), in lieu of **HB 3424**, A bill to be entitled An Act relating to the regulation of certain promotional activities conducted by alcoholic beverage permit and license holders.

Representative Morrison moved to lay **HB 3424** on the table subject to call.

The motion prevailed.

CSHB 3434 (by Hartnett), A bill to be entitled An Act relating to testamentary and nontestamentary transfers of property and other benefits and the administration of those benefits.

HB 3473 (by Chavez), A bill to be entitled An Act relating to an exemption from the platting requirement in certain counties near an international border.

CSHB 3476 (by Olivo), A bill to be entitled An Act relating to the creation of the Fort Bend County Municipal Utility District No. 177; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

CSHB 3477 was withdrawn.

CSHB 3479 was withdrawn.

CSHB 3490 (by Denny), A bill to be entitled An Act relating to the creation of The Lakes Fresh Water Supply District of Denton County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

CSHB 3519 (by Naishtat), A bill to be entitled An Act relating to the appointment of temporary justices of the peace in certain counties.

HB 3528 (by Bailey), A bill to be entitled An Act relating to property exemptions in, and the validation of certain acts of, the Greater Greenspoint Management District of Harris County.

HB 3541 (by R. Cook), A bill to be entitled An Act relating to the powers and duties of magistrates in Brazos County.

HB 3547 (by B. Brown), A bill to be entitled An Act relating to the creation of an additional county court at law in Kaufman County.

CSHB 3570 (by Martinez, Peña, and Gonzales), A bill to be entitled An Act relating to the creation of an additional county court at law in Hidalgo County.

HB 3573 (by West), A bill to be entitled An Act relating to the authority of certain counties to impose a hotel occupancy tax.

HCR 124 (by Truitt), Designating April as Child Safety Month in Texas.

SB 182 (Krusee - House Sponsor), A bill to be entitled An Act relating to the board of directors of an intermunicipal commuter rail district.

SB 262 (Eiland - House Sponsor), A bill to be entitled An Act relating to benefits from the Employees Retirement System of Texas for law enforcement officers commissioned by the Texas State Board of Pharmacy.

SB 321 (Goodman - House Sponsor), A bill to be entitled An Act relating to the jurisdiction of the 396th District Court.

SB 359 (Solomons - House Sponsor), A bill to be entitled An Act relating to notice regarding rental car damage waivers.

SB 441 (Hilderbran - House Sponsor), A bill to be entitled An Act relating to application of the professional prosecutors law to the district attorney for the 112th Judicial District.

SB 550 (Hartnett - House Sponsor), A bill to be entitled An Act relating to the compensation of security personnel of certain courts, including the payment of compensation for the bailiff of the 106th District Court.

CSSB 552 (Hartnett - House Sponsor), A bill to be entitled An Act relating to the creation of magistrates in Nolan County.

SB 644 (Casteel - House Sponsor), A bill to be entitled An Act relating to the eligibility of persons to participate in the public sale in certain counties of certain real property.

SB 1217 (Corte - House Sponsor), A bill to be entitled An Act relating to the punishments authorized under the Texas Code of Military Justice.

SB 1563 (McCall - House Sponsor), A bill to be entitled An Act relating to uniform law on negotiable instruments and bank deposits and collections.

SB 1641 (Oliveira - House Sponsor), A bill to be entitled An Act relating to the continuation of the law authorizing the issuance of oversize or overweight vehicle permits by certain port authorities.

Amendment No. 1

On behalf of Representative Oliveira, Representative Escobar offered the following amendment to **SB 1641**:

Amend **SB 1641** by striking all of SECTION 1 and substituting the following:

SECTION 1. Section 623.219, Transportation Code, is amended to read as follows:

Sec. 623.219. EXPIRATION. This subchapter expires January 1, 2008 [~~June 1, 2007~~].

Amendment No. 1 was adopted.

SCR 25 (Hilderbran - House Sponsor), Recognizing April 5, 2005, as Texas Medal of Arts Awards Day.

CSHB 2891 (by Oliveira), A bill to be entitled An Act relating to extending the expiration date for the issuance of certain permits for oversize or overweight vehicles in certain counties.

Representative Reyna moved to lay **CSHB 2891** on the table subject to call.

The motion prevailed.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a conference committee meeting:

Kolkhorst on motion of Homer.

Pitts on motion of Homer.

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. 37).

REMARKS BY REPRESENTATIVE ANCHIA

Mr. Speaker and members. Marissa and I want to thank all of you for your prayers, calls, and visits during the last few days. For those of you I have been unable to contact, I want to let you know I am okay.

We also want to offer our thanks to those persons who helped us on Friday morning, including Trooper Moore from the DPS, the members of the Fayette County EMS, the crew of STAR Flight, and the staff at Brackenridge Hospital.

Special thanks go to Rod Welsh, Tim Flynn, and Nancy Fisher.

And finally, we want to thank Speaker and Nadine Craddick for their generosity and comfort during this difficult time.

Mr. Speaker and members, please continue to pray for Monica Piñon as she recovers from her injuries. Please also keep the family of our friend Joe Moreno in your prayers.

In the difficulty of the last few days, I can only come to one conclusion that provides me with any solace. It is the understanding that God's plan has no flaws. Last Thursday, it was God's plan that I be with my friend Joe as he began his new journey. Thank you, Mr. Speaker and members.

REMARKS ORDERED PRINTED

Representatives Gallego and P. Moreno moved to print remarks by Representative Anchia.

The motion prevailed.

RULES SUSPENDED

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

The motion prevailed.

MOTION FOR ONE RECORD VOTE

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

**LOCAL, CONSENT, AND RESOLUTIONS CALENDAR
THIRD READING**

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

(Record 519): 145 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; Castro; 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.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; 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; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused, Committee Meeting — Kolkhorst; Pitts.

HB 192

HB 281

HB 541

HB 608

HB 812

HB 813

HB 833

HB 863

HB 1137

HB 1140

HB 1141

HB 1165

SB 718

HB 1571

HB 1610

HB 1687

HB 1741

HB 1773

HB 1812

HB 1863

HB 1918

HB 1925

HB 1945

HB 1977

HB 2041

HB 2079

HB 2154

SB 1103 (Quintanilla - no) (144-1-2)

HB 2458

HB 2476

HB 2509

HB 2531

HB 2560

HB 2590

HB 2647

HB 2772

HB 2856

HB 2931

HB 3116

HB 3129

HB 3147

HB 3164

HB 3269

HB 3384

HB 3490

HB 3528

HB 3573

SB 359

SB 552

SB 644

SB 1641

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

HB 43

HB 506

HB 659

HB 719

HB 888

HB 934

HB 967

HB 1054

HB 1055

HB 1079

HB 1181

HB 1209

HB 1346

HB 1353

HB 1382
HB 1631
HB 1789
HB 1934
SB 1011
SB 896
SB 895
HB 2011
HB 2059
HB 2100
HB 2120
HB 2158
HB 2301
HB 2344
HB 2381
HB 2408
HB 2422
HB 2451
HB 2465
HB 2473
HB 2495
HB 2507
HB 2526
HB 2589
HB 2594
HB 2636
HB 2667
HB 2694
HB 2695
HB 2759
HB 2783
HB 2796
HB 2883
HB 2977

HB 3015

HB 3041

HB 3114

HB 3118

HB 3144

SB 1126

HB 3315

SB 1471

HB 3434

HB 3473

HB 3476

HB 3519

HB 3541

HB 3547

HB 3570

SB 182

SB 262

SB 321

SB 441

SB 550

SB 1217

SB 1563

MOTION TO CONFORM CAPTIONS

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

The motion prevailed.

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).

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. 39).

FIVE DAY POSTING RULE SUSPENDED

Representative Hartnett moved to suspend the five day posting rule to allow the Committee on Judiciary to consider **SB 1425**.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Natural Resources, upon first recess today, Desk 112, for a formal meeting, to consider pending business.

Licensing and Administrative Procedures, upon first recess today, Desk 99, for a formal meeting, to consider pending business.

Public Health, upon first recess today, Desk 39, for a formal meeting, to consider pending legislation.

Business and Industry, upon first recess today, Desk 103, for a formal meeting, to consider pending business.

Higher Education, upon first recess today, Desk 86, for a formal meeting, to consider pending bills.

County Affairs, upon first recess today, Desk 1, for a formal meeting, to consider pending bills.

Pensions and Investments, upon first recess today, Desk 41, for a formal meeting, to consider pending business.

Law Enforcement, upon first recess today, Desk 56, for a formal meeting, to consider **HB 164**.

Defense Affairs and State-Federal Relations, upon first recess today, Desk 76, for a formal meeting, to consider pending business.

Local Government Ways and Means, upon first recess today, Desk 73, for a formal meeting, to consider pending business.

Judiciary, 2 p.m. or upon final adjournment today, E2.028, for a public hearing, to consider **SB 1425**.

RECESS

Representative Rose moved that the house recess until 10:25 a.m. today.

The motion prevailed.

The house accordingly, at 9:57 a.m., recessed until 10:25 a.m. today.

MORNING SESSION CONTINUED

The house met at 10:25 a.m. and was called to order by the chair.

HCR 156 - ADOPTED

(by Nixon, Hochberg, Naishtat, and Straus)

Representative Nixon moved to suspend all necessary rules to take up and consider at this time **HCR 156**.

The motion prevailed.

The following resolution was laid before the house:

HCR 156, Commemorating Holocaust Remembrance Day on May 9, 2005.

HCR 156 was read and was adopted.

On motion of Representative Hochberg, the names of all the members of the house were added to **HCR 156** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Nixon who introduced Max Brenner, Danna Kursh, Elliot Dlin, Rudy Baum, and Lucy Katz. Mr. Baum addressed the house as follows:

I'm Rudy Baum from Dallas. I was born in Frankfurt, Germany. I had to leave Germany on the account of Hitler in 1936. And living under Hitler was a terrible experience. I witnessed the boycott of Jewish stores on April 1, 1933. I witnessed the book burning on May 10, 1933. And as the saying goes, "When they burn the books, they burn the people and they burn the right of free thinking."

The situation in Frankfurt was very restrictive. There were signs, "Jews and dogs not allowed." And things were going from bad to worse. The Jews were eliminated out of the economy by May of 1933. No individual, like a doctor, lawyer, or teacher could have any Jewish clients. So it became apparent that you had to leave. And I was fortunate enough to be able to leave and come to the United States in 1936.

One of the tragedies of the Holocaust was that the world ignored what was happening and no country was willing to accept immigrants. There was a world-wide depression. And this country enforced a quota, which was strictly enforced, and made it very difficult to enter this country. The only country that was really open was the Dominican Republic. They decided they were willing to take refugees.

I came here in 1936. I was drafted into the service in 1941. I received—what was then known as Greetings from the President—you are hereby ordered for one year of service. Pearl Harbor Day changed the one year service to five years in the service. I went to Officer Candidates School. I went to Intelligence School. I was assigned to a mobile radio broadcasting company as Propaganda and Psychological Warfare Officer and I returned to the mainland of Europe on July 4, 1944, at which point I interrogated my first German prisoner. This was—in a way—an experience I could never forget, because now the tables had been turned. I had the power and the German prisoner had to be afraid of me. While in Germany, our roles were reversed. I went with Patton's Army through France. I was in Paris when it was liberated.

I returned to my hometown in March of 1945. When I returned to Germany, as far as I was concerned, every German was a war criminal, because we had heard enough of what had been going on in Germany. My parents were deported from Germany to a ghetto in Poland, where my mother committed suicide, because she knew that the inmates of the ghetto were being sent to Auschwitz, the notorious death camp.

I spent time in my hometown. One of the most incredible sights was the Jewish cemetery where some of my family was buried. The Germans had built an anti-tank wall from the monuments and grave stones in the cemetery. When you consider that mind set—to build an anti-tank wall in a cemetery—it tells you what the condition of the Germans was at that point.

After leaving Frankfurt, we moved east. On April 11, I entered the concentration camp of Buchenwald. Nothing could have prepared me for what we found in the concentration camp. The crematory ovens were still burning. The corpses were piled up next to the ovens ready to be burned. Worst of all was the sight of the walking dead. They were wearing their uniforms; you could not tell whether the person was 15 years old or 50 years old. And some of them were literally dying at our feet. The barracks were in terrible condition. There was an awful stench, there were no facilities. And there, the barely living were next to the dead, because they were unable to raise themselves and get out of these bunks, that were three tiers high.

Buchenwald had a special notoriety. The wife of the camp commander was a woman by the name Elsa Koch, and she was called the beast of Buchenwald. She had a fetish. She collected human skin, preferably with the number of the inmate on the skin. And she had a lampshade made out of human skin. She had a library where the books were covered with tanned human skin. She had a collection of shrunken human heads, they were kept in formaldehyde containers. General Patton came to the camp and he was outraged. And he told his chief of staff to bring in 5,000 German civilians from the city of Weimar to witness what had happened. And people came, they saw it. They didn't want to look at it, we made them look at it. And when they went back to Weimar, the mayor of Weimar committed suicide.

The war was just about over at that point and on VE Day we were linked up with the Russians at the Czech boarder. I had enough points to be discharged, but at the same time I knew that they needed bilingual personnel for military government. I was assigned to the city of Maulburg, where my main mission was to establish a newspaper. And in interviewing people for these jobs, I came to realize that there were good Germans. Germans who helped their Jewish neighbors. Germans who fought underground against Hitler. And when I left there, I realized that the collective guilt is not the right approach. There are good people everywhere, but you have to find them. Thank you.

POSTPONED BUSINESS

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

SJR 17 ON SECOND READING (Gattis - House Sponsor)

SJR 17, A joint resolution proposing a constitutional amendment authorizing the denial of bail to a criminal defendant who violates a condition of the defendant's release pending trial.

SJR 17 was considered in lieu of **CSHJR 56**.

A record vote was requested.

SJR 17 was read second time and adopted by (Record 520): 143 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; Castro; 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.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused, Committee Meeting — Kolkhorst; Pitts.

Absent — Nixon; Thompson.

CSHJR 56 - LAID ON THE TABLE SUBJECT TO CALL

Representative Gattis moved to lay **CSHJR 56** on the table subject to call.

The motion prevailed.

(Kolkhorst now present)

COAUTHORSHIP RULE SUSPENDED

Representative Gallego moved to suspend Rule 8, Section 5 of the House Rules to allow members to sign on as joint authors and coauthors to bills by Representative J. Moreno.

The motion prevailed.

HB 3460 ON THIRD READING (by Baxter)

HB 3460, A bill to be entitled An Act relating to the interest rate to be paid on the deposits made by customers of a water, electric, gas, or telephone utility.

HB 3460 was read third time on May 3 and was postponed until 10 a.m. today.

Representative Baxter moved to postpone consideration of **HB 3460** until 1 p.m. today.

The motion prevailed.

HB 1900 ON THIRD READING
(by Bonnen)

HB 1900, A bill to be entitled An Act relating to the assessment and regulation of emissions events.

HB 1900 was read third time on May 4 and was postponed until 10 a.m. today.

Amendment No. 1

Representative Hochberg offered the following amendment to **HB 1900**:

Amend **HB 1900** on third reading as follows:

Amend the second reading amendment by Hochberg as follows:

(1) In the second sentence of subsection (b-1) as added by the amendment, replace "commissioner determines" with "commissioner does not determine".

(2) Change (f)(1)(A) to read: "(A) an exceedance of the national ambient air quality standards;"

(3) Change (f)(1)(B) to read: "(B) prevention of significant deterioration increments; or".

Amendment No. 1 was adopted.

HB 1900, 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. Members registering votes are as follows: Leibowitz recorded voting no.)

SB 1211 ON SECOND READING
(Dukes - House Sponsor)

SB 1211, A bill to be entitled An Act relating to providing information about respiratory syncytial virus under certain continuing education programs.

SB 1211 was considered in lieu of **CSHB 1676**.

SB 1211 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 1676 - LAID ON THE TABLE SUBJECT TO CALL

Representative Dukes moved to lay **CSHB 1676** on the table subject to call.

The motion prevailed.

SB 599 ON SECOND READING
(Gattis and Hopson - House Sponsors)

SB 599, A bill to be entitled An Act relating to the eligibility of a criminal defendant for release from jail after a delay in prosecution.

SB 599 was considered in lieu of **CSHB 1662**.

SB 599 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 1662 - LAID ON THE TABLE SUBJECT TO CALL

Representative Gattis moved to lay **CSHB 1662** on the table subject to call.

The motion prevailed.

SB 1224 ON SECOND READING

(Rose - House Sponsor)

SB 1224, A bill to be entitled An Act relating to a landowner's liability for injuries incurred during certain recreational activities.

SB 1224 was considered in lieu of **HB 2070**.

SB 1224 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 2070 - LAID ON THE TABLE SUBJECT TO CALL

Representative Rose moved to lay **HB 2070** on the table subject to call.

The motion prevailed.

HB 2420 ON SECOND READING

(by Chavez, Solis, and Escobar)

HB 2420, A bill to be entitled An Act relating to the allocation of federal funds directed to be used to support graduate medical education in connection with the state Medicaid program.

HB 2420 was read second time on May 3 and was postponed until 10 a.m. today.

Representative Chavez moved to postpone consideration of **HB 2420** until 10 a.m. May 11.

The motion prevailed.

SB 286 ON SECOND READING

(Baxter - House Sponsor)

SB 286, 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.

SB 286 was considered in lieu of **CSHB 634**.

SB 286 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 634 - LAID ON THE TABLE SUBJECT TO CALL

Representative Baxter moved to lay **CSHB 634** on the table subject to call.
The motion prevailed.

**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.

CSHB 2303 was read second time on May 5 and was postponed until 10 a.m. today.

Amendment No. 1

Representative Driver offered the following amendment to **CSHB 2303**:

Amend **CSHB 2303** by adding the following appropriately numbered sections and renumbering the remaining sections of the bill accordingly:

SECTION __. Section 1702.163(a), Occupations Code, is amended to read as follows:

(a) The board [~~commission~~] may not issue a security officer commission to an applicant employed by a license holder unless the applicant submits evidence satisfactory to the board [~~commission~~] that the applicant has:

(1) completed the basic training course at a school or under an instructor approved by the board [~~commission~~];

(2) met each qualification established by this chapter and board [~~commission~~] rule;

(3) achieved the score required by the board [~~commission~~] on the examination under Section 1702.1685; and

(4) demonstrated to the satisfaction of the firearm training instructor that the applicant has complied with other board [~~commission~~] standards for minimum marksmanship competency with a handgun [~~shotgun~~].

SECTION __. Section 1702.282, Occupations Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) The board [~~commission~~] shall conduct a criminal history check, including a check of any criminal history record information maintained by the Federal Bureau of Investigation, in the manner provided by Subchapter F, Chapter 411, Government Code, on each applicant for a license, registration, security officer commission, letter of approval, permit, or certification. An applicant is not eligible for a license, registration, commission, letter of approval, permit, or certification if the check reveals that the applicant has committed an act that constitutes grounds for the denial of the license, registration, commission, letter of approval, permit, or certification. Except as provided by Subsection (d), each [~~Each~~] applicant shall include in the application two complete sets of fingerprints on forms prescribed by the board [~~commission~~] accompanied by the fee set by the board [~~commission~~].

