

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-FIFTH DAY — TUESDAY, MAY 10, 2005

The house met at 6 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 558).

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; 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; 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; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent — Dutton; Quintanilla; Veasey.

The invocation was offered by Representative Edwards.

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

REGULAR ORDER OF BUSINESS SUSPENDED

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

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 1, 2, and 3).

(Dutton now present)

POSTPONED BUSINESS

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

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.

CSHB 2842 was read second time on May 9 and was postponed until 8 a.m. today.

Amendment No. 1

Representative Chisum offered the following amendment to **CSHB 2842**:

Amend **CSHB 2842** by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter D, Chapter 32, Penal Code, is amended by adding Section 32.52 to read as follows:

Sec. 32.52. PROVIDING FALSE INFORMATION TO AN INDEPENDENT PUBLIC ACCOUNTANT OR ACCOUNTING FIRM. (a) In this section:

(1) "Financial institution" means a bank, savings association, savings bank, or credit union maintaining an office, branch, or agency office in this state.

(2) "Insurer" means a person who engages in the business of insurance in this state, including:

(A) an insurer that is not authorized to do business in this state; and

(B) a person described by Section 82.002(a), Insurance Code.

(3) "Issuer" has the meaning assigned by 15 U.S.C. Section 7201.

(4) "Public interest entity" means:

(A) a financial institution;

(B) an insurer;

(C) an issuer;

(D) a county hospital;

(E) a pension or retirement plan;

(F) a school district;

(G) a municipality;

(H) a county; or

(I) an institution of higher education.

(b) An officer or director of a public interest entity, or another person designated by the officer or director to provide information to an independent public accountant or accounting firm, commits an offense if, for the purpose of rendering financial statements of the public interest entity materially misleading, the person intentionally or knowingly:

(1) influences, coerces, manipulates, or misleads the independent public accountant or accounting firm engaged in the performance of an audit of the financial statements of the public interest entity; or

(2) communicates or causes to be communicated information to the independent public accountant or accounting firm that the person knew was false at the time the information was communicated.

(c) An offense under this section is a:

(1) state jail felony if it is shown on the trial of the offense that the violation resulted in a monetary loss of less than \$10,000 or did not result in a monetary loss;

(2) felony of the third degree if it is shown on the trial of the offense that the violation resulted in a monetary loss of at least \$10,000 but less than \$100,000;

(3) felony of the second degree if it is shown on the trial of the offense that the violation resulted in a monetary loss of at least \$100,000 but less than \$1 million; or

(4) felony of the first degree if it is shown on the trial of the offense that the violation resulted in a monetary loss of at least \$1 million.

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

(Veasey now present)

(Branch in the chair)

Amendment No. 2

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

Amend Floor Amendment No. 1 to **CSHB 2842** on page 1, between lines 23 and 24, by inserting a new paragraph (F) to read as follows and relettering the existing paragraph (F) and subsequent paragraphs accordingly:

(F) the state or a state agency;

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

CSHB 2842, 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: Branch and Eissler recorded voting no.)

SB 1593 ON SECOND READING (Bailey - House Sponsor)

SB 1593, A bill to be entitled An Act relating to uniform law on documents of title.

SB 1593 was considered in lieu of **HB 2452**.

SB 1593 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 2452 - LAID ON THE TABLE SUBJECT TO CALL

Representative Bailey moved to lay **HB 2452** on the table subject to call.

The motion prevailed.

HB 3253 ON SECOND READING (by Ritter)

HB 3253, A bill to be entitled An Act relating to the use of certain electronically readable information on a driver's license or identification certificate to comply with certain alcohol and tobacco related laws; providing a penalty.

HB 3253 was read second time on May 3 and was postponed until 10 a.m. today.

HB 3253 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 1621 ON SECOND READING
(Hamric - House Sponsor)

SB 1621, A bill to be entitled An Act relating to the tax rate for emergency services districts located in certain populous counties.

SB 1621 was considered in lieu of **HB 2575**.

SB 1621 was read second time and was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Riddle recorded voting no.)

HB 2575 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hamric moved to lay **HB 2575** on the table subject to call.

The motion prevailed.

CSSB 846 ON SECOND READING
(Chavez - House Sponsor)

CSSB 846, A bill to be entitled An Act relating to distribution of recordings on consignment.

CSSB 846 was considered in lieu of **CSHB 611**.

CSSB 846 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 611 - LAID ON THE TABLE SUBJECT TO CALL

Representative Chavez moved to lay **CSHB 611** on the table subject to call.

The motion prevailed.

SB 1050 ON SECOND READING
(Bailey - House Sponsor)

SB 1050, A bill to be entitled An Act relating to the promotional system for municipal civil service fire fighters.

SB 1050 was considered in lieu of **CSHB 2173**.

(Quintanilla now present)

SB 1050 was read second time.

Amendment No. 1

Representative Bailey offered the following amendment to **SB 1050**:

Amend **SB 1050** (House Committee Report) as follows:

(1) In SECTION 3 of the bill, in amended Section 143.036(f), Local Government Code (page 4, line 9), strike "if the person being bypassed is a fire fighter".

(2) In SECTION 4 of the bill, in amended Section 143.057(a), Local Government Code (page 4, lines 19 and 20), strike "of a fire fighter".

(3) In SECTION 5(a) of the bill (page 5, line 4), strike "to a fire fighter".

(4) In SECTION 5(b) of the bill (page 5, line 12), strike "of a fire fighter".

Amendment No. 1 was adopted.

SB 1050, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2173 - LAID ON THE TABLE SUBJECT TO CALL

Representative Bailey moved to lay **CSHB 2173** on the table subject to call.

The motion prevailed.

CSHB 1132 ON SECOND READING

(by Haggerty)

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

CSHB 1132 was read second time on May 5 and was postponed until 10 a.m. today.

Amendment No. 1

Representative Haggerty offered the following amendment to **CSHB 1132