(d) An applicant who is a peace officer is not required to submit fingerprints with the applicant's application. On request, the law enforcement agency or other entity that employs the peace officer or the entity that maintains the peace officer's fingerprints shall provide the fingerprints for the peace officer to the board. The applicant shall provide sufficient information to the board to enable the board to obtain the fingerprints under this subsection.

SECTION __. Section 46.05, Penal Code, is amended by amending Subsection (f) and adding Subsection (g) to read as follows:

(f) It is a defense to prosecution under this section for the possession of a chemical dispensing device that the actor is ~~holds~~ a security officer ~~[commission issued by the Texas Commission on Private Security]~~ and has received training on the use of the chemical dispensing device by a training program that is:

(1) provided by the Commission on Law Enforcement Officer Standards and Education; or

(2) approved for the purposes described by this subsection by the Texas ~~Commission on~~ Private Security Board of the Department of Public Safety.

(g) In Subsection (f), "security officer" means a commissioned security officer as defined by Section 1702.002, Occupations Code, or a noncommissioned security officer registered under Section 1702.221, Occupations Code.

Amendment No. 1 was adopted.

CSHB 2303, 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 and D. Jones recorded voting no.)

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 on May 5 and was postponed until 10 a.m. today.

Representative Flynn moved to postpone consideration of **CSHB 846** until 6 p.m. tomorrow.

The motion prevailed.

SJR 40 ON SECOND READING **(Hughes - House Sponsor)**

SJR 40, A joint resolution proposing a constitutional amendment clearing land titles by relinquishing and releasing any state claim to sovereign ownership or title to interest in certain land.

SJR 40 was considered in lieu of **CSHJR 82**.

A record vote was requested.

SJR 40 was read second time and adopted by (Record 521): 143 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; Castro; 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 Tourelles; 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; 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, P.; Morrison; Mowery; Naishtat; Nixon; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley.

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

Absent, Excused, Committee Meeting — Pitts.

Absent — Jackson; Noriega, M.; Zedler.

STATEMENT OF VOTE

When Record No. 521 was taken, I was in the house but away from my desk. I would have voted yes.

Zedler

CSHJR 82 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hughes moved to lay **CSHJR 82** on the table subject to call.

The motion prevailed.

HB 2316 ON SECOND READING

(by Miller)

HB 2316, A bill to be entitled An Act relating to member restrictions for commissioners of the Texas Workforce Commission.

HB 2316 was read second time on April 25, postponed until May 4, and was again postponed until 10 a.m. today.

Representative Miller moved to postpone consideration of **HB 2316** until 10 a.m. May 11.

The motion prevailed.

CSHB 1081 ON SECOND READING
(by Driver)

CSHB 1081, A bill to be entitled An Act relating to suspension or denial of a driver's license for failure to appear, pay a fine, or satisfy a judgment.

CSHB 1081 was read second time on April 26, postponed until May 4, and was again postponed until 10 a.m. today.

Representative Driver moved to postpone consideration of **CSHB 1081** until January 13, 2006.

The motion prevailed.

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.

HB 1093 was read second time on May 5 and was postponed until 10 a.m. today.

Representative Geren moved to postpone consideration of **HB 1093** until 10 a.m. May 11.

The motion prevailed.

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.

CSHB 2573 was read second time on May 5 and was postponed until 10 a.m. today.

Representative Callegari moved to postpone consideration of **CSHB 2573** until 10 a.m. May 11.

The motion prevailed.

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.

CSHB 3100 was read second time on May 5 and was postponed until 10 a.m. today.

Representative McReynolds moved to postpone consideration of **CSHB 3100** until 10 a.m. May 11.

The motion prevailed.

CSHB 1698 ON SECOND READING
(by Puente)

CSHB 1698, A bill to be entitled An Act relating to the authority of certain municipal electric utilities to invest funds held in a decommissioning trust.

CSHB 1698 was read second time on April 29, postponed until May 4, and was again postponed until 10 a.m. today.

Representative Puente moved to postpone consideration of **CSHB 1698** until 10 a.m. May 11.

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, postponed until May 5, and was again postponed until 11 a.m. today.

Representative Geren moved to postpone consideration of **CSHB 116** until 10 a.m. May 11.

The motion prevailed.

SB 489 ON SECOND READING
(Geren - House Sponsor)

SB 489, A bill to be entitled An Act relating to the license requirements of marine dealers, distributors, and manufacturers.

SB 489 was considered in lieu of **HB 944**.

SB 489 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 944 - LAID ON THE TABLE SUBJECT TO CALL

Representative Geren moved to lay **HB 944** on the table subject to call.

The motion prevailed.

CSSB 1472 ON SECOND READING
(Geren and Flores - House Sponsors)

CSSB 1472, A bill to be entitled An Act relating to services provided by manufacturers and distributors of beer to beer retailers.

CSSB 1472 was considered in lieu of **CSHB 2310**.

CSSB 1472 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 2310 - LAID ON THE TABLE SUBJECT TO CALL

Representative Geren moved to lay **CSHB 2310** on the table subject to call.

The motion prevailed.

**MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 1283 ON THIRD READING
(by Truitt, Solomons, and Hamric)**

HB 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.

A record vote was requested.

HB 1283 was passed by (Record 522): 146 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; Castro; 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, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused, Committee Meeting — Pitts.

**HB 1413 ON THIRD READING
(by Truitt, Solomons, and Hamric)**

HB 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.

HB 1413 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 2544 ON THIRD READING
(by Hamric, Solomons, Dunnam, and Truitt)

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

HB 2544 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.)

MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING

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

HB 972 ON SECOND READING
(by Solomons, Hamric, Truitt, and Dunnam)

HB 972, A bill to be entitled An Act relating to the continuation and functions of the Texas Board of Chiropractic Examiners; providing a criminal penalty.

Amendment No. 1

Representative Solomons offered the following amendment to **HB 972**:

Amend **HB 972**, page 11, replace lines 1-3 to read as follows:

~~"the peer review committee]~~ from ~~[a list of nominees submitted by the local]~~ state chiropractic associations in selecting persons to appoint to a local [to ~~conduct]~~ peer review committee [procedures].

Amendment No. 1 was adopted.

HB 972, 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 1535 ON SECOND READING
(by Truitt, Solomons, and Hamric)

CSHB 1535, A bill to be entitled An Act relating to the continuation and functions of the Texas Midwifery Board.

Amendment No. 1

Representative Truitt offered the following amendment to **CSHB 1535**:

Amend **CSHB 1535** by striking SECTION 5 of the bill (page 2, line 12 through page 3, line 3) and substituting the following:

SECTION 5. Section 203.052(a), Occupations Code, is amended to read as follows:

(a) The midwifery board consists of nine members appointed as follows:

(1) three midwife members each of whom has at least three years' experience in the practice of midwifery [~~and not more than one of whom is a licensed health care professional~~];

(2) one certified nurse-midwife member;

(3) one physician member who is certified by a national professional organization of physicians that certifies obstetricians and gynecologists;

(4) one physician member who is certified by a national professional organization of physicians that certifies family practitioners or pediatricians; and

(5) three members who represent the public and who are not practicing or trained in a health care profession, one of whom is a parent with at least one child born with the assistance of a midwife.

Representative Gattis moved to table Amendment No. 1.

(Woolley in the chair)

The motion to table prevailed.

CSHB 1535 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 2833 ON SECOND READING
(by R. Cook and B. Cook)

CSHB 2833, A bill to be entitled An Act relating to the protection of private real property from regulatory takings.

Amendment No. 1

Representative R. Cook offered the following amendment to **CSHB 2833**:

Amend **CSHB 2833** as follows:

(1) On page 6, line 4, strike "or".

(2) On page 6, line 6, between "groundwater" and the period, insert the following:

; or

(7) an action taken by a political subdivision relating to the regulation of:

(A) sexually oriented businesses;

(B) fireworks;

(C) discharge of firearms;

(D) weeds or other unsanitary or unwholesome matter on public or private property;

(E) junked or abandoned vehicles;

(F) noise;

(G) alcohol, including hours of sale;

(H) smoking in or on public or private property;

- (I) plumbing, electrical, and building construction codes;
- (J) manufactured housing;
- (K) multi-family housing;
- (L) historical buildings; or
- (M) barrier islands

Amendment No. 1 was adopted. (The vote was reconsidered later today, and Amendment No. 1 was amended and was adopted.)

Amendment No. 2

Representatives R. Cook and Puente offered the following amendment to **CSHB 2833**:

Amend **CSHB 2833** as follows:

(1) On page 2, line 5, between "(C)" and "a governmental action", insert "except as provided by Section 2007.003(g),".

(2) On page 7, between lines 23 and 24, insert the following:

(g) For the purposes of the definition of "taking" in Section 2007.002(5)(C), a home rule municipality with a population of more than 1.1 million that relies on a sole source aquifer for more than 50 percent of the municipality's water supply may elect, with respect to single family and duplex uses over an aquifer recharge zone within the municipality's corporate and extraterritorial jurisdiction, to define a taking as an action or series of actions by the municipality that has the effect of limiting the overall impervious cover of any development or use of an owner's private real property to not less than 30 percent of the surface area of the property, including any portion of the property that is within the 100-year floodplain as determined by the most recent maps published by the Federal Emergency Management Agency or that slopes more than 35 degrees.

Amendment No. 3

Representative R. Cook offered the following amendment to Amendment No. 2:

Amend Floor Amendment No. 2 by R. Cook and Puente to **CSHB 2833** on page 1, line 20, by striking "degrees" and substituting "percent".

Amendment No. 3 was adopted.

Amendment No. 2, as amended, was adopted.

Amendment No. 1 - Vote Reconsidered

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

The motion to reconsider prevailed.

Amendment No. 4

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

Amend **CSHB 2833** as follows:

Amend Floor Amendment No. 1 by R. Cook by inserting after line 16 a new subsection:

An action or rule related to prevent or control the spread of oak wilt.

Representative R. Cook moved to table Amendment No. 4.

A record vote was requested.

The motion to table prevailed by (Record 523): 92 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eiland; Eissler; Elkins; Flynn; Frost; Gattis; Geren; Gonzalez Toureilles; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Hartnett; Hegar; Hilderbran; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Orr; Otto; Paxton; Quintanilla; Raymond; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Van Arsdale; Veasey; Vo; West; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Escobar; Farabee; Farrar; Flores; Gallego; Gonzales; Goodman; Harper-Brown; Herrero; Hill; Hochberg; Hodge; Jones, J.; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; Menendez; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Pickett; Puente; Rodriguez; Rose; Solis; Strama; Thompson; Truitt; Uresti; Villarreal.

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

Absent, Excused, Committee Meeting — Pitts.

Absent — Giddings; Madden; McCall; Phillips; Turner; Wong.

Amendment No. 5

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

Amend **CSHB 2833** as follows:

Amend Floor Amendment No. 1 by R. Cook by inserting after line 16 a new subsection:

An action or rule related to protecting views of the State Capitol.

Amendment No. 5 was adopted.

Amendment No. 1, as amended, was adopted.

Amendment No. 6

Representative R. Cook offered the following amendment to **CSHB 2833**:

Amend **CSHB 2833** as follows:

(1) On page 3, line 8, between "proceedings," and "or", insert "plattin,".

(2) On page 9, line 8, strike "and (2)".

(3) On page 9, strike lines 10 and 11 and substitute the following:

SECTION 6. Section 2007.042, Government Code, is amended to read as follows:

(4) On page 9, line 12, before "(a)", insert "Sec. 2007.042. PUBLIC NOTICE."

(5) On page 9, line 13, strike "or (2)".

(6) On page 9, after line 27, insert the following:

(b) A state agency that proposes to engage in a governmental action described in Section 2007.003(a)(1) [~~or (2)~~] that may result in a taking shall:

(1) provide notice in the manner prescribed by Section 2001.023; and

(2) file with the secretary of state for publication in the Texas Register in the manner prescribed by Chapter 2002 a reasonably specific summary of the takings impact assessment that was prepared by the agency as required by this subchapter.

(7) On page 10, before line 1, insert the following appropriately numbered SECTION:

SECTION _____. Section 2007.043(a), Government Code, is amended to read as follows:

(a) A governmental entity shall prepare a written takings impact assessment of a proposed governmental action described in Section 2007.003(a)(1) [~~through~~ (↔)] that complies with the evaluation guidelines developed by the attorney general under Section 2007.041 before the governmental entity provides the public notice required under Section 2007.042.

(8) On page 10, line 12, strike "or (2)".

(9) On page 10, between lines 22 and 23, insert the following appropriately numbered SECTIONS:

SECTION _____. Section 2007.045, Government Code, is amended to read as follows:

Sec. 2007.045. UPDATING OF CERTAIN ASSESSMENTS REQUIRED.

A state agency that proposes to adopt a governmental action described in Section 2007.003(a)(1) [~~or (2)~~] that may result in a taking as indicated by the takings impact assessment shall update the assessment if the action is not adopted before the 180th day after the date the notice is given as required by Section 2001.023.

SECTION _____. (a) The change in law made by this Act applies only to:

(1) a governmental action described by Section 2007.003(a)(1) or (2), Government Code, that commences on or after April 1, 2005; or

(2) a governmental action described by Section 2007.003(a)(3), Government Code, that commences on or after April 1, 2005, to enforce or implement any ordinance, rule, regulatory requirement, platting requirement, resolution, policy, guideline, or similar measure in effect on or after April 1, 2005.

(b) The change in law made by this Act may not be construed to create any claim or cause of action for:

(1) a governmental action described by Section 2007.003(a)(1) or (2), Government Code, that commences before April 1, 2005; or

(2) a governmental action described by Section 2007.003(a)(3), Government Code, that commences before April 1, 2005, to enforce or implement any ordinance, rule, regulatory requirement, platting requirement, resolution, policy, guideline, or similar measure in effect before April 1, 2005.

(10) Renumber SECTIONS of the bill appropriately.

Amendment No. 6 was adopted.

Amendment No. 7

Representative R. Cook offered the following amendment to **CSHB 2833**:

Amend **CSHB 2833** as follows:

(1) On page 4, line 15, between "political subdivision" and "to prevent subsidence," insert "under its statutory authority to prevent waste or protect rights of owners in groundwater or".

(2) On page 4, line 22, after "subsidence" insert ". if the actions do not affect impervious cover."

(3) On page 6, line 5, strike "(6) an action taken to prevent waste or protect rights of owners of an interest in groundwater."

Amendment No. 7 was adopted.

Amendment No. 8

Representative Hochberg offered the following amendment to **CSHB 2833**:

Amend **CSHB 2833** as follows:

On page 5, line 16, between "public" and "or", add ", common,".

On page 5, lines 17 and 18, delete "background principles of" and "as they existed on September 1, 2005"

Amendment No. 8 was adopted.

Amendment No. 9

Representative Burnam offered the following amendment to **CSHB 2833**:

Amend **CSHB 2833**

Amend Section 2007.003(b), Government Code by inserting the following appropriately-numbered Subsection and renumbering the subsequent Subsections accordingly:

On page 3, line 17 insert

() an action, including an action of a political subdivision, that is reasonably taken to fulfill an obligation mandated by federal law or an action of a political subdivision that is reasonably taken to fulfill an obligation mandated by state law.

Representative R. Cook moved to table Amendment No. 9.

A record vote was requested.

The motion to table prevailed by (Record 524): 95 Yeas, 43 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chavez; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gallego; Gattis; Geren; Gonzalez Tourelles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Madden; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Orr; Otto; Paxton; Phillips; Pickett; Quintanilla; Raymond; Reyna; Riddle; Ritter; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Van Arsdale; Veasey; Wong; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Frost; Gonzales; Herrero; Hill; Hochberg; Jones, J.; Leibowitz; Luna; Martinez; Martinez Fischer; McCall; Menendez; Moreno, P.; Naishtat; Olivo; Peña; Puente; Rodriguez; Rose; Solis; Strama; Thompson; Truitt; Turner; Uresti; Villarreal; Vo.

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

Absent, Excused, Committee Meeting — Pitts.

Absent — Flores; Giddings; Hodge; Laubenberg; McClendon; Noriega, M.; Seaman; West.

STATEMENT OF VOTE

When Record No. 524 was taken, I was in the house but away from my desk. I would have voted yes.

Laubenberg

Amendment No. 10

Representative Burnam offered the following amendment to **CSHB 2833**:

Amend **CSHB 2833**

Amend Section 2007.003(b), Government Code by inserting the following appropriately-numbered Subsection and renumbering the subsequent Subsections accordingly:

On page 3, line 24 insert

() an action taken to prohibit or restrict a condition or use of private real property if the governmental entity proves that the condition or use constitutes a public or private nuisance as defined by background principles of nuisance and property law of this state.

(Speaker pro tempore in the chair)

Representative R. Cook moved to table Amendment No. 10.

A record vote was requested.

The motion to table prevailed by (Record 525): 94 Yeas, 43 Nays, 3 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chavez; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Escobar; Flynn; Gattis; Geren; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Krusee; Kuempel; Laney; Laubenberg; Luna; Madden; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Orr; Otto; Paxton; Phillips; Pickett; Quintanilla; Raymond; Reyna; Riddle; Ritter; Seaman; Smith, W.; Smithee; Solomons; Straus; Talton; Taylor; Van Arsdale; West; Wong; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Farabee; Farrar; Frost; Gallego; Giddings; Gonzales; Herrero; Hill; Hodge; Jones, J.; Leibowitz; Martinez; Martinez Fischer; McCall; Menendez; Moreno, P.; Naishtat; Peña; Puente; Rodriguez; Rose; Smith, T.; Solis; Strama; Thompson; Truitt; Uresti; Veasey; Villarreal; Vo.

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

Absent, Excused, Committee Meeting — Pitts.

Absent — Castro; Flores; King, T.; McClendon; Noriega, M.; Olivo; Swinford; Woolley.

Amendment No. 11

Representative Burnam offered the following amendment to **CSHB 2833**:

Amend **CSHB 2833**

Amend Section 2007.003(b), Government Code by inserting the following appropriately-numbered Subsection and renumbering the subsequent Subsections accordingly:

On page 4, line 25 insert

() an action that:

(A) is taken in response to a real and substantial threat to public health and safety,

(B) is designed to significantly advance the health and safety purpose, and

(C) does not impose a greater burden than is necessary to achieve the health and safety purpose.

Representative R. Cook moved to table Amendment No. 11.

A record vote was requested.

The motion to table prevailed by (Record 526): 92 Yeas, 50 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chavez; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Hartnett; Hegar; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Orr; Otto; Paxton; Phillips; Pickett; Quintanilla; Raymond; Reyna; Riddle; Ritter; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Harper-Brown; Herrero; Hilderbran; Hill; Hodge; Jones, J.; Leibowitz; Madden; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Puente; Rodriguez; Rose; Solis; Strama; Truitt; Uresti; Veasey; Villarreal; Vo.

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

Absent, Excused, Committee Meeting — Pitts.

Absent — Hochberg; King, T.; Seaman; Thompson.

STATEMENT OF VOTE

I was shown voting yes on Record No. 526. I intended to vote no.

Guillen

Amendment No. 12

Representative Burnam offered the following amendment to **CSHB 2833**:

Amend **CSHB 2833**

Amend Section 2007.003(b), Government Code by inserting the following appropriately-numbered Subsection and renumbering the subsequent Subsections accordingly:

On page 4, line 2 insert

() an action taken out of a reasonable good faith belief that the action is necessary to prevent a grave and immediate threat to life or property.

Representative R. Cook moved to table Amendment No. 12.

A record vote was requested.

The motion to table prevailed by (Record 527): 94 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chavez; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Edwards; Eissler; Elkins; Flynn; Gattis; Geren; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric;

Hardcastle; Hartnett; Hegar; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Madden; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Orr; Otto; Paxton; Phillips; Pickett; Quintanilla; Raymond; Riddle; Ritter; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Uresti; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Harper-Brown; Herrero; Hilderbran; Hill; Hochberg; Hodge; Jones, J.; Leibowitz; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Puente; Rodriguez; Rose; Smith, T.; Solis; Strama; Veasey; Villarreal; Vo.

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

Absent, Excused, Committee Meeting — Pitts.

Absent — Hughes; Reyna; Seaman; Thompson.

Amendment No. 13

Representative Burnam offered the following amendment to **CSHB 2833**:

Amend **CSHB 2833** (House committee printing) as follows:

(1) On page 2, after line 11, insert the following in Section 2007.002(5):

"(D) Notwithstanding any other provision in Chapter 2007, a taking only occurs if and to the extent the diminution of property value attributable to the government action or series of actions identified in subsection (5)(A), (B) or (C) exceeds the increase of value to the same property attributable to government actions and activities of any kind, including but not limited to flood and drainage control, water quality and other environmental regulations and protections, zoning, law enforcement services, parks, education services, public health services and regulations, utility services, and the construction and maintenance of public improvements including but not limited to roads, highways, airports, dams, school buildings, sports facilities and utilities."

Representative R. Cook moved to table Amendment No. 13.

A record vote was requested.

The motion to table prevailed by (Record 528): 98 Yeas, 46 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chavez; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Edwards; Eissler; Elkins; Flynn; Gattis; Geren; Gonzalez Tourelles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Hartnett; Hegar; Hilderbran; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna;

Madden; McCall; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Orr; Otto; Paxton; Phillips; Pickett; Quintanilla; Raymond; Reyna; Riddle; Ritter; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Harper-Brown; Herrero; Hill; Hochberg; Hodge; Jones, J.; King, T.; Leibowitz; Martinez; Martinez Fischer; McClendon; Menendez; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Puente; Rodriguez; Rose; Solis; Strama; Uresti; Veasey; Villarreal; Vo.

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

Absent, Excused, Committee Meeting — Pitts.

Absent — Seaman; Thompson.

Amendment No. 14

Representative Burnam offered the following amendment to **CSHB 2833**:

Amend **CSHB 2833** (House committee printing) as follows:

(1) On page 5, after line 8, insert the following in Section 2007.003(b) as "(10)" or other appropriately numbered new subsection:

"an ordinance or governmental action or series of actions promulgated or undertaken by any city with a population greater than 5000 but less than 8000 containing sites registered by the National Register of Historic Places and traversed by the river whose total length exceeds 800 miles."

Representative R. Cook moved to table Amendment No. 14.

The motion to table prevailed. (Hilderbran recorded voting no.)

Amendment No. 15

Representative Burnam offered the following amendment to **CSHB 2833**:

Amend **CSHB 2833** (House committee printing) as follows:

(1) On page 5, after line 8, insert the following in Section 2007.003(b) as "(10)" or other appropriately numbered new subsection:

"an ordinance or governmental action or series of actions promulgated or undertaken by any city with a population greater than 4000 but less than 5000 containing sites registered by the National Register of Historic Places and traversed by the river whose total length exceeds 800 miles."

Representative R. Cook moved to table Amendment No. 15.

The motion to table prevailed.

Amendment No. 16

Representative Eiland offered the following amendment to **CSHB 2833**:

Amend **CSHB 2833** as follows:

(1) On page 4, line 24, strike "or".

(2) On page 5, line 8, between "company" and the period, insert the following:

(10) an action taken by a municipality to regulate building codes; or

(11) any action taken that applies to a barrier island.

Amendment No. 16 was withdrawn.

Amendment No. 17

Representative Naishtat offered the following amendment to **CSHB 2833**:

Amend **CSHB 2833** (House committee printing) as follows:

(1) On page 5, after line 8, insert the following in Section 2007.003(b) as "(10)" or other appropriately numbered new subsection:

"an ordinance or governmental action or series of actions promulgated or undertaken by any city or other political subdivision located partially or wholly within a County; with a population greater than 800,000 but less than 1,500,000; and located partially or wholly within a watershed of the Edwards Aquifer."

Representative R. Cook moved to table Amendment No. 17.

A record vote was requested.

The motion to table prevailed by (Record 529): 95 Yeas, 48 Nays, 3 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dunnam; Eiland; Eissler; Elkins; Flynn; Gallego; Gattis; Geren; Giddings; Gonzalez Tourelles; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Hartnett; Hegar; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Madden; McCall; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Orr; Otto; Paxton; Phillips; Pickett; Quintanilla; Reyna; Riddle; Ritter; Seaman; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Escobar; Farabee; Farrar; Flores; Frost; Gonzales; Goodman; Harper-Brown; Herrero; Hilderbran; Hill; Hochberg; Hodge; Jones, J.; King, T.; Leibowitz; Martinez; Martinez Fischer; McClendon; Menendez; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Puente; Raymond; Rodriguez; Rose; Smith, T.; Solis; Strama; Uresti; Veasey; Villarreal; Vo.

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

Absent, Excused, Committee Meeting — Pitts.

Absent — Casteel; Thompson.

LEAVE OF ABSENCE GRANTED

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

Hodge on motion of McClendon.

CSHB 2833 - (consideration continued)**Amendment No. 18**

Representative Rodriguez offered the following amendment to **CSHB 2833**:

Amend **CSHB 2833** by inserting the following appropriately numbered SECTION and renumbering SECTIONS of the bill appropriately:

SECTION ____. Subchapter A, Chapter 2007, Government Code, is amended by adding Section 2007.007 to read as follows:

Sec. 2007.007. CONSTRUCTION OF CHAPTER: CERTAIN ACTIONS OF MUNICIPALITIES AND COUNTIES. This chapter may not be constructed to prohibit a municipality or county from taking an action to protect the public from flooding in local water sheds or flood plain areas.

Representative R. Cook moved to table Amendment No. 18.

The motion to table prevailed.

Amendment No. 19

Representative Rodriguez offered the following amendment to **CSHB 2833**:

Amend **CSHB 2833** by inserting the following appropriately numbered SECTION and renumbering SECTIONS of the bill appropriately:

SECTION ____. Subchapter A, Chapter 2007, Government Code, is amended by adding Section 2007.007 to read as follows:

Sec. 2007.007. CONSTRUCTION OF CHAPTER: CERTAIN ACTIONS OF MUNICIPALITIES AND COUNTIES. This chapter may not be constructed to prohibit a municipality or county from taking an action to protect the quality of public water supply or the water quality of a lake, well, river, or other body of water used by the public.

Representative R. Cook moved to table Amendment No. 19.

A record vote was requested.

The motion to table prevailed by (Record 530): 90 Yeas, 45 Nays, 3 Present, not voting.

Yeas — Allen, R.; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chavez; Chisum; Cook, B.; Cook, R.; Corte; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gallego; Gattis; Geren; Giddings; Gonzalez Toureilles; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Hartnett; Hegar; Hilderbran; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Madden; McReynolds; Merritt; Miller; Morrison;

Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pickett; Quintanilla; Reyna; Riddle; Ritter; Seaman; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farabee; Farrar; Frost; Gonzales; Goodman; Guillen; Harper-Brown; Herrero; Hochberg; Jones, J.; King, T.; Leibowitz; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Raymond; Rodriguez; Rose; Solis; Strama; Uresti; Veasey; Villarreal; Vo.

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

Absent, Excused — Hodge.

Absent, Excused, Committee Meeting — Pitts.

Absent — Anderson; Crabb; Flores; Hill; Isett; Oliveira; Puente; Smith, T.; Thompson.

STATEMENT OF VOTE

When Record No. 530 was taken, my vote failed to register. I would have voted yes.

Anderson

Amendment No. 20

Representative Burnam offered the following amendment to **CSHB 2833**:

Amend **CSHB 2833** (First Printing) by inserting the following appropriately-numbered SECTION and renumbering subsequent SECTIONS accordingly:

"SECTION ____. Section 2007.024, Government Code is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) The judgment or final decision or order shall include a fact finding that determines, in accordance with Subsection (b-1), the monetary damages suffered by the private real property owner as a result of the taking. The amount of damages is determined from the date of the taking.

(b-1) If, on the date of the taking, the private real property is designated for and appraised at agricultural use under Chapter 23, Tax Code, the fact finding must deduct from the monetary damages suffered by the private real property owner as a result of the taking an amount equal to the difference of:

(1) the amount of taxes the owner paid based on the agricultural use appraisal of the private real property; and

(2) the amount of taxes the owner would have paid if the private real property has been appraised at its current market value.

The fact finding shall perform this calculation separately for each of the five calendar years prior to the date of the taking for which the property was appraised for agricultural use."

Representative R. Cook moved to table Amendment No. 20.

A record vote was requested.

The motion to table prevailed by (Record 531): 103 Yeas, 28 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Castro; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Dunnam; Eiland; Eissler; Elkins; Farabee; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, T.; Kolkhorst; Kuempel; Laney; Laubenberg; Luna; Madden; McCall; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Orr; Otto; Paxton; Peña; Phillips; Pickett; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Burnam; Coleman; Davis, Y.; Dukes; Dutton; Escobar; Farrar; Flores; Gonzales; Herrero; Jackson; Leibowitz; Martinez; Martinez Fischer; McClendon; Menendez; Moreno, P.; Naishtat; Noriega, M.; Puente; Rodriguez; Solis; Strama; Uresti; Veasey.

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

Absent, Excused — Hodge.

Absent, Excused, Committee Meeting — Pitts.

Absent — Chavez; Deshotel; Driver; Edwards; Hamilton; Hegar; Hill; Hochberg; Hughes; Jones, J.; King, P.; Krusee; Olivo; Thompson.

A record vote was requested.

CSHB 2833, as amended, was passed to engrossment by (Record 532): 103 Yeas, 41 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chavez; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Delisi; Denny; Driver; Eiland; Eissler; Elkins; Escobar; Flynn; Gallego; Gattis; Geren; Giddings; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Madden; McCall; McClendon; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Orr; Otto; Paxton; Phillips; Pickett; Quintanilla; Raymond; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; Vo; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bonnen; Burnam; Castro; Coleman; Davis, Y.; Dawson; Deshotel; Dukes; Dunnam; Dutton; Edwards; Farabee; Farrar; Flores; Frost; Gonzales; Herrero; Hill; Hochberg; Jones, J.; King, T.;

Leibowitz; Martinez; Martinez Fischer; Menendez; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Puente; Rodriguez; Rose; Solis; Strama; Uresti; Veasey; Villarreal.

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

Absent, Excused — Hodge.

Absent, Excused, Committee Meeting — Pitts.

Absent — Thompson.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 532. I intended to vote no.

Laubenberg

I was shown voting yes on Record No. 532. I intended to vote no.

McClendon

CONSTITUTIONAL AMENDMENTS CALENDAR HOUSE JOINT RESOLUTIONS SECOND READING

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

HJR 89 ON SECOND READING (by Wong)

HJR 89, A joint resolution proposing a constitutional amendment to authorize the legislature to allow the governing body of a political subdivision to provide an additional exemption from ad valorem taxation for property owned by certain disabled veterans who have been awarded the Purple Heart or their surviving spouses.

Representative Casteel moved to postpone consideration of **HJR 89** until the end of today's calendar.

The motion prevailed.

HJR 65 ON SECOND READING (by Otto)

HJR 65, A joint resolution proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation rent-to-own property not held by the lessee primarily to produce income and to prescribe the method to be used to depreciate taxable rent-to-own property for tax appraisal purposes.

Amendment No. 1 (Committee Amendment No. 1)

Representative Villarreal offered the following committee amendment to **HJR 65**:

Amend **HJR 65** by striking the sentence that begins on page 2, line 22.

Amendment No. 1 was withdrawn.

A record vote was requested.

HJR 65 was adopted by (Record 533): 137 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; Campbell; Casteel; Castro; Chavez; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; 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; Homer; Hope; Hopson; 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, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Hodge.

Absent, Excused, Committee Meeting — Pitts.

Absent — Callegari; Coleman; Dutton; Flores; Howard; Olivo; Otto; Rodriguez.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 533. I intended to vote no.

Herrero

I was shown voting yes on Record No. 533. I intended to vote no.

Leibowitz

When Record No. 533 was taken, my vote failed to register. I would have voted yes.

Otto

CONSTITUTIONAL AMENDMENTS CALENDAR SENATE JOINT RESOLUTIONS SECOND READING

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

SJR 21 ON SECOND READING
(Flynn - House Sponsor)

SJR 21, A joint resolution proposing a constitutional amendment authorizing the legislature to define rates of interest for commercial loans.

A record vote was requested.

SJR 21 was adopted by (Record 534): 139 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; 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; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; 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; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Hodge.

Absent, Excused, Committee Meeting — Pitts.

Absent — Bailey; Flores; Luna; Moreno, P.; Thompson.

GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING

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

HB 107 ON THIRD READING
(by Van Arsdale, Hartnett, Hughes, et al.)

HB 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.

A record vote was requested.

HB 107 was passed by (Record 535): 138 Yeas, 2 Nays, 3 Present, not voting.

Yeas — Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; 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 Tourelles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; 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; Morrison; Mowery; Nixon; Noriega, M.; Oliveira; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Moreno, P.; Naishtat.

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

Absent, Excused — Hodge.

Absent, Excused, Committee Meeting — Pitts.

Absent — Allen, A.; Castro; Olivo; Rodriguez.

STATEMENT OF VOTE

When Record No. 535 was taken, I was in the house but away from my desk. I would have voted yes.

Castro

HB 26 ON THIRD READING (by Delisi)

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

A record vote was requested.

HB 26 was passed by (Record 536): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; 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; Escobar; Farabee; Farrar; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; 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, P.; Morrison; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Hodge.

Absent, Excused, Committee Meeting — Pitts.

Absent — Allen, A.; Elkins; Flores; Mowery; Olivo; Raymond.

HB 686 ON THIRD READING

(by Rose)

HB 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.

HB 686 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 692 ON THIRD 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.

HB 692 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 1012 ON THIRD READING

(by Hilderbran)

HB 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.

A record vote was requested.

HB 1012 was passed by (Record 537): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Casteel; Castro; 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; Homer; Hope; Hopson; 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, P.; Morrison; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Hodge.

Absent, Excused, Committee Meeting — Pitts.

Absent — Baxter; Campbell; Howard; Mowery; Quintanilla.

STATEMENTS OF VOTE

When Record No. 537 was taken, I was in the house but away from my desk. I would have voted yes.

Baxter

When Record No. 537 was taken, I was in the house but away from my desk. I would have voted yes.

Campbell

HB 1467 ON THIRD READING (by Hamilton)

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

HB 1467 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 2036 ON THIRD READING (by R. Allen)

HB 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.

HB 2036 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 1870 ON THIRD 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.

HB 1870 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: Elkins recorded voting no.)

HB 2627 ON THIRD READING**(by P. Moreno)**

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

A record vote was requested.

HB 2627 was passed by (Record 538): 140 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; 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, P.; Morrison; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Hamilton.

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

Absent, Excused — Hodge.

Absent, Excused, Committee Meeting — Pitts.

Absent — Baxter; Campbell; Dawson; Mowery.

STATEMENT OF VOTE

I was shown voting yes on Record No. 538. I intended to vote no.

Kolkhorst

HB 2864 ON THIRD 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.

A record vote was requested.

HB 2864 was passed by (Record 539): 140 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen, A.; Allen, R.; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, F.; Burnam; Callegari; Casteel; Castro; 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; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; 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, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Hodge.

Absent, Excused, Committee Meeting — Pitts.

Absent — Alonzo; Brown, B.; Campbell; Veasey.

STATEMENT OF VOTE

When Record No. 539 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

HB 62 ON THIRD READING**(by McClendon)**

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

HB 62 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: Harper-Brown, Phillips, and Riddle recorded voting no.)

HB 2454 ON THIRD READING
(by J. Jones)

HB 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.

HB 2454 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 1023 ON THIRD READING
(by Denny)

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

HB 1023 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 647 ON THIRD READING
(by Krusee)

HB 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.

A record vote was requested.

HB 647 was passed by (Record 540): 135 Yeas, 6 Nays, 2 Present, not voting.

Yeas — 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; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Isett; Jackson; Jones, D.; Jones, J.; 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; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Castro; Farrar; Herrero; Keel; Leibowitz.

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

Absent, Excused — Hodge.

Absent, Excused, Committee Meeting — Pitts.

Absent — Flores; Goodman; Hupp; Reyna.

HB 2823 ON THIRD 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.

A record vote was requested.

HB 2823 was passed by (Record 541): 141 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; Castro; 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; Hamilton; Hamric; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; 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, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Uresti; Van Arsdale; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Hodge.

Absent, Excused, Committee Meeting — Pitts.

Absent — Haggerty; Hardcastle; Truitt; Veasey.

STATEMENTS OF VOTE

When Record No. 541 was taken, I was in the house but away from my desk. I would have voted yes.

Truitt

When Record No. 541 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

HB 2826 ON THIRD 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.

A record vote was requested.

HB 2826 was passed by (Record 542): 137 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen, R.; Alonzo; Anderson; Bailey; Baxter; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; 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; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hochberg; 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; 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; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Herrero; Leibowitz.

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

Absent, Excused — Hodge.

Absent, Excused, Committee Meeting — Pitts.

Absent — Anchia; Berman; Deshotel; Hardcastle; Strama.

HB 1999 ON THIRD READING**(by Van Arsdale, et al.)**

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

(Speaker in the chair)

Amendment No. 1

Representative Van Arsdale offered the following amendment to **HB 1999**:

Amend **HB 1999** by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 161, Family Code, is amended by adding Section 161.2021 to read as follows:

Sec. 161.2021. MEDICAL HISTORY REPORT. (a) In a termination suit, the court shall order each parent before the court to provide information regarding the medical history of the parent and the parent's ancestors.

(b) A parent may comply with the court's order under this section by completing the medical history report form adopted by the Department of Family and Protective Services under Section 161.1031.

(c) If the Department of Family and Protective Services is a party to the termination suit, the information provided under this section must be maintained in the department records relating to the child and made available to persons with whom the child is placed.

SECTION _____. Section 161.2021, Family Code, as added by this Act, applies only to a suit affecting the parent-child relationship pending in a trial court on the effective date of this Act or filed on or after that date. A suit affecting the parent-child relationship in which a final order is rendered before the effective date of this Act is governed by the law in effect on the date the order was rendered.

Amendment No. 1 was adopted.

HB 1999, 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.)

HB 2289 ON THIRD READING
(by T. King, Raymond, et al.)

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

HB 2289 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 2000 ON THIRD READING
(by Denny and Howard)

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

HB 2000 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: Leibowitz recorded voting no.)

HB 2080 ON THIRD 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.

A record vote was requested.

HB 2080 was passed by (Record 543): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; 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; 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; Mendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; 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; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hodge.

Absent, Excused, Committee Meeting — Pitts.

Absent — Allen, A.; Dutton.

HB 2704 ON THIRD READING (by Krusee)

HB 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.

HB 2704 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: Bohac, Herrero, D. Jones, Keel, and Leibowitz recorded voting no.)

HB 2652 ON THIRD READING (by Krusee)

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

HB 2652 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: Keel, Leibowitz, and Rose recorded voting no.)

HB 2337 ON THIRD READING
(by Corte, Escobar, and Gallego)

HB 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.

HB 2337 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: Leibowitz recorded voting no.)

HB 2378 ON THIRD 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** on third reading by adding the following appropriately numbered section to the end of the bill:

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 September 1, 2005.

Amendment No. 1 was adopted.

A record vote was requested.

HB 2378, as amended, was passed by (Record 544): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; 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; Goodman; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; 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, P.; Morrison; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter;

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; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hodge.

Absent, Excused, Committee Meeting — Pitts.

Absent — Burnam; Coleman; Gonzalez Toureilles; Goolsby; Mowery; Rodriguez.

HB 3200 ON THIRD READING
(by Madden, McCall, and Laubenberg)

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

A record vote was requested.

HB 3200 was passed by (Record 545): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; 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; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; 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, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hodge.

Absent, Excused, Committee Meeting — Pitts.

Absent — Alonzo; Chavez; Hardcastle; Phillips; Turner.

HB 584 ON THIRD READING
(by Delisi and Woolley)

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

HB 584 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: Harper-Brown recorded voting no.)

HB 669 ON THIRD READING

(by J. Jones)

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

HB 669 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 1799 ON THIRD 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. (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 1884 ON THIRD READING

(by Van Arsdale)

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

HB 1884 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 1984 ON THIRD READING

(by Bohac)

HB 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.

HB 1984 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 2280 ON THIRD 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.

HB 2280 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 2644 ON THIRD READING**(by Hughes, Frost, Hopson, Merritt, and Pickett)**

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

HB 2644 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 3162 ON THIRD 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.

(Dutton in the chair)

A record vote was requested.

HB 3162 was passed by (Record 546): 145 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; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; 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; 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, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; 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; Woolley; Zedler.

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

Absent, Excused — Hodge.

Absent, Excused, Committee Meeting — Pitts.

HB 949 ON THIRD 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. (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: F. Brown, Harper-Brown, Keel, Nixon, and Phillips recorded voting no.)

HB 1575 ON THIRD READING
(by Dutton and Goodman)

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

HB 1575 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: Harper-Brown and Phillips recorded voting no.)

HB 1634 ON THIRD READING
(by R. Allen, Hopson, Otto, and Blake)

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

HB 1634 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 1682 ON THIRD READING
(by McCall, Rodriguez, Miller, Menendez, and Bohac)

HB 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.

HB 1682 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 2955 ON THIRD READING**(by Hamric)**

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

HB 2955 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: Leibowitz recorded voting no.)

HB 3461 ON THIRD READING**(by Baxter)**

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

HB 3461 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: Herrero, Leibowitz, and Rose recorded voting no.)

HB 2048 ON THIRD READING**(by Uresti)**

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

HB 2048 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 2569 ON THIRD 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.

(Speaker in the chair)

HB 2569 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 2613 ON THIRD 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. (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 2678 ON THIRD READING
(by Smithee)

HB 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.

HB 2678 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 2755 ON THIRD READING
(by McReynolds and B. Cook)

HB 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.

A record vote was requested.

HB 2755 was passed by (Record 547): 146 Yeas, 0 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; Castro; 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; 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, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; 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; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hodge.

Absent, Excused, Committee Meeting — Pitts.

HB 1733 ON THIRD 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.

A record vote was requested.

HB 1733 was passed by (Record 548): 146 Yeas, 0 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; Castro; 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; 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, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; 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; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hodge.

Absent, Excused, Committee Meeting — Pitts.

HB 3195 ON THIRD 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. (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 2304 ON THIRD READING
(by Driver, et al.)

HB 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 **HB 2304**:

Amend **HB 2304** on 3rd Reading as follows:

(1) Strike the section of the bill added on 2nd Reading by Amendment No. 1 by Driver (SECTION 8, 2nd Reading Engrossment) and renumber the remaining sections accordingly.

(2) In the section of the bill that adds Section 1702.286, Occupations Code, add a new Subsection (e) (page 6, between lines 4 and 5, 2nd Reading Engrossment) to read as follows:

(e) The duties imposed by this section on an alarm systems company do not apply to the installation or activation of a personal emergency response system, as defined under Section 1702.006.

Amendment No. 1 was adopted.

HB 2304, 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. Members registering votes are as follows: Harper-Brown and Phillips recorded voting no.)

HB 3285 ON THIRD READING
(by Swinford)

HB 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.

A record vote was requested.

HB 3285 was passed by (Record 549): 129 Yeas, 11 Nays, 1 Present, not voting.

Yeas — Allen, R.; Alonzo; Anchia; 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; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hill; Hochberg; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laubenberg; Luna; Madden; Martinez Fischer; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Paxton; Peña; Phillips; Pickett; 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; Woolley; Zedler.

Nays — Allen, A.; Castro; Farrar; Flores; Herrero; Homer; Laney; Leibowitz; Martinez; McCall; McClendon.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hodge.

Absent, Excused, Committee Meeting — Pitts.

Absent — Anderson; Hilderbran; Moreno, P.; Otto; West; Wong.

STATEMENTS OF VOTE

When Record No. 549 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

When Record No. 549 was taken, my vote failed to register. I would have voted yes.

Hilderbran

I was shown voting yes on Record No. 549. I intended to vote no.

Naishtat

I was shown voting yes on Record No. 549. I intended to vote no.

Rodriguez

GENERAL STATE CALENDAR

SENATE BILLS

THIRD READING

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

SB 99 ON THIRD 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 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 1680 ON THIRD 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 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 1005 ON THIRD 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 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: Herrero recorded voting no.)

SB 879 ON THIRD 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.

A record vote was requested.

SB 879 was passed by (Record 550): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; 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; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Kuempel; Laney; Laubenberg; Leibowitz; 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; 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; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hodge.

Absent, Excused, Committee Meeting — Pitts.

Absent — Bonnen; Chavez; Driver; Dutton; Krusee; Luna.

SB 1281 ON THIRD 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.

Amendment No. 1

Representative Bonnen offered the following amendment to **SB 1281**:

Amend **SB 1281** on third reading in SECTION 1 of the bill, in added Section 361.0901(c), Health and Safety Code (page 2, line 9), by striking "to receive".

Amendment No. 1 was adopted.

SB 1281, 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.)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today to attend a rosary:

T. Smith on motion of Farabee.

**SB 248 ON THIRD 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.

A record vote was requested.

SB 248 was passed by (Record 551): 144 Yeas, 0 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; Castro; 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; Homer; 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, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hodge; Smith, T.

Absent, Excused, Committee Meeting — Pitts.

Absent — Hope.

SB 449 ON THIRD 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 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 220 ON THIRD READING
(Grusendorf - House Sponsor)

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

SB 220 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.)

POSTPONED BUSINESS

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

HB 3460 ON THIRD READING
(by Baxter)

HB 3460, A bill to be entitled An Act relating to the interest rate to be paid on the deposits made by customers of a water, electric, gas, or telephone utility.

HB 3460 was read third time on May 3, postponed until 10 a.m. today, and was again postponed until this time.

(Pitts now present)

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today to attend a rosary:

Naishtat on motion of Raymond.

Rodriguez on motion of Raymond.

HR 1569 - ADOPTED
(by Dunnam, Coleman, Anchia, Gallego, et al.)

Representative Dunnam moved to suspend all necessary rules to take up and consider at this time **HR 1569**.

The motion prevailed.

The following resolution was laid before the house:

HR 1569, Convening the Texas House of Representatives in a memorial session honoring Representative Joseph E. Moreno on May 11, 2005.

Amendment No. 1

On behalf of Representative Gallego, Representative Dunnam offered the following amendment to **HR 1569**:

Amend **HR 1569** on line 11 by striking "10" and substituting "9" in lieu thereof.

Amendment No. 1 was adopted.

HR 1569, as amended, was adopted.

On motion of Representative Howard, the names of all the members of the house were added to **HR 1569** as signers thereof.

HB 3460 - (consideration continued)

A record vote was requested.

HB 3460 was passed by (Record 552): 84 Yeas, 51 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Farabee; Gattis; Geren; Griggs; Haggerty; Hamilton; Hamric; Hardcastle; Hartnett; Hegar; Hilderbran; Hill; Homer; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Madden; McCall; Miller; Morrison; Mowery; Nixon; Oliveira; Orr; Otto; Paxton; Phillips; Pickett; Pitts; Quintanilla; Reyna; Riddle; Ritter; Smith, W.; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Castro; Chavez; Coleman; Crabb; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; Escobar; Farrar; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Grusendorf; Herrero; Hochberg; Hopson; Jones, J.; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Merritt; Moreno, P.; Noriega, M.; Olivo; Peña; Puente; Raymond; Rose; Solis; Turner; Uresti; Veasey; Villarreal; Vo; Zedler.

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

Absent, Excused — Hodge; Naishtat; Rodriguez; Smith, T.

Absent — Burnam; Flores; Guillen; Harper-Brown; Menendez; Seaman; Smithee; Thompson.

STATEMENTS OF VOTE

When Record No. 552 was taken, I was in the house but away from my desk. I would have voted no.

Burnam

I was shown voting present, not voting on Record No. 552. I intended to vote yes.

Flynn

When Record No. 552 was taken, my vote failed to register. I would have voted yes.

Guillen

I was shown voting yes on Record No. 552. I intended to vote no.

Kuempel

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today to attend a rosary:

Dunnam on motion of Farabee.

Gallego on motion of Hochberg.

Olivo on motion of Villarreal.

GENERAL STATE CALENDAR

HOUSE BILLS

SECOND READING

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

CSHB 3029 ON SECOND READING

(by Strama)

CSHB 3029, A bill to be entitled An Act relating to eligibility of certain rural areas for certain state assistance.

CSHB 3029 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 2215 ON SECOND READING

(by Bailey, Elkins, Howard, and Bohac)

HB 2215, A bill to be entitled An Act relating to the operation of property owners' associations.

(Miller in the chair)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Woolley requested permission for the Committee on Calendars to meet while the house is in session at 3 p.m. today in 3W.9.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 3 p.m. today, 3W.9, for a formal meeting, to consider the calendar.

HB 2215 - (consideration continued)

Amendment No. 1

Representative Bailey offered the following amendment to **HB 2215**:

Amend **HB 2215** on page 1, line 13, between "by" and "certified", by inserting "regular mail and by".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Bailey offered the following amendment to **HB 2215**:

Amend **HB 2215** (House Committee Printing) as follows:

(1) On page 2, strike lines 15-16 and substitute the following:

SECTION 3. Section 209.008, Property Code, is amended by amending Subsection (b) and adding Subsection (h) to read as follows:

(2) On page 2, between lines 26 and 27, insert the following:

(h) An owner may collect from a property owners' association reasonable attorney's fees incurred by the owner in defending against a suit initiated by the association or initiating a suit against the association under this chapter if, in the suit, the owner prevails against the association. An owner that collects attorney's fees under this section collects those fees in addition to any other reasonable costs of court or other sums of money the owner may collect from the property owners' association.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Bailey offered the following amendment to **HB 2215**:

Amend **HB 2215** (House Committee Printing) on page 3, line 15, by striking "2003" and substituting "2005".

Amendment No. 3 was adopted.

Amendment No. 4

Representative Bailey offered the following amendment to **HB 2215**:

Amend **HB 2215** (House Committee Printing) on page 3, line 27, through page 5, line 7, by striking SECTIONS 7 and 8 of the bill and renumbering subsequent SECTIONS of the bill accordingly.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Bailey offered the following amendment to **HB 2215**:

Amend **HB 2215** (House Committee Printing) on page 3, line 25, by striking "second" and substituting "first".

Amendment No. 5 was adopted.

Amendment No. 6

Representative Menendez offered the following amendment to **HB 2215**:

Amend **HB 2215** as follows:

(1) On page 1, line 7, strike "Before" and substitute "Except as provided by Subsection (c), before ~~Before~~".

(2) On page 1, line 15, between "notice" and "must", insert "required by Subsection (a)".

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

(c) For property located wholly or partly in a county with a population of more than 1.3 million and less than 1.4 million, before a property owners' association may suspend an owner's right to use a common area, file a suit against an owner other than a suit to collect a regular or special assessment or foreclose under an association's lien, charge an owner for property damage, or levy a fine for a violation of the restrictions or bylaws or rules of the association, the association or its agent must give written notice to the owner by certified mail, return receipt requested.

(d) The notice required by Subsection (c) must:

(1) describe the violation or property damage that is the basis for the suspension action, charge, or fine and state any amount due the association from the owner; and

(2) inform the owner that the owner:

(A) is entitled to a reasonable period to cure the violation and avoid the fine or suspension unless the owner was given notice and a reasonable opportunity to cure a similar violation within the preceding six months; and

(B) may request a hearing under Section 209.007 on or before the 30th day after the date the owner receives the notice.

(4) On page 2, line 10, between the period and "A", insert the following:

(a) This section does not apply to property located wholly or partly in a county with a population of more than 1.3 million and less than 1.4 million.

(b)

(5) On page 2, line 23, between "An owner" and "is not", insert "to whom Section 209.0071 applies".

(6) On page 3, line 3, strike "A", and substitute "(a) Except as provided by Subsection (b), a [A]".

(7) On page 3, between lines 11 and 12, insert the following:

(b) For property located wholly or partly in a county with a population of more than 1.3 million and less than 1.4 million, a property owners' association may not foreclose a property owners' association's assessment lien if the debt securing the lien consists solely of:

(1) fines assessed by the association; or

(2) attorney's fees incurred by the association solely associated with fines assessed by the association.

(8) On page 3, line 14, between the period and "Except", insert the following:

(a) This section does not apply to property located wholly or partly in a county with a population of more than 1.3 million and less than 1.4 million.

(b)

(9) On page 3, line 22, strike "The" and substitute "Except as provided by this subsection, the [The]".

(10) On page 3, line 26, after the period, insert the following:

For property located wholly or partly in a county with a population of more than 1.3 million and less than 1.4 million, the owner of property in a residential subdivision may redeem the property from any purchaser at a sale foreclosing a property owners' association's assessment lien not later than the 180th day after the date the association mails written notice of the sale to the owner under Section 209.010.

(11) On page 4, line 2, between "association" and "is", insert ", other than an association for property wholly or partly located in a county with a population of more than 1.3 million and less than 1.4 million,".

(12) On page 4, line 20, between "association" and "is", insert ", other than an association for property wholly or partly located in a county with a population of more than 1.3 million and less than 1.4 million,".

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today to attend a rosary:

Coleman on motion of Farabee.

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).

HB 2215 - (consideration continued)

Representative Puente moved to table Amendment No. 6.

The motion to table prevailed.

Amendment No. 7

Representative Orr offered the following amendment to **HB 2215**:

Amend **HB 2215** as follows:

(1) On page 3, line 3, between the period and "A", insert "(a)".

(2) On page 3, between lines 11 and 12, insert the following:

(b) Unless otherwise provided in writing by the property owner, a payment received by a property owners' association from the owner shall be applied to the owner's debt in the following order of priority:

(1) any delinquent assessment;

(2) any current assessment;

(3) any fines assessed by the association; and

(4) any attorney's fees incurred by the association solely associated with fines assessed by the association.

(3) On page 5, between lines 25 and 26, insert the following:

(d) Section 209.009(b), Property Code, as added by this Act applies only to a payment received by a property owners' association on or after the effective date of this Act. A payment received before the effective date of this Act is governed by the law in effect when the payment was received, and the former law is continued in effect for that purpose.

(4) On page 5, line 26, strike "(d)" and substitute "(e)".

Amendment No. 7 was adopted.

Amendment No. 8

Representative Harper-Brown offered the following amendment to **HB 2215**:

Amend **HB 2215** as follows:

(1) On page 1, line 7, strike "Before" and substitute "Except as provided by Subsection (c), before [Before]".

(2) On page 1, line 15, between "notice" and "must", insert "required by Subsection (a)".

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

(c) This subsection applies only to property described by Section 209.0071(a). Before a property owners' association may suspend an owner's right to use a common area, file a suit against an owner other than a suit to collect a regular or special assessment or foreclose under an association's lien, charge an owner for property damage, or levy a fine for a violation of the restrictions or bylaws or rules of the association, the association or its agent must give written notice to the owner by certified mail, return receipt requested.

(d) The notice required by Subsection (c) must:

(1) describe the violation or property damage that is the basis for the suspension action, charge, or fine and state any amount due the association from the owner; and

(2) inform the owner that the owner:

(A) is entitled to a reasonable period to cure the violation and avoid the fine or suspension unless the owner was given notice and a reasonable opportunity to cure a similar violation within the preceding six months; and

(B) may request a hearing under Section 209.007 on or before the 30th day after the date the owner receives the notice.

(4) On page 2, line 10, between the period and "A", insert the following:

(a) This section does not apply to property located wholly or partly in:

(1) a municipality that:

(A) has a population of more than 175,000 and less than 200,000;

and

(B) is located in a county in which another municipality with a population of more than one million is predominantly located; and

(2) a development in which at least 2300 acres of the property is subject to a covenant, condition, or restriction designating the property for commercial use, multifamily dwellings, or open space.

(b)

(5) On page 2, line 23, between "An owner" and "is not", insert "to whom Section 209.0071 applies".

(6) On page 3, line 3, strike "A", and substitute "(a) Except as provided by Subsection (b), a [A]".

(7) On page 3, between lines 11 and 12, insert the following:

(b) For property described by Section 209.0071(a), a property owners' association may not foreclose a property owners' association's assessment lien if the debt securing the lien consists solely of:

(1) fines assessed by the association; or

(2) attorney's fees incurred by the association solely associated with fines assessed by the association.

(8) On page 3, line 14, between the period and "Except", insert the following:

(a) This section does not apply to property described by Section 209.0071(a).

(b)

(9) On page 3, line 22, strike "The" and substitute "Except as provided by this subsection, the [The]".

(10) On page 3, line 26, after the period, insert the following:

For property described by Section 209.0071(a), the owner of property in a residential subdivision may redeem the property from any purchaser at a sale foreclosing a property owners' association's assessment lien not later than the 180th day after the date the association mails written notice of the sale to the owner under Section 209.010.

(11) On page 4, line 2, between "association" and "is", insert ", other than an association for property described by Section 209.0071(a),".

(12) On page 4, line 20, between "association" and "is", insert ", other than an association for property described by Section 209.0071(a),".

(Speaker in the chair)

Representative Geren moved to table Amendment No. 8.

A record vote was requested.

The motion to table prevailed by (Record 553): 96 Yeas, 21 Nays, 4 Present, not voting.

Yeas — Allen, A.; Alonzo; Anchia; Anderson; Blake; Bohac; Bonnen; Branch; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Cook, B.; Cook, R.; Crabb; Davis, J.; Davis, Y.; Dawson; Denny; Deshotel; Driver; Dukes; Dutton; Eiland; Farabee; Farrar; Flores; Flynn; Frost; Gattis; Geren; Giddings; Gonzalez Toureilles; Goodman; Goolsby; Grusendorf; Guillen; Haggerty; Hamilton; Hardcastle; Hartnett; Hegar; Herrero; Hochberg; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Leibowitz; Luna; Martinez; McClendon; McReynolds; Miller; Noriega, M.; Orr; Otto; Paxton; Peña; Pickett;

Pitts; Puente; Raymond; Ritter; Rose; Smith, W.; Smithee; Solis; Solomons; Strama; Swinford; Talton; Truitt; Turner; Uresti; Van Arsdale; Vo; West; Wong; Woolley; Zedler.

Nays — Allen, R.; Baxter; Berman; Brown, B.; Brown, F.; Corte; Delisi; Edwards; Eissler; Elkins; Hamric; Harper-Brown; Laubenberg; Madden; Menendez; Merritt; Mowery; Phillips; Riddle; Straus; Villarreal.

Present, not voting — Mr. Speaker(C); Hilderbran; Jackson; Reyna.

Absent, Excused — Coleman; Dunnam; Gallego; Hodge; Naishtat; Olivo; Rodriguez; Smith, T.

Absent — Bailey; Crownover; Escobar; Gonzales; Griggs; Hill; Hughes; Jones, D.; King, P.; Martinez Fischer; McCall; Moreno, P.; Morrison; Nixon; Oliveira; Quintanilla; Seaman; Taylor; Thompson; Veasey.

STATEMENT OF VOTE

When Record No. 553 was taken, I was in the house but away from my desk. I would have voted no.

Crownover

Amendment No. 9

Representative Paxton offered the following amendment to **HB 2215**:

Amend **HB 2215** (House Committee Printing as follow:

1. on page 1, line 13 by deleting the underlined text.
2. On page 3, line 14 between "REQUIRED." And "Except", insert "(a)".
3. On page 3, between lines 19 and 20, insert the following:

(b) The supreme court, as an exercise of the court's authority under Section 74.024, Government Code, shall adopt rules establishing expedited foreclosure proceedings for use by a property owners' association in foreclosing an assessment lien of the association. The rules adopted under this subsection:

(1) must be substantially similar to the rules adopted by the supreme court under Article XVI, Section 50(r), Texas Constitution; and

(2) remain in effect unless and until disapproved by the legislature.

Amendment No. 9 was adopted.

Amendment No. 10

Representative Puente offered the following amendment to **HB 2215**:

Amend **HB 2215** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION __. Section 202.007(a), Property Code, is amended to read as follows:

(a) A property owners' association may not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from:

(1) implementing measures promoting solid-waste composting of vegetation, including grass clippings, leaves, or brush, or leaving grass clippings uncollected on grass;

(2) installing rain barrels or a rainwater harvesting system; ~~[or]~~

(3) implementing efficient irrigation systems, including underground drip or other drip systems; or

(4) implementing landscaping design, installation, or maintenance standards that result in water conservation, including standards relating to the use of native or other drought-tolerant plants, shrubs, trees, or grasses.

Amendment No. 10 was adopted.

Amendment No. 11

Representative Solomons offered the following amendment to **HB 2215**:

Amend **HB 2215** as follows:

(1) Add the following appropriately numbered SECTION to the bill and renumber existing SECTIONS of the bill accordingly:

SECTION _____. Chapter 209, Property Code, is amended by adding Section 209.012 to read as follows:

Sec. 209.012. QUALIFICATIONS OF BOARD MEMBERS. A person convicted of a crime of moral turpitude may not serve as a member of the board of a property owners' association before the 15th anniversary of the date the person was convicted.

(2) Add the following appropriately lettered subsection to SECTION 9 of the bill and renumber existing subsections accordingly:

(___) Section 209.012, Property Code, as added by this Act, applies only to a person who, on or after the effective date of this Act, is elected, reelected, appointed, or reappointed to or otherwise begins to serve on the board of a property owners' association.

Amendment No. 11 was adopted.

HB 2215, 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: B. Brown, Castro, Gattis, Hamric, Harper-Brown, McCall, Menendez, and Phillips recorded voting no.)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today to attend a rosary:

Martinez Fischer on motion of Strama.

CSHB 1318 ON SECOND READING (by Dawson)

CSHB 1318, A bill to be entitled An Act relating to the state providing grave markers for certain members of the state military forces.

Amendment No. 1

Representative Dawson offered the following amendment to **CSHB 1318**:

Amend **CSHB 1318** as follows:

- (1) On page 1, line 6, strike "431.175" and substitute "431.0175".
- (2) On page 1, line 7, strike "431.175" and substitute "431.0175".
- (3) On page 2, line 6, strike "431.175" and substitute "431.0175".

Amendment No. 1 was adopted.

CSHB 1318, 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 1767 ON SECOND READING

(by R. Cook)

CSHB 1767, A bill to be entitled An Act relating to the regulation of veterinary medicine.

Amendment No. 1

Representative R. Cook offered the following amendment to **CSHB 1767**:

Amend **CSHB 1767** by striking page 5, lines 10-22, and substituting the following:

Sec. 801.362. AUTHORITY TO DISPENSE DRUGS PRESCRIBED BY ANOTHER VETERINARIAN IN EMERGENCY. (a) A veterinarian may dispense a drug, other than a controlled substance, prescribed by another veterinarian if:

(1) failure to dispense the drug could interrupt a therapeutic regimen or cause a patient to suffer;

(2) the prescribing veterinarian informs the dispensing veterinarian that the drug is appropriate and necessary for the animal;

(3) the quantity of the dispensed drug does not exceed a five-day supply for each animal annually;

(4) the annual total of dosage units of drugs dispensed under this subsection is not more than five percent of the total dosage units of drugs the veterinarian dispenses in a year; and

(5) the veterinarian maintains records of dispensing activities under this section consistent with board rules.

(b) A veterinarian does not violate Section 801.402 by ordering a prescription drug in compliance with this section for the treatment of an animal without first establishing a veterinarian-client-patient relationship.

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

Amendment No. 1 was adopted.

CSHB 1767, 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: B. Brown and Rose recorded voting no.)

CSHB 2239 ON SECOND READING
(by Luna)

CSHB 2239, A bill to be entitled An Act relating to homeland security training and supplemental pay for certain law enforcement officers.

CSHB 2239 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 3181 ON SECOND READING
(by Turner)

CSHB 3181, A bill to be entitled An Act relating to the creation of the Central Harris County Regional Water Authority; providing authority to issue bonds or notes; granting the power of eminent domain; providing an administrative penalty.

CSHB 3181 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 1952 ON SECOND READING
(by Goodman)

CSHB 1952, A bill to be entitled An Act relating to prohibiting a governmental body from disclosing a person's social security number to a member of the public in certain circumstances without the person's written consent.

CSHB 1952 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 2668 ON SECOND READING
(by Dutton)

HB 2668, A bill to be entitled An Act relating to a prohibition against a private entity performing the functions and duties of a local child support registry.

Amendment No. 1

Representative Paxton offered the following amendment to **HB 2668**:

Amend **HB 2668** as follows:

1. On page 1, line 23, strike the word "only" and insert the word "either".

2. On page 1, line 24, before the period, insert ", or under an appointment by a court".

3. Section 234.008, Family Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Except as provided by Subsection (c) or (d), not later than the second business day after the date the state disbursement unit receives a child support payment, the state disbursement unit shall distribute the payment to the Title IV-D agency or the obligee.

(d) The signature of an obligee on a final order in a suit affecting the parent-child relationship, or another order under this title, that designates an individual or entirety for the purpose of receiving, disbursing, and monitoring child support payments constitutes written consent by the obligee to the distribution of the child support payments by the state disbursement unit to the designated individual or entity. The state disbursement unit shall distribute each child support payment to the designated individual or entity by the date required by Subsection (a). The designated individual or entity shall deduct any amount of the individual's or entity's authorized fee from the payment and promptly disburse the remainder of the amount to the Title IV-D agency or obligee.

Amendment No. 1 was adopted.

HB 2668, 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 2696 ON SECOND READING
(by Anchia, Hartnett, Jackson, Vo, et al.)

CSHB 2696, A bill to be entitled An Act relating to the licensing and regulation of massage therapy and massage establishments and certain services related to massage; providing penalties.

Amendment No. 1

Representative Anchia offered the following amendment to **CSHB 2696**:

Amend **CSHB 2696** (House Committee Report) as follows:

- (1) On page 4, line 21, strike ";" and substitute ";".
- (2) On page 4, strike lines 22 through 25.
- (3) On page 6, line 20, strike ", including" and substitute ";".
- (4) On page 6, strike lines 21 through 24.
- (5) On page 9, line 24, strike "license holder" and substitute "massage establishment".
- (6) On page 23, line 1, strike "or "bath"".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Delisi offered the following amendment to **CSHB 2696**:

Amend **CSHB 2696** on page 2, line 22, between "chiropractor," and "physical therapist," insert "occupational therapist,".

Amendment No. 2 was adopted.

CSHB 2696, 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 2819 ON SECOND READING

(by Rose)

CSHB 2819, A bill to be entitled An Act relating to access to state electronic and information resources by individuals with disabilities.

CSHB 2819 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 879 ON SECOND READING

(by Madden)

CSHB 879, A bill to be entitled An Act relating to the sale of tax receivables by a local government.

Representative Puente moved to postpone consideration of **CSHB 879** until 10 a.m. tomorrow.

The motion prevailed.

CSHB 2751 ON SECOND READING

(by Hartnett)

CSHB 2751, A bill to be entitled An Act relating to providing notice of the anticipated fiscal impact of municipal charter amendments.

CSHB 2751 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 1379 ON SECOND READING

(by J. Jones)

CSHB 1379, A bill to be entitled An Act relating to the admissibility in a civil action of certain information relating to identify theft.

CSHB 1379 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 2221 - RECOMMITTED

Representative Morrison moved to recommit **HB 2221** to the Committee on Higher Education.

The motion prevailed.

CSHB 2837 ON SECOND READING

(by R. Allen)

CSHB 2837, A bill to be entitled An Act relating to the state's activities regarding education, vocational training, and reintegration of offenders.

Amendment No. 1

On behalf of Representative Kolkhorst, Representative R. Allen offered the following amendment to **CSHB 2837**:

Amend **CSHB 2837** (house committee printing) as follows:

(1) On page 2 line 3, strike "contract with an outside organization" and substitute "consult with the Legislative Budget Board".

(2) On page 2, strike lines 16 through 21, and substitute the following:

"(b) The Legislative Budget Board shall submit an annual report to the legislature and the governor's office based on data compiled and analyzed under Subsection (a)."

Amendment No. 1 was adopted.

Amendment No. 2

Representative R. Allen offered the following amendment to **CSHB 2837**:

Amend **CSHB 2837** (house committee printing) on page 7, between lines 25 and 26, by inserting the following:

(c) Information received from the Texas Youth Commission under this section is confidential and is not subject to disclosure under Chapter 552, Government Code.

Amendment No. 2 was adopted.

CSHB 2837, 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 2879 ON SECOND READING

(by B. Keffer)

CSHB 2879, A bill to be entitled An Act relating to requirements for certain amusement rides.

Amendment No. 1

On behalf of Representative Eiland, Representative B. Keffer offered the following amendment to **CSHB 2879**:

Amend **CSHB 2879** by striking SECTION 1 of the bill (page 1, line 4, through page 2, line 1) and substituting the following appropriately numbered SECTION:

SECTION _____. Subchapter C, Chapter 2151, Occupations Code, is amended by adding Section 2151.107 to read as follows:

Sec. 2151.107. EXCEPTION FOR CERTAIN CHALLENGE COURSES MEETING INSURANCE REQUIREMENT. (a) In this section, "challenge course" means a challenge, ropes, team building, or obstacle course, which may include logs, tires, platforms, beams, bridges, poles, ropes, ladders, nets, climbing walls, rock climbing walls, climbing towers, traverses, rock climbing devices, cables, swings, or zip lines, that is constructed and used for educational, team and confidence building, or physical fitness purposes.

(b) A challenge course or any part of a challenge course is not considered an amusement ride subject to regulation under this chapter if the person who operates the challenge course has a combined single limit or split limit insurance policy currently in effect written by an insurance company authorized to do business in this state or by a surplus lines insurer, as defined by Chapter 981, Insurance Code, or has an independently procured policy subject to Chapter 101, Insurance Code, insuring the operator against liability for injury to persons arising out of the use of the challenge course in an amount of at least:

(1) for a challenge course with a fixed location:

(A) \$100,000 bodily injury and \$50,000 property damage per occurrence with a \$300,000 annual aggregate; or

(B) a \$150,000 per occurrence combined single limit with a \$300,000 annual aggregate; and

(2) for a challenge course other than one with a fixed location:

(A) \$1,000,000 bodily injury and \$500,000 property damage per occurrence; or

(B) \$1,500,000 per occurrence combined single limit.

Amendment No. 1 was adopted.

CSHB 2879, 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 3514 ON SECOND READING

(by Eissler)

HB 3514, A bill to be entitled An Act relating to the powers and duties of the Southwest Montgomery County Improvement District.

HB 3514 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 984 ON SECOND READING
(by Reyna, McReynolds, and Chavez)

CSHB 984, A bill to be entitled An Act relating to the care of elementary and secondary school students with diabetes.

CSHB 984 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 Phillips recorded voting no.)

CSHB 2376 ON SECOND READING
(by Elkins)

CSHB 2376, A bill to be entitled An Act relating to the environmental regulation and remediation of dry cleaning facilities; imposing a penalty.

Amendment No. 1

Representative Elkins offered the following amendment to **CSHB 2376**:

Amend **CSHB 2376** on page 14, line 9, between "(c)" and "The" by inserting the following:

If a registration application for an operating dry cleaning facility or drop station is not filed with the commission on or before the 30th day after the date the application is due, the commission may assess a penalty not to exceed \$50 per day for each day the application is not filed.

(d)

Amendment No. 1 was adopted.

Amendment No. 2

Representative Elkins offered the following amendment to **CSHB 2376**:

Amend **CSHB 2376** as follows:

(1) On page 4, line 2, strike "Section 374.053" and substitute "Sections 374.053(c)(3), (4), and (5)".

(2) Strike page 6, line 26 through page 7, line 2, and substitute the following:

(b) An annual registration fee, the total amount of which may be divided into quarterly payments and billed on dates established by the commission, is assessed as follows [Except for a carbon dioxide facility, the registration must be accompanied by a fee of]:

(3) On page 7, line 20, strike "\$250" and substitute "\$125".

(4) On page 8, strike lines 6-12 and substitute the following:

(f) For each registration application, the commission shall request that the comptroller verify whether the owner submitting the registration application is in good standing with the state and whether the owner's selection on the registration application of the gross annual receipts classification for the dry cleaning facility or drop station agrees with information reported to the comptroller for the same tax or reporting year. Not later than the third business day after the comptroller receives the verification request, based in part on information supplied by the

commission, the comptroller shall report to the commission the owner's standing and whether the owner's application information agrees with the comptroller's information.

(5) On page 8, line 20, immediately following the period, insert "The person who distributes the solvent shall collect the fees and shall pay to the commission the amount due, in accordance with Subsection (a-1).".

(6) On page 8, line 24, strike "two" and substitute "one".

(7) On page 8, lines 25-26, strike "and shall pay the remaining amount [fee] to the commission" and substitute "if the distributor pays [shall pay] the remaining amount [fee] to the commission not later than the date prescribed by the commission".

(8) On page 9, lines 12-13, strike "before December 31, 2005" and substitute "on or before February 28, 2006".

(9) On page 12, between lines 3 and 4, insert the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION ____ . Section 374.202, Health and Safety Code, is amended by adding Subsection (c) to read as follows:

(c) The commission, or the attorney general at the request of the commission, may bring a civil action to recover any amounts owed to the commission under this section. The commission or attorney general, as applicable, may recover court costs, the costs of preparing for litigation, and reasonable attorney's fees incurred in an action brought under this section. An owner is jointly and severally liable with any other defendant for the entire amount of costs.

(10) On page 14, line 23, strike "374.105(c)" and substitute "374.105".

(11) On page 15, strike lines 11-27 and substitute the following:

(c) Notwithstanding Section 374.102, Health and Safety Code, as added by Chapter 540, Acts of the 78th Legislature, Regular Session, 2003, a registration fee that was payable before September 1, 2005, for a dry cleaning drop station as that term is defined by Section 374.001, Health and Safety Code, as amended by this Act, is payable not later than October 1, 2005, in the amount of \$125 for each dry cleaning drop station that is owned by the owner of a dry cleaning facility that was registered and designated as nonparticipating under Section 374.104, Health and Safety Code, before the effective date of this Act.

(12) On page 16, between lines 16 and 17, insert the following:

(f) On or before February 28, 2006, the owner of a dry cleaning facility that filed an option not to participate under Section 374.104, Health and Safety Code, before the effective date of this Act, must comply with Subsection (c)(3) of that section, as added by this Act, to maintain nonparticipating status.

Amendment No. 2 was adopted.

CSHB 2376, 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 955 ON SECOND READING
(by Solomons)

CSHB 955, A bill to be entitled An Act relating to the regulation of financial businesses and practices; providing civil penalties.

Amendment No. 1

Representative Solomons offered the following amendment to **CSHB 955**:

Amend **CSHB 955** as follows:

On Page 7, Line 16, SECTION 2.07, between "application" and "to the", insert "of the creditor".

On Page 10, Line 13, SECTION 2.10, amending Section 306.002(c), strike subsection "(c) This chapter does not affect transactions that are not subject to this chapter or affect or negatively impact any rule of law applicable to transactions not subject to this chapter."

On Page 10, Line 13, Section 306.002(c), Finance Code, is amended by adding SECTION 2.11 and renumbering the following SECTIONS appropriately:

"(c) The provisions of this chapter do not affect transactions that are not subject to this chapter nor affect or negatively impact any rule of law applicable to transactions not subject to this chapter."

On Page 17, Line 18, SECTION 4.01, strike "commissioner or".

On Page 21, Line 24, SECTION 4.05, strike "Section 349.201, 349.202, or 349.203" and insert "Subchapter C of Chapter 349 of this title."

On Page 60, Line 21, SECTION 8.02, strike "2.11" and insert "2.12"

Amendment No. 1 was adopted.

Amendment No. 2

Representative Solomons offered the following amendment to **CSHB 955**:

Amend **CSHB 955** on page 5, line 20, by inserting a new SECTION 2.03, which adds Section 303.017 to read as follows:

Sec. 303.017. VARIOUS CHARGES ON CONSUMER LOANS MADE BY PARTICULAR LENDERS. Notwithstanding section 342.005, a bank, savings association, savings bank, or credit union making a loan primarily for personal, family or household use under authority of this chapter may charge all reasonable expenses and fees incurred in connection with making, closing, disbursing, extending, readjusting, or renewing a loan not secured by real property, whether or not those expenses or fees are paid to third parties. Those reasonable expenses and fees paid to third parties are not interest.

Amend **CSHB 955** on page 15, Line 8, by inserting the following:

SECTION 2.20. Section 342.308(a)(4), Finance Code, is amended to read as follows:

(4) reasonable fees for an appraisal to real property offered as security for the loan prepared by an ~~licensed or certified~~ appraiser who is not a salaried employee of the lender;

(Berman in the chair)

Amendment No. 2 was adopted.

Amendment No. 3

Representative Solomons offered the following amendment to **CSHB 955**:

CSHB 955 is amended by adding SECTION ___ to Article 5 of the bill to read as follows:

SECTION ___. Chapter 59, Finance Code, is amended by adding Section 59.011 to read as follows:

Sec. 59.011. LENDER LIABILITY FOR CONSTRUCTION. (a) For purposes of Chapter 27, Property Code, and Title 16, Property Code, a federally insured financial institution regulated under this code is not a builder.

(b) A lender regulated by this code that forecloses on or otherwise acquires a home through the foreclosure process or other legal means when the loan is in default is not liable to a subsequent purchaser for any construction defects of which the lender had no knowledge that were created prior to the acquisition of the home by the lender.

(c) A builder hired by a lender to complete the construction of a foreclosed home is not liable for any construction defects of which the builder had no knowledge that existed prior to the acquisition of the home by the lender, but the builder is subject to Chapter 27, Property Code, and Title 16, Property Code, for work performed for the lender subsequent to the acquisition of the home by the lender.

Amendment No. 3 was adopted.

CSHB 955, 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 988 ON SECOND READING
(by Chisum)

CSHB 988, A bill to be entitled An Act relating to the county in which a seller of a motor vehicle may file an application for registration and certificate of title.

CSHB 988 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 1644 ON SECOND READING
(by Callegari)

CSHB 1644, A bill to be entitled An Act relating to the authority of a water control and improvement district or a municipal utility district to enter into a contract to convey property to another water district or water supply corporation.

CSHB 1644 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 1940 ON SECOND READING
(by Ritter)

HB 1940, A bill to be entitled An Act relating to alternative dispute resolution of certain contract claims against the state.

HB 1940 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 2145 ON SECOND READING
(by Hupp, Seaman, and Grusendorf)

HB 2145, A bill to be entitled An Act relating to prohibiting changes in certain prescription drug orders without the approval of the prescribing health care practitioner.

HB 2145 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 3047 ON SECOND READING
(by Veasey)

CSHB 3047, A bill to be entitled An Act relating to emergency communication district participation in state travel services contracts.

Representative Veasey moved to postpone consideration of **CSHB 3047** until 10 a.m. May 11.

The motion prevailed.

CSHB 2463 ON SECOND READING
(by Villarreal, Menendez, Flores, Corte, et al.)

CSHB 2463, A bill to be entitled An Act relating to the creation of health care funding districts in certain counties and authorizing the districts to impose taxes on certain institutional health care providers located in the districts.

Amendment No. 1

Representative Villarreal offered the following amendment to **CSHB 2463**:

Amend **CSHB 2463** as follows:

- (1) On page 1, lines 18-19, strike "subject to" and substitute "who has paid".
- (2) On page 1, line 21, strike "general".
- (3) On page 3, line 2, strike "one member who meets" and substitute "any remaining members who meet".
- (4) On page 8, line 8, between "tax" and "on", insert "to be assessed quarterly".
- (5) On page 8, strike line 14 and substitute "fiscal year ending in 2003."
- (6) On page 9, line 6, strike "health care services" and substitute "programs".

(7) Strike page 10, line 1, through page 18, line 18, and renumber the subsequent chapters of the Health and Safety Code appropriately.

(8) On page 19, line 19, strike "health care services" and substitute "programs".

(9) On page 20, lines 8-9, strike "subject to" and substitute "who has paid".

(10) On page 20, line 11, strike "general".

(11) On page 21, line 13, strike "one member who meets" and substitute "any remaining members who meet".

(12) On page 26, line 19, between "tax" and "on", insert "to be assessed quarterly".

(13) On page 26, line 25, strike "most recent fiscal year for which information is available." and substitute "fiscal year ending in 2003."

(14) On page 27, line 17, strike "health care services" and substitute "programs".

(15) On page 28, line 23, strike "health care services" and substitute "programs".

(16) On page 29, lines 11-12, strike "subject to" and substitute "who has paid".

(17) On page 29, line 14, strike "general".

(18) On page 30, line 16, strike "one member who meets" and substitute "any remaining members who meet".

(19) On page 35, line 22, between "tax" and "on", insert "to be assessed quarterly".

(20) On page 36, line 3, strike "most recent fiscal year for which information is available." and substitute "fiscal year ending in 2003."

(21) On page 36, line 20, strike "health care services" and substitute "programs".

(22) On page 38, line 1, strike "health care services" and substitute "programs".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Villarreal offered the following amendment to **CSHB 2463**:

Amend **CSHB 2463** as follows:

(1) On page __, after line __, insert the following appropriately labeled sections:

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding the following appropriately numbered section to read as follows:

Sec. . MEDICAID HEALTH LITERACY PILOT PROGRAM. (a) In order to prevent unnecessary emergency room visits and health costs for Medicaid recipients, the commission shall develop and implement a Medicaid health literacy pilot program in Bexar County under which Medicaid recipients with young children receive health information materials and training designed to improve their health care decision-making.

(b) The pilot program must:

(1) establish a statistically significant test group and control group of Medicaid recipients with young children; and

(2) provide the test group with health information materials in English and Spanish that:

(A) are developed with consideration of the literacy level of the test group; and

(B) provide the test group with information to guide their health care decisions, including information about common health problems, prevention, home treatment, and circumstances in which it is appropriate to contact a health care professional.

(c) The commission shall establish the pilot program through a local governmental entity in Bexar County that chooses to participate. The commission shall request participation by the Bexar County Hospital District with the hospital district's subsidiary, Community First Health Plans.

(d) The commission shall ensure that the pilot program is financed using:

(1) money provided to the commission for purposes of the program by the participating local governmental entity to maximize federal matching money under the medical assistance program; and

(2) any corresponding federal matching money.

(e) The participating local governmental entity may provide money to the commission by certification or intergovernmental transfer to finance the pilot program as described by Subsection (d)(1).

(f) Not later than January 1, 2007, the commission shall evaluate the pilot program and report to the 80th Legislature on the effectiveness of the program and the feasibility of expanding the program statewide.

(g) This section expires September 1, 2009.

SECTION 2. If before implementing any provision of this Amendment 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 2463, 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 recorded voting no.)

HB 2868 ON SECOND READING

(by Frost, Rose, Martinez Fischer, Van Arsdale, et al.)

HB 2868, A bill to be entitled An Act relating to civil liability for provision of alcohol to a minor.

Amendment No. 1

Representative Laubenberg offered the following amendment to **HB 2868**:

Amend **HB 2868** on page 1, line 13, by striking "negligently" and substituting "knowingly".

Amendment No. 1 was adopted.

HB 2868, 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 2525 ON SECOND READING
(by Callegari)

CSHB 2525, A bill to be entitled An Act relating to contracts by governmental entities for construction projects and related professional services.

Amendment No. 1

Representative Puente offered the following amendment to **CSHB 2525**:

AMEND **CSHB 2525** AS FOLLOWS:

Strike on page 2, line 27 through page 3, line 3.

On page 3, line 9, strike authority and substitute "authority or any other type of water district".

Amendment No. 1 was adopted.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Morrison requested permission for the Committee on Higher Education to meet while the house is in session at 4 p.m. in 3W.9 to consider **HB 2221**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Higher Education, 4 p.m. today, 3W.9, for a formal meeting, to consider **HB 2221**.

CSHB 2525 - (consideration continued)

Amendment No. 2

Representative Callegari offered the following amendment to **CSHB 2525**:

Amend **CSHB 2525** as follows:

(1) On page 10, lines 9-10, strike "be a contractor who performs" and substitute "self-perform".

(2) On page 10, lines 14-17, strike "and acts as the entity's agent in fulfilling the entity's responsibilities related to project management, cost management, schedule management, and dispute resolution management for all phases of the project".

(3) On page 11, line 23, between "2254.004" and the period, insert ", except that the governmental entity must advertise the availability of the contract".

Amendment No. 2 was adopted. (The vote was reconsidered later today, and Amendment No. 2 was adopted.)

Amendment No. 3

Representative Callegari offered the following amendment to **CSHB 2525**:

Amend **CSHB 2525** on page 1, between lines 4 and 5 by inserting the following new Section and renumbering the remaining sections accordingly:

(1) On page 26, strike lines 2-10 and substitute:

Sec. 2264.427. DECLARATORY OR INJUNCTIVE RELIEF. This chapter may be enforced through an action for declaratory or injunctive relief filed not later than the 30th day after the date on which the contract is awarded.

(2) On page 28, strike lines 3-10 and substitute:

Sec. 2254.007. DECLARATORY OR INJUNCTIVE RELIEF. (a) This subchapter may be enforced through an action for declaratory or injunctive relief filed not later than the 30th day after the date on which the contract is awarded.

Amendment No. 3 was adopted.

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).

CSHB 2525 - (consideration continued)**Amendment No. 2 - Vote Reconsidered**

Representative Callegari moved to reconsider the vote by which Amendment No. 2 was adopted.

The motion to reconsider prevailed.

Amendment No. 2 was adopted.

(Speaker in the chair)

Amendment No. 4

Representative Callegari offered the following amendment to **CSHB 2525**:

Amend **CSHB 2525** on page 1, between lines 4 and 5 by inserting the following new Section and renumbering the remaining sections accordingly:

SECTION ___. Chapter 2253.021, Government Code, is amended by adding Subsection (h) to read as follows:

(h) A reverse auction procedure may not be used to obtain goods or services in a public work contract for which a bond is required under this section. In this subsection, "reverse auction procedure" has the meaning assigned by Section 2155.062, or a procedure similar to that assigned by Section 2155.062.

Amendment No. 4 was adopted.

CSHB 2525, 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 260 ON SECOND READING
(by Goodman)

CSHB 260, A bill to be entitled An Act relating to suits affecting the parent-child relationship.

Amendment No. 1

Representative Goodman offered the following amendment to **CSHB 260**:

Amend **CSHB 260** as follows:

(1) On page 1, between lines 3 and 4, add the following appropriately numbered SECTION and renumber subsequent SECTIONS of the bill accordingly:

SECTION __. Chapter 81, Family Code, is amended by adding Section 81.009 to read as follows:

Sec. 81.009. APPEAL. (a) A protective order rendered under this subtitle is a final, appealable order.

(b) An appeal of a protective order rendered under this subtitle, with or without a supersedeas bond, does not suspend the order. The court that rendered the protective order retains jurisdiction to enforce the order until the appellate court supersedes the order.

(c) On the motion of a party or on the court's own motion, the appellate court in its opinion may identify the parties by fictitious names or by the parties' initials only.

(2) On page 3, between lines 22 and 23, add the following appropriately numbered SECTION and renumber subsequent SECTIONS of the bill accordingly:

SECTION ____. Section 153.0071, Family Code, is amended by adding Subsection (e-1) to read as follows:

(e-1) Notwithstanding Subsections (d) and (e), a court may decline to enter a judgment on a mediated settlement agreement if the court finds that:

(1) a party to the agreement was a victim of family violence, and that circumstance impaired the party's ability to make decisions; and

(2) the agreement is not in the child's best interest.

(3) On page 12, between lines 17 and 18, add the following appropriately numbered SECTIONS and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Sections 156.401(a) and (d), Family Code, are amended to read as follows:

(a) Except as provided by Subsection (b), the court may modify an order that provides for the support of a child if[±

[(+)] the circumstances of the child or a person affected by the order have materially and substantially changed since the earlier of:

(1) [~~(A)~~] the date of the order's rendition; or

(2) [~~(B)~~] the date of the signing of a mediated or collaborative law settlement agreement on which the order is based[±~~or~~

~~[(2) it has been three years since the order was rendered or last modified and the monthly amount of the child support award under the order differs by either 20 percent or \$100 from the amount that would be awarded in accordance with the child support guidelines].~~

(d) Release of a child support obligor from incarceration is a material and substantial change in circumstances for purposes of Subsection (a) ~~[(a)(1)]~~ if the obligor's child support obligation was abated, reduced, or suspended during the period of the obligor's incarceration.

SECTION _____. Sections 156.410(a) and (c), Family Code, are amended to read as follows:

(a) For purposes of Section 156.401(a) ~~[156.401(a)(1)]~~, the fact that an obligor has been called into active military service in any branch of the United States armed forces is a material and substantial change in circumstances if that active military service:

- (1) is for at least 30 consecutive days; and
- (2) results in a decrease in the obligor's net resources during the period of service.

(c) Return of the obligor from the active military service described by Subsection (a) is a material and substantial change in circumstances for purposes of Section 156.401(a) ~~[156.401(a)(1)]~~ for which an obligee may file a motion for modification of a child support order if the court previously modified the order on the grounds described by Subsection (a).

(4) On page 13, between lines 16 and 17, add the following appropriately numbered SECTION and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 81.009, Family Code, as added by this Act, applies only to a protective order rendered on or after the effective date of this Act. A protective order rendered before the effective date of this Act is governed by the law in effect on the date the order was rendered, and the former law is continued in effect for that purpose.

(5) On page 13, line 24, strike "Section" and substitute "Sections 153.0071 and".

(6) On page 14, lines 17 and 18, strike "Section 156.006" and substitute "Sections 156.006 and 156.401".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Goodman offered the following amendment to **CSHB 260**:

Amend **CSHB 260** by striking SECTION 12 of the bill (page 12, line 18, through page 13, line 1) and renumbering subsequent SECTIONS of the bill accordingly.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Hartnett offered the following amendment to **CSHB 260**:

Amend **CSHB 260** as follows:

(1) On page 12, between lines 17 and 18, insert the following appropriately numbered SECTION and renumber subsequent SECTIONS of the bill accordingly:

SECTION __. Section 157.005(b), Family Code, is amended to read as follows:

(b) The court retains jurisdiction to confirm the total amount of child support arrearages and render judgment for past-due child support if a motion for enforcement requesting a money judgment is filed not later than the 10th anniversary after the date:

(1) the child becomes an adult; or

(2) on which the child support obligation terminates under the child support order or by operation of law [until the date all current child support and medical support and child support arrearages, including interest and any applicable fees and costs, have been paid].

(2) On page 14, between lines 22 and 23, insert the following appropriately numbered SECTION and renumber subsequent SECTIONS of the bill accordingly:

SECTION __. The change in law made by this Act to Section 157.005, Family Code, relating to the enforcement of a child support order rendered before the effective date of this Act applies only to a proceeding for enforcement that is commenced on or after the effective date of this Act. A proceeding for enforcement that is commenced before the effective date of this Act is governed by the law in effect on the date the proceeding was commenced, and the former law is continued in effect for that purpose.

Amendment No. 3 was adopted.

CSHB 260, 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 270 ON SECOND READING

(by Farrar)

CSHB 270, A bill to be entitled An Act relating to court-ordered access to a child by the child's sibling.

CSHB 270 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.)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Chavez requested permission for the Committee on Border and International Affairs to meet while the house is in session at 4:15 p.m. in 1W.14 to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Border and International Affairs, 4:15 p.m. today, 1W.14, for a formal meeting, to consider pending business.

**HB 625 ON SECOND READING
(by Olivo and Grusendorf)**

HB 625, A bill to be entitled An Act relating to the discipline of public school students who voluntarily surrender prohibited items.

HB 625 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 3149 ON SECOND READING
(by Wong)**

CSHB 3149, A bill to be entitled An Act relating to inactive status for cosmetology certificate or license holders.

CSHB 3149 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 1068 ON SECOND READING
(by Driver)**

CSHB 1068, A bill to be entitled An Act relating to the collection and analysis of evidence and testimony based on forensic analysis, crime laboratory accreditation, DNA testing, and the creation and maintenance of DNA records; providing a penalty.

Amendment No. 1

Representative Driver offered the following amendment to **CSHB 1068**:

Amend **CSHB 1068** (House committee printing) as follows:

(1) On page 25, line 20, strike "or".
(2) On page 25, line 22, between "offense" and the period, insert the following:

; or

(3) is indicted or waives indictment for a felony offense

(3) On page 25, lines 23-26, strike Section 411.150(b), Government Code, and renumber subsequent subsections of that section accordingly.

(4) On page 38, line 13, strike "411.150(b)" and substitute "411.150(a)(3)."

(5) On page 38, line 18, strike "411.150(c)" and substitute "411.150(b)".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Geren offered the following amendment to **CSHB 1068**:

Amend **CSHB 1068** as follows:

1) On page 36, line 17, after the words "shall pay" strike the word "\$140" and substitute the word "\$160".

2) On page 36, line 25, amend subsection (h) to read as follows:

(h) The comptroller shall deposit 90 [~~35~~] percent of the funds received under this article in the state treasury to the credit of the state highway fund and 10 [~~65~~] percent of the funds received under this article to the credit of an institution administering the functions of the Missing Persons DNA Database as described by Section 105.451, Education Code. [~~the credit of the justice planning account in the general revenue fund~~].

Amendment No. 2 was adopted.

CSHB 1068, 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. 4).

HB 1074 ON SECOND READING

(by **B. Brown**)

HB 1074, A bill to be entitled An Act relating to the punishment for the offense of obscenity.

HB 1074 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 1317 ON SECOND READING

(by **Driver, Laubenberg, Raymond, et al.**)

CSHB 1317, A bill to be entitled An Act relating to the licensing and regulation of certain electricians.

Amendment No. 1

Representative Driver offered the following amendment to **CSHB 1317**:

Amend **CSHB 1317** (House Committee Report) as follows:

(1) On page 1, strike lines 16 and 17 and substitute the following:
stock, aircraft, [~~or a~~] motor vehicle, [~~other than a mobile home~~] or recreational vehicle;

(2) On page 6, line 5, between "person" and "may", insert "or business".

(3) On page 6, line 6, between "person" and "holds", insert "or business".

(4) On page 6, strike lines 13 through 15 and substitute the following:

under the supervision of a master electrician; ~~and~~

(2) have held a journeyman electrician license for at least two years;
and
(3) pass a master electrician examination administered under this chapter.

(5) On page 6, line 21, strike "sign electrician license" and substitute "electrician license, master sign electrician license, journeyman electrician license,".

(6) On page 10, lines 4 and 5, strike "on-the-job training, licensing, and apprentice program".

Amendment No. 1 was adopted.

CSHB 1317, 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 their votes are as follows: Herrero recorded voting no.)

HB 3297 ON SECOND READING

(by Bohac)

HB 3297, A bill to be entitled An Act relating to the inclusion of certain public school accountability information in a student's grade report card and on a school district's Internet website.

HB 3297 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 1366 ON SECOND READING

(by R. Allen)

CSHB 1366, A bill to be entitled An Act relating to the enforcement of the regulation of nursing.

CSHB 1366 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 1532 ON SECOND READING

(by Rose)

HB 1532, A bill to be entitled An Act relating to rates for professional liability insurance for physicians and health care providers.

HB 1532 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 2572 ON SECOND READING
(by Truitt, Isett, McReynolds, Miller, Coleman, et al.)

CSHB 2572, A bill to be entitled An Act relating to the functions of local mental health and mental retardation authorities.

Amendment No. 1

Representative Truitt offered the following amendment to **CSHB 2572**:

Amend **CSHB 2572** (House committee printing) by adding the following SECTIONS, appropriately numbered, to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) The executive commissioner of the Health and Human Services Commission shall establish a local mental retardation authority task group to develop recommendations for the legislature regarding innovative financing, fund management, and local service delivery options for mental retardation services.

(b) The executive commissioner shall appoint:

(1) three representatives of each of the following groups:

(A) consumer and advocacy organizations for mental retardation services;

(B) private providers of mental retardation services; and

(C) local mental retardation authorities;

(2) two county judges or their designees to represent the Texas Association of Counties; and

(3) one county judge or the county judge's designee to represent the Conference of Urban Counties.

(c) In developing recommendations, the task group shall consider:

(1) consumer and family involvement in local service delivery design and evaluation;

(2) the level of flexibility needed to meet unique community needs;

(3) local mental retardation authority coordination with state-operated inpatient resources, including state hospitals and state schools;

(4) the anticipated effect of any proposed financing or payment methodology on local control of funds, on local fund contributions, the availability of services in urban and rural service areas, and the availability of services for people who are medically indigent;

(5) the assurance of budget certainty for the state; and

(6) the role of a community center as a designated provider of public safety net services for jail diversion services, crisis services, certain community-oriented services, community hospital services, and other services necessary to ensure the statewide availability of community services.

(d) The task group shall submit a report regarding the task group's recommendations to the governor, lieutenant governor, speaker of the house of representatives, and legislature not later than January 1, 2007.

(e) This section expires September 1, 2007.

SECTION _____. (a) The executive commissioner of the Health and Human Services Commission shall establish a local mental health authority task group to develop recommendations for the legislature regarding innovative financing, fund management, and local service delivery options for mental health services.

(b) The executive commissioner shall appoint:

(1) three representatives of each of the following groups:

(A) consumer and advocacy organizations for behavioral health services;

(B) private providers of behavioral health services; and

(C) local mental health authorities;

(2) two county judges or their designees to represent the Texas Association of Counties; and

(3) one county judge or the county judge's designee to represent the Conference of Urban Counties.

(c) In developing recommendations, the task group shall consider:

(1) consumer and family involvement in service delivery design and evaluation;

(2) the level of flexibility needed to meet unique community needs;

(3) local mental health authority coordination with state-operated inpatient resources, including state hospitals and state schools;

(4) the anticipated effect of any proposed financing or payment methodology on local control of funds, on local fund contributions, the availability of services in urban and rural service areas, and the availability of services for people who are medically indigent;

(5) the assurance of budget certainty for the state;

(6) the role of a community center as a designated provider of public safety net services for jail diversion services, crisis services, certain community-oriented services, community hospital services, and other services necessary to ensure the statewide availability of community services; and

(7) the findings and recommendations of the mental health services task force as reported to the Senate Health and Human Services interim committee of the 77th Legislature in March 2002 and the **HB 1734** committee report from the 75th Legislature, Regular Session, 1997.

(d) The task group shall submit a report regarding the task group's recommendations to the governor, lieutenant governor, speaker of the house of representatives, and legislature not later than January 1, 2007.

(e) This section expires September 1, 2007.

AMENDMENT NO. 1 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE JACKSON: Ms. Truitt, I barely got a glance at the amendment, and I am going to ask you this same question that I will ask you later about the full bill. You know my concern, will this amendment have any affect on the system—the current local delivery system in Dallas County? And the surrounding counties?

REPRESENTATIVE TRUITT: It is certainly not intended to. You asked me earlier about a provision—

JACKSON: I am going to ask you about that in a minute when we get back to the bill. I just wanted to make sure the amendment doesn't have anything to do—

TRUITT: No, sir.

Amendment No. 1 was adopted.

REMARKS ORDERED PRINTED

Representative Jackson moved to print remarks between Representative Truitt and Representative Jackson.

The motion prevailed.

Amendment No. 2

Representative Truitt offered the following amendment to **CSHB 2572**:

Amend **CSHB 2572** (House Committee Printing) as follows:

(1) On page 1, line 21, strike "Subsection (e-1)" and substitute "Subsections (b-1) and (e-1)".

(2) On page 2, between line 11 and line 12, insert the following:

(b-1) This subsection expires September 1, 2007. Before the department institutes a change in payment methodology, the department shall:

(1) evaluate various forms of payment for services including fee-for-service, case rate, capitation, and other appropriate payment methods to determine the most cost-effective and efficient form of payment for services;

(2) evaluate the effect of each proposed payment methodology on:

(A) the availability of services in urban and rural service areas;

(B) the availability of services for persons who are indigent; and

(C) the cost certainty of the delivery of Medicaid rehabilitation services;

(3) develop an implementation plan for the new payment methodology that integrates the department's findings under Subdivisions (1) and (2); and

(4) report the department's findings and the implementation plan for a new payment methodology to the legislature not later than January 1, 2007.

(3) On page 3, line 1, after "provider" insert "only in accordance with Subsection (c)".

(4) On page 3, line 24, strike "WAIVER" and substitute "[~~WAIVER~~]".

(5) On page 6, line 19, strike "mental health and".

(6) On page 7, line 23, strike "[~~e~~]" and insert the following:

(g) The Department of Aging and Disability Services shall ensure that local services delivered further the following goals:

(1) to provide individuals with the information, skills, opportunities, and support to make informed decisions regarding the services for which the individual is eligible;

(2) to respect the rights, needs, and preferences of an individual receiving services; and

(3) to integrate individuals with mental retardation and developmental disabilities into the community in accordance with relevant independence promotion plans and permanency planning laws. [~~The~~

Amendment No. 2 was adopted.

(Krusee in the chair)

Amendment No. 3

Representative Farabee offered the following amendment to **CSHB 2572**:

Amend **CSHB 2572** (House committee printing) in Section 533.035(a), Health and Safety Code, on page 2, line 11, following the period, by adding:

In designating local authorities, the executive commissioner may not decrease the number of local mental health authorities or local mental retardation authorities from the number that existed on January 1, 2005.

Amendment No. 3 was adopted.

Amendment No. 4

Representatives McReynolds and Kolkhorst offered the following amendment to **CSHB 2572**:

Amend SECTION 3, **CSHB 2572** by inserting the following as new subsection (c) in Sec. 533.0355, and renumbering the following sections accordingly:

In determining eligibility under (b)(3), an authority must offer a state school as an option among the residential services available to any individual who, due to their mental retardation, is unable to enter the community without supervision due to the fact that they represent a substantial risk of injury to themselves. The department shall ensure that local mental retardation authorities comply with this requirement, and shall consider their compliance with this requirement as a performance measure.

Amendment No. 4 was adopted.

A record vote was requested.

CSHB 2572, as amended, was passed to engrossment by (Record 554): 110 Yeas, 23 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Castro; Chavez; Chisum; Cook, B.; Cook, R.; Corte; Crownover; Davis, Y.; Dawson; Denny; Deshotel; Driver; Dutton; Edwards; Eissler; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamric; Hardcastle; Hegar; Herrero; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, J.; Keel; Keffer, J.; King, P.; King, T.; Kolkhorst; Kuempel; Laney; Leibowitz; Luna; Martinez; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Nixon; Oliveira; Orr; Otto; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Ritter; Seaman; Smith, W.; Smithee; Solis; Solomons; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Uresti; Veasey; Vo; West; Wong; Woolley; Zedler.

Nays — Bohac; Casteel; Crabb; Davis, J.; Delisi; Elkins; Gattis; Hamilton; Harper-Brown; Hartnett; Hilderbran; Hochberg; Jackson; Keffer, B.; Laubenberg; Madden; Paxton; Reyna; Riddle; Rose; Strama; Talton; Van Arsdale.

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

Absent, Excused — Coleman; Dunnam; Gallego; Hodge; Martinez Fischer; Naishtat; Olivo; Rodriguez; Smith, T.

Absent — Dukes; Eiland; McCall; Noriega, M.; Villarreal.

STATEMENT OF VOTE

I was shown voting no on Record No. 554. I intended to vote yes.

Hilderbran

CSHB 1547 ON SECOND READING (by Pickett, Chavez, Guillen, and Quintanilla)

CSHB 1547, A bill to be entitled An Act relating to the form of the loan contract and related documents for a consumer loan.

CSHB 1547 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 Phillips recorded voting no.)

CSHB 1582 ON SECOND READING (by Chavez)

CSHB 1582, A bill to be entitled An Act relating to a study of residential foreclosures in certain counties.

CSHB 1582 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 1821 ON SECOND READING (by Kolkhorst)

HB 1821, A bill to be entitled An Act relating to the authority of a county to require waste haulers to be licensed as a waste hauler.

HB 1821 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 728 ON SECOND READING (Baxter - House Sponsor)

SB 728, A bill to be entitled An Act relating to the liability of certain entities that enter agreements with a metropolitan rapid transit authority.

SB 728 was considered in lieu of **HB 3465**.

SB 728 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 3465 - LAID ON THE TABLE SUBJECT TO CALL

Representative Baxter moved to lay **HB 3465** on the table subject to call.

The motion prevailed.

HB 2187 ON SECOND READING

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

HB 2187, A bill to be entitled An Act relating to the exemption from ad valorem taxation of rent-to-own property not held by the lessee primarily to produce income and to the method to be used to depreciate taxable rent-to-own property for tax appraisal purposes.

HB 2187 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 1120 ON SECOND READING

(by **Nixon**)

CSHB 1120, A bill to be entitled An Act relating to certain requirements relating to an application for a marriage license and an affidavit of an absent applicant for a marriage license and to the maintenance of marriage and divorce indexes by the bureau of vital statistics; providing penalties.

Amendment No. 1

Representative Nixon offered the following amendment to **CSHB 1120**:

Amend **CSHB 1120** as follows:

- (1) On page 5, line 19, between "2.004(b)(5)" and the comma, insert "or (13)".
- (2) On page 5, line 20, strike "or (10)" and substitute "(10), or (11)".
- (3) Strike SECTION 6 of the bill and renumber subsequent SECTIONS of the bill appropriately.

Amendment No. 1 was adopted.

CSHB 1120, 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: Burnam, Harper-Brown, Herrero, and Phillips recorded voting no.)

HB 2286 ON SECOND READING

(by **Taylor, Dawson, and Bonnen**)

HB 2286, A bill to be entitled An Act relating to the use of individuals' driving records in writing automobile insurance.

A record vote was requested.

HB 2286 failed to pass to engrossment by (Record 555): 10 Yeas, 119 Nays, 2 Present, not voting.

Yeas — Campbell; Cook, B.; Crownover; Haggerty; Hill; Isett; Martinez; Mowery; Seaman; Taylor.

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

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

Absent, Excused — Coleman; Dunnam; Gallego; Hodge; Martinez Fischer; Naishtat; Olivo; Rodriguez; Smith, T.

Absent — Baxter; Castro; Corte; Driver; Hartnett; Hilderbran; Jackson; Paxton; Smithee.

STATEMENTS OF VOTE

I was shown voting no on Record No. 555. I intended to vote yes.

Dawson

When Record No. 555 was taken, my vote failed to register. I would have voted no.

Hilderbran

When Record No. 555 was taken, I was in the house but away from my desk. I would have voted no.

Paxton

HB 2390 ON SECOND READING (by Harper-Brown)

HB 2390, A bill to be entitled An Act relating to the establishment of an employee welfare benefit plan by certain private educational institutions.

HB 2390 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 2747 ON SECOND READING
(by McClendon and Menendez)

CSHB 2747, A bill to be entitled An Act relating to the administration of a retirement health care plan for firefighters and police officers in certain municipalities.

CSHB 2747 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 Phillips recorded voting no.)

CSHB 3376 ON SECOND READING
(by Taylor)

CSHB 3376, A bill to be entitled An Act relating to the prosecution and punishment of certain criminal offenses involving theft and fraud and to the provision of notice of the commission of those offenses to certain licensing entities.

Amendment No. 1

Representative Taylor offered the following amendment to **CSHB 3376**:

Amend **CSHB 3376** (House Committee Printing) on page 5, line 20, by striking "evidencing a loss, injury, or expense" and substituting "made to an insurer [evidencing a loss, injury, or expense]".

Amendment No. 1 was adopted.

CSHB 3376, 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 2839 ON SECOND READING
(by R. Allen)

CSHB 2839, A bill to be entitled An Act relating to the participation of state inmates in the production of certain goods and the provision of certain services.

Amendment No. 1

Representative Hochberg offered the following amendment to **CSHB 2839**:

Amend **CSHB 2839** as follows:

(1) On page 2, lines 21 and 22, strike "other than a requirement relating to the payment of prevailing wages".

(2) On page 3, strike lines 4-6.

Representative R. Allen moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 556): 80 Yeas, 55 Nays, 2 Present, not voting.

Yeas — Allen, R.; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Eissler; Elkins; Flynn; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Kuempel; Laney; Laubenberg; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Orr; Otto; Paxton; Pitts; Reyna; Riddle; Seaman; Smith, W.; Smithee; Straus; Swinford; Talton; Taylor; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Anderson; Bailey; Burnam; Castro; Chavez; Davis, Y.; Deshotel; Dukes; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Hamilton; Herrero; Hochberg; Homer; Hopson; Jones, J.; King, T.; Leibowitz; Luna; Martinez; McClendon; McReynolds; Menendez; Moreno, P.; Noriega, M.; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rose; Solis; Solomons; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

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

Absent, Excused — Coleman; Dunnam; Gallego; Hodge; Martinez Fischer; Naishtat; Olivo; Rodriguez; Smith, T.

Absent — Driver; Phillips; Truitt.

STATEMENTS OF VOTE

I was shown voting no on Record No. 556. I intended to vote yes.

Solomons

When Record No. 556 was taken, I was temporarily out of the house chamber. I would have voted yes.

Truitt

CSHB 2839 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: Burnam, Hamilton, Herrero, Leibowitz, Menendez, and Puente recorded voting no.)

CSHB 2905 ON SECOND READING (by Haggerty)

CSHB 2905, A bill to be entitled An Act relating to the installation of water conservation systems in Texas Department of Criminal Justice facilities.

Amendment No. 1

Representative Puente offered the following amendment to **CSHB 2905**:

Amend **CSHB 2905** (house committee printing) as follows:

- (1) On page 1, line 18, strike "and".
- (2) On page 1, line 20, strike the period and substitute "; and".
- (3) On page 1, between lines 20 and 21, insert the following:
"(4) have demonstrable experience with the use and reuse of gray water."

Amendment No. 1 was adopted.

CSHB 2905, 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 2932 ON SECOND READING

(by Delisi, Rodriguez, and Isett)

HB 2932, A bill to be entitled An Act relating to requiring state agency purchasing personnel to disclose certain family relationships with business entities receiving state agency contracts.

Amendment No. 1

Representative Delisi offered the following amendment to **HB 2932**:

Amend **HB 2932** (Committee Printing), on page 1, as follows:

- (1) On line 17, strike "any" and substitute "a major".
- (2) On line 18, strike "or".
- (3) On line 19, strike "any" and substitute "a major".
- (4) On line 19, between "contract" and the period, insert the following:

;

(C) preparation of a solicitation for a major contract; or

(D) evaluation of a bid or proposal

- (5) On line 20, strike "state contract" and substitute "major contract".

Amendment No. 1 was adopted.

HB 2932, 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 3093 ON SECOND READING

(by Peña)

HB 3093, A bill to be entitled An Act relating to ex parte petitions for the expunction of criminal records and files.

HB 3093 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 3125 ON SECOND READING

(by Eiland)

HB 3125, A bill to be entitled An Act relating to a retired employee's eligibility for participation in the optional retirement system.

(Speaker in the chair)

Amendment No. 1

Representative Eiland offered the following amendment to **HB 3125**:

Amend **HB 3125** by adding SECTIONS 2 and 3 and renumbering subsequent sections appropriately.

"SECTION 2. Section 830.107, Government Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

(a) A participant in the optional retirement program may authorize the payment of investment advisory fees from the amount in the participant's custodial account or annuity if:

(1) the investment advisory fees for each fiscal year do not exceed two percent of the annual value of the participant's custodial account or annuity as of the last day of that fiscal year;

(2) the fees are paid directly to a registered investment advisor that provides investment advice to the participant;

(3) the investment advisor to whom the fees are paid is registered with the Securities and Exchange Commission under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.), ~~and~~ is engaged full-time in the business of providing investment advice, and is registered with one or more of the optional retirement program vendors currently authorized by the participant's employing institution of higher education;

(4) the participant and the investment advisor enter into a contract, for a term of no more than one year, for services that provides for the payment of fees as provided by this section; and

(5) the attorney general has received an official determination from the Internal Revenue Service that payment of investment advisory fees as prescribed by this section is not a distribution of funds that is prohibited or subject to taxation and penalty under the Internal Revenue Code.

(c) Each institution:

(1) may require each currently authorized vendor to certify on at least an annual basis that each investment advisor to whom optional retirement program funds are remitted as payment for investment advisor services meets all requirements of this section;

(2) may:

(A) require that any investment advisor to whom a vendor remits optional retirement program funds be registered with the institution as a service provider; and

(B) subject the investment advisor to all policies and procedures adopted by the institution;

(3) may prohibit the payment of investment advisory fees to an investment advisor by deduction from a participant's optional retirement program account if the investment advisor fails to register or comply with the institution's policies and procedures; and

(4) shall prohibit a vendor from paying investment advisor fees to any investment advisor that does not or ceases to meet the requirements of this section.

(d) An investment advisor registered with an institution under this section must comply with all policies and procedures adopted by the institution and, at the discretion of the institution, may be prohibited from providing investment advisory services to the institution's participants for failure to comply.

SECTION 3. Section 830.107, Government Code, as amended by this Act applies only to a contract for investment advisory services entered into under the optional retirement program on or after September 1, 2005. A contract entered into before September 1, 2005, is governed by the law in effect on the date the contract was executed, and that law is continued in effect for that purpose."

Amendment No. 1 was adopted.

HB 3125, 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.)

SB 1428 ON SECOND READING
(Swinford - House Sponsor)

SB 1428, A bill to be entitled An Act relating to the establishment of a statewide maintenance program for boll weevil and pink bollworm eradication.

SB 1428 was considered in lieu of **HB 3226**.

SB 1428 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 3226 - LAID ON THE TABLE SUBJECT TO CALL

Representative Swinford moved to lay **HB 3226** on the table subject to call.

The motion prevailed.

CSHB 1572 ON SECOND READING
(by Taylor)

CSHB 1572, A bill to be entitled An Act relating to the recovery of certain costs and payments relating to losses covered by personal automobile insurance.

CSHB 1572 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 1830 ON SECOND READING
(by Wong)

CSHB 1830, A bill to be entitled An Act relating to the notice provided for the establishment of municipal management districts.

Amendment No. 1

Representative Wong offered the following amendment to **CSHB 1830**:

Amend **CSHB 1830** on page 1, between lines 23 and 24, by inserting:

(d) The district is not required to mail notice to a person who owns real property in the district if the property cannot be subject to an assessment by the district.

Amendment No. 1 was adopted.

CSHB 1830, 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 2842 ON SECOND READING
(by Chisum)

CSHB 2842, A bill to be entitled An Act relating to the provision of false information to an independent public accounting firm by a public interest entity; providing a criminal penalty.

Representative Chisum moved to postpone consideration of **CSHB 2842** until 8 a.m. tomorrow.

The motion prevailed.

CSHB 85 ON SECOND READING
(by Riddle)

CSHB 85, A bill to be entitled An Act relating to the release on bond of certain criminal defendants.

CSHB 85 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 1816 ON SECOND READING
(by West)

HB 1816, A bill to be entitled An Act relating to the transfer of powers and duties over railroads from the Railroad Commission of Texas to the Texas Department of Transportation.

Amendment No. 1

Representative Gonzalez Toureilles offered the following amendment to **HB 1816**:

Amend **HB 1816** as follows:

- (1) On page 2, strike line 21.
- (2) On page 3, line 4, strike the period and insert "; and".
- (3) On page 3, between lines 4 and 5, insert the following:

(4) all employees of the Railroad Commission of Texas that perform duties relating primarily to railroads and the regulation of railroads become employees of the Texas Department of Transportation.

- (4) On page 3, line 14, strike "(a)".
- (5) Strike page 3, line 24 through page 4, line 6.

Amendment No. 1 was adopted.

Amendment No. 2

Representative McCall offered the following amendment to **HB 1816**:

Amend **HB 1816** by adding the following appropriately numbered Sections to the bill and renumbering subsequent Sections of the bill as appropriate:

SECTION _____. Subchapter A, Chapter 81, Natural Resources Code, is amended by adding Section 81.002 to read as follows:

Sec. 81.002. TEXAS ENERGY COMMISSION. (a) The Railroad Commission of Texas is renamed the Texas Energy Commission.

(b) A reference in law to the Railroad Commission of Texas means the Texas Energy Commission.

(c) The Texas Energy Commission is the successor agency to the Railroad Commission of Texas under Subsection (b), Section 30, Article XVI, Texas Constitution.

SECTION _____. (a) Effective October 1, 2005:

(1) the name of the Railroad Commission of Texas is changed to the Texas Energy Commission, and all powers, duties, rights, and obligations of the Railroad Commission of Texas are the powers, duties, rights, and obligations of the Texas Energy Commission;

(2) a member of the Railroad Commission of Texas is a member of the Texas Energy Commission; and

(3) any appropriation to the Railroad Commission of Texas is an appropriation to the Texas Energy Commission.

(b) Effective October 1, 2005, a reference in law to the Railroad Commission of Texas is a reference to the Texas Energy Commission.

(c) The Texas Energy Commission is the successor to the Railroad Commission of Texas in all respects. All personnel, equipment, data, documents, facilities, contracts, items, other property, rules, decisions, and proceedings of or involving the Railroad Commission of Texas are unaffected by the change in the name of the agency.

(d) The Railroad Commission of Texas shall adopt a timetable for phasing in the change of the agency's name so as to minimize the fiscal impact of the name change. Until October 1, 2005, to allow for phasing in the change of the agency's name and in accordance with the timetable established as required by this section, the agency may perform any act authorized by law for the Railroad Commission of Texas as the Railroad Commission of Texas or as the Texas Energy Commission. Any act of the Railroad Commission of Texas acting as the Texas Energy Commission after the effective date of this Act and before October 1, 2005, is an act of the Railroad Commission of Texas.

Amendment No. 2 was withdrawn.

HB 1816, 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.)

HB 2801 ON SECOND READING
(by T. Smith)

HB 2801, A bill to be entitled An Act relating to audits of state agency expenditures to recover overpayments and lost discounts.

HB 2801 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.)

RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

HCR 49
(by J. Davis and Taylor)

HCR 49, Urging the United States Congress to fully fund NASA's budget request for fiscal year 2006.

HCR 49 was adopted.

CSHCR 132
(by Luna)

CSHCR 132, Granting the John G. and Marie Stella Kenedy Memorial Foundation permission to sue the state, the General Land Office, the School Land Board, and Jerry Patterson.

Amendment No. 1

Representative Luna offered the following amendment to **CSHCR 132**:

Amend **CSHCR 132** on page 2, between lines 8 and 9, by inserting the following:

RESOLVED, That the aggregate of all amounts awarded in the suit authorized by this resolution, including damages, court costs, attorney's fees, and prejudgment interest awarded under law, may not exceed \$6,500,000, the plaintiff may not plead relief in excess of that amount in the suit authorized by this resolution, and this is the total aggregate amount that may be recovered by the plaintiff named in this resolution with respect to any and all causes of action that relate to or arise from the facts and circumstances described in this resolution; and, be it further

RESOLVED, That the payment of any amount awarded in a suit authorized by this resolution is contingent on appropriations for that purpose; and, be it further

(Swinford in the chair)

Amendment No. 1 was adopted.

CSHCR 132, as amended, was adopted.

POSTPONED BUSINESS

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

HJR 89 ON SECOND READING

(by Wong)

HJR 89, A joint resolution proposing a constitutional amendment to authorize the legislature to allow the governing body of a political subdivision to provide an additional exemption from ad valorem taxation for property owned by certain disabled veterans who have been awarded the Purple Heart or their surviving spouses.

HJR 89 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Berman offered the following amendment to **HJR 89**:

Amend **HJR 89** on page 1, line 11, between "has a" and "disability" insert "service-connected".

Amendment No. 1 was adopted. (Castro, Guillen, Menendez, Peña, Phillips, and Solis recorded voting no.)

Amendment No. 2

Representative Uresti offered the following amendment to **HJR 89**:

Amend **HJR 89** as follows:

(1) On page 1, line 12, between "Purple Heart," and "the Legislature" insert "the Congressional Medal of Honor, the Bronze Star Medal, the Silver Star, the Legion of Merit, or a service cross awarded by a branch of the United States Armed Forces,".

(2) On page 2, line 6, between "Purple Heart" and "or", insert ", the Congressional Medal of Honor, the Bronze Star Medal, the Silver Star, the Legion of Merit, or a service cross awarded by a branch of the United States Armed Forces".

Amendment No. 3

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

Amend amendment No. 2 by Uresti to **HJR 89** on page 1, line 4, by striking "the Legion of Merit".

Amendment No. 3 was adopted.

Amendment No. 2, as amended, was adopted. (The vote was reconsidered later today, and Amendment No. 2 was withdrawn.)

HCR 173 - ADOPTED

(by Peña)

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HCR 173**.

The motion prevailed.

The following resolution was laid before the house:

HCR 173, Recognizing Edwards Abstract and Title Company of Hidalgo County on the company's 125th anniversary.

HCR 173 was adopted.

(Speaker in the chair)

REMARKS ORDERED PRINTED

Representative Nixon and Hochberg moved to print remarks by Rudy Baum who was honored earlier today during **HCR 156**.

The motion prevailed.

HJR 89 - (consideration continued)

Amendment No. 4

Representative Chisum offered the following amendment to **HJR 89**:

Amend **HJR 89** on page 1, line 17, by striking "\$50,000" and substituting "\$25,000".

Amendment No. 4 was adopted. (Castro, Guillen, Peña, Phillips, Menendez, and Solis recorded voting no.)

Amendment No. 2 - Vote Reconsidered

Representative Uresti moved to reconsider the vote by which Amendment No. 2 was adopted.

The motion to reconsider prevailed.

Amendment No. 2 was withdrawn.

Amendment No. 5

Representative Uresti offered the following amendment to **HJR 89**:

Amend **HJR 89** as follows:

(1) On page 1, line 12, between "Purple Heart," and "the Legislature" insert "or the Congressional Medal of Honor".

(2) On page 2, line 6, between "Purple Heart or", insert "the Congressional Medal of Honor".

Amendment No. 5 was adopted.

A record vote was requested.

HJR 89, as amended, was adopted by (Record 557): 134 Yeas, 0 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; Castro; Chavez; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Nixon; Noriega, M.; Oliveira; Orr; Otto; Paxton; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rose; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Dunnam; Gallego; Hodge; Martinez Fischer; Naishtat; Olivo; Rodriguez; Smith, T.

Absent — Isett; Krusee; Phillips; Seaman; Thompson.

STATEMENT OF VOTE

When Record No. 557 was taken, my vote failed to register. I would have voted yes.

Phillips

HCR 185 - ADOPTED
(by Dunnam)

Representative Hochberg moved to suspend all necessary rules to take up and consider at this time **HCR 185**.

The motion prevailed.

The following resolution was laid before the house:

HCR 185, In memory of the Honorable Joseph E. Moreno of Denver Harbor.

HCR 185 was unanimously adopted by a rising vote.

On motion of Representative Edwards, the names of all the members of the house were added to **HCR 185** as signers thereof.

FIVE DAY POSTING RULE SUSPENDED

Representative Hardcastle moved to suspend the five day posting rule to allow the Committee on State Affairs to consider **SB 572** and **SB 1133** at 2 p.m. or upon final adjournment today in E2.010.

The motion prevailed.

Representative R. Allen moved to suspend the five day posting rule to allow the Committee on County Affairs to consider **HB 3589**, **SB 1214**, and **SB 1264** at 8 a.m. Wednesday, May 11 in E2.016.

The motion prevailed.

Representative West moved to suspend the five day posting rule to allow the Committee on Energy Resources to consider **HCR 166**, **SB 1032**, and **SB 1130** at 8 a.m. Wednesday, May 11 in E1.014.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

The State Affairs meeting upon adjournment is cancelled.

The Financial Institutions meeting tonight is cancelled.

Regulated Industries, upon adjournment today, JHR 140, for a formal meeting, to consider **SB 408**, **SB 409**, **SB 1464**, **SB 1668**, **SB 1747**, **SB 1748**, and pending business.

Agriculture and Livestock, May 10 meeting is cancelled.

Pensions and Investments, upon adjournment today, Desk 41, for a formal meeting, to consider pending business.

Land and Resource Management, upon adjournment today, Desk 74, for a formal meeting, to consider **SB 1273**.

Public Health, upon adjournment today, Desk 39, for a formal meeting, to consider pending business.

Energy Resources, 8 a.m. Wednesday, May 11, E1.014, for a formal meeting, to consider **HCR 166**, **SB 1032**, and **SB 1130**.

Culture, Recreation, and Tourism, upon adjournment today, Desk 66, for a formal meeting.

PROVIDING FOR ADJOURNMENT

Representatives Corte and Uresti moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 6 p.m. tomorrow in memory of Sergeant. Aaron Cepeda and Lance Corporal. Lance Graham of San Antonio who died in the line of duty.

The motion prevailed.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES CORRECTIONS IN REFERRAL

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Uresti in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 6:28 p.m., adjourned until 6 p.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 3590 (By Uresti), Relating to the creation of the Espada Development District; providing authority to acquire water and wastewater improvements, impose assessments and taxes, and issue bonds.

To Natural Resources.

SB 244 to Business and Industry.

SB 395 to Criminal Jurisprudence.

SB 433 to Transportation.

SB 447 to Local Government Ways and Means.

SB 628 to Urban Affairs.

SB 630 to Public Health.

SB 645 to County Affairs.

SB 723 to Urban Affairs.

SB 833 to Local Government Ways and Means.
SB 964 to Border and International Affairs.
SB 1035 to Public Health.
SB 1100 to Culture, Recreation, and Tourism.
SB 1122 to Judiciary.
SB 1138 to Higher Education.
SB 1170 to Energy Resources.
SB 1175 to Energy Resources.
SB 1176 to Pensions and Investments.
SB 1183 to Public Health.
SB 1190 to Civil Practices.
SB 1225 to Environmental Regulation.
SB 1228 to Higher Education.
SB 1253 to Local Government Ways and Means.
SB 1295 to Criminal Jurisprudence.
SB 1304 to Economic Development.
SB 1377 to State Affairs.
SB 1433 to County Affairs.
SB 1491 to Judiciary.
SB 1500 to Public Health.
SB 1513 to Pensions and Investments.
SB 1579 to Transportation.
SB 1581 to Public Health.
SB 1648 to Civil Practices.
SB 1659 to Land and Resource Management.
SB 1667 to Environmental Regulation.
SB 1673 to County Affairs.
SB 1698 to Energy Resources.
SB 1742 to County Affairs.
SB 1794 to Regulated Industries.
SB 1798 to Natural Resources.
SB 1799 to Natural Resources.
SB 1821 to Urban Affairs.
SB 1827 to Urban Affairs.

SB 1828 to Natural Resources.

SB 1864 to Natural Resources.

SB 1867 to Urban Affairs.

SB 1871 to Natural Resources.

SB 1878 to Natural Resources.

SB 1881 to Natural Resources.

SB 1882 to Natural Resources.

SJR 27 to Border and International Affairs.

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

SB 24 to Public Health.

SB 1465 to Transportation.

SIGNED BY THE SPEAKER

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

Senate List No. 16

SB 374, SB 424, SB 1006

House List No. 37

HB 224, HB 729, HB 762, HB 932, HB 1099, HB 1236, HB 1319, HB 1489, HB 1507, HB 1604, HB 2307, HCR 36, HCR 102, HCR 145, HCR 161, HCR 162, HCR 165

House List No. 39

HB 231, HB 593, HB 597, HB 801, HB 802, HB 885, HB 918, HB 965, HB 1286, HB 1393, HB 2761, HB 2870, HB 2872, HB 2913

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

Monday, May 9, 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:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 1025 Solomons SPONSOR: Shapleigh
Relating to the powers and duties of the Texas Optometry Board and to contact lens prescriptions and the dispensing of contact lenses.

HB 1285 Swinford SPONSOR: Wentworth
Relating to the exception from required disclosure under the public information law of certain audit working papers.

(AMENDED)

SB 95 Shapleigh
Relating to the establishment of an asthma research center at the Texas Tech University campus in El Paso.

SB 185 Lucio
Relating to the powers and duties of the border commerce coordinator.

SB 333 West, Royce
Relating to the eligibility of a high school graduate for automatic admission to an institution of higher education and to certain other practices and procedures concerning the admission process.

SB 410 Whitmire
Relating to the continuation and functions of the Texas State Board of Pharmacy; providing administrative penalties.

SB 760 Armbrister
Relating to the classification of open-space land into categories for purposes of appraising the land for ad valorem tax purposes.

SB 828 Janek
Relating to the eligibility of certain property owners to file a late notice of protest with an appraisal review board.

SB 831 Shapiro
Relating to the creation of programs and funding for emerging technology industries.

SB 837 Wentworth
Relating to the insanity defense.

SB 952 Seliger
Relating to medical support for a child.

SB 978 Barrientos
Relating to the collection of certain costs, fees, and fines in criminal cases.

SB 1038 Lucio
Relating to authorizing a special events trust fund to support certain Olympic events, including training and development activities.

SB 1450 Averitt
Relating to judgment interest.

SB 1597 Madla
Relating to the appointment of county court magistrates in Bexar County.

SB 1692 Duncan
Relating to storage of wine by the holder of a winery permit.

SB 1738 Duncan
Relating to consumer access to health care information and consumer protection for services provided by or through hospitals, ambulatory surgical centers, and birthing centers; providing penalties.

SB 1806 Jackson, Mike
Relating to the creation of the West Ranch Management District; providing authority to impose a tax and issue a bond or similar obligation.

SB 1813 Ellis
Relating to the creation of the Pearland Municipal Management District No. 1; providing authority to impose an assessment, impose a tax, and issue bonds.

SB 1814 Ellis
Relating to the creation of the Southampton Neighborhood Services District; providing authority to impose an assessment, impose a tax, and issue bonds or similar obligations.

SB 1843 Ellis
Relating to the creation of the International Management District; providing authority to levy an assessment, impose taxes, and issue bonds.

SB 1846 Zaffirini
Relating to the powers and duties of the Karnes County Hospital District.

SB 1860 Ellis
Relating to the creation of the Montrose Community Improvement District; providing authority to levy an assessment, impose a tax, and issue bonds.

SCR 21 Barrientos
Authorizing the naming of the natatorium at the Texas School for the Deaf in Austin for LeRoy Colombo.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, May 9, 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 156 Nixon SPONSOR: Shapiro
Commemorating Holocaust Remembrance Day on May 9, 2005.

HCR 170 Davis, John SPONSOR: Jackson
Commending Randolph Robert Reed of Pearland for his completion of the BP MS150 Bike Ride.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 376 (31 Yeas, 0 Nays)

SB 446 (31 Yeas, 0 Nays)

SB 580 (31 Yeas, 0 Nays)

SJR 7 (31 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, May 9, 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:

HB 304 Talton SPONSOR: Deuell
Relating to conditions of employment for police officers employed by certain municipalities.
(COMMITTEE SUBSTITUTE/AMENDED)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
 SENATE CHAMBER
 Austin, Texas
 Monday, May 9, 2005 - 4

The Honorable Speaker of the House
 House Chamber
 Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 87 Reyna SPONSOR: Madla
 Relating to the authority of a municipality to alter speed limits in an urban district within the municipality.
 (AMENDED)

Respectfully,
 Patsy Spaw
 Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 6

Border and International Affairs - **HR 288, SB 293, SB 569, SB 784**

Business and Industry - **HB 873, HB 1446, HB 1639, HB 2899, HB 2995, SB 5, SB 399**

Corrections - **HB 2193**

County Affairs - **HB 636, HB 757, HJR 53**

Culture, Recreation, and Tourism - **HB 2697, HB 2954, HB 3051, SB 489, SB 1192, SB 1603, SB 1787**

Defense Affairs and State-Federal Relations - **HB 2501, HB 3378, SB 143, SB 144, SB 212, SB 579, SB 1480, SCR 2**

Environmental Regulation - **HB 1053, HB 2728, HB 2793, HB 3002**

Human Services - **HB 420, HB 2449**

Insurance - **HB 368, HB 712, HB 1890, HB 3073**

Judiciary - **HB 1305, HB 1404, HB 2750, HB 2875, HB 3531**

Juvenile Justice and Family Issues - **HB 770, HB 3006**

Law Enforcement - **HB 502, HB 1322, HB 2023, HB 2163, HB 2769**

Licensing and Administrative Procedures - **HB 2016, HB 2064, HB 2065, SB 1331, SB 1471, SB 1472, SB 1850**

Natural Resources - **HB 2009, HB 2140, HB 2214, HB 2434, HB 2585, HB 2731, HB 2876, HB 3284, HB 3484, HB 3495, HB 3538, HB 3564, HB 3565**

Public Education - **HB 104, HB 221, HB 386, HB 451, HB 783, HB 827, HB 849, HB 983, HB 990, HB 1034, HB 1166, HB 1263, HB 1325, HB 1406, HB 1560, HB 1943, HB 2109, HB 2778, HB 2877**

Regulated Industries - **HCR 159**

State Affairs - **HB 1372, HB 2557, SB 464**

Transportation - **HB 216, HB 2177, HB 2702, HB 3425, SB 678, SB 728, SB 821, SB 1258**

Urban Affairs - **HB 1151, SB 716, SB 1421**

Ways and Means - **HB 2233**

May 7

Law Enforcement - **HB 164**

Pensions and Investments - **HB 2568**

ENGROSSED

May 6 - HB 790, HB 1777, HB 1842, HB 2753, HB 3001, HB 3540

ENROLLED

May 6 - HB 224, HB 1604, HB 2307, HCR 102, HCR 145

SENT TO THE GOVERNOR

May 6 - HB 297, HB 708, HB 760, HB 901, HB 1154

RECOMMENDATIONS FILED WITH THE SPEAKER

May 6 - HB 3479, HB 3497, HB 3499, HB 3500, HB 3535, HB 3536, HB 3545, HB 3548, HB 3549, HB 3550, HB 3556, HB 3559

SIGNED BY THE GOVERNOR

May 6 - HCR 9, HCR 110, HCR 146, HCR 151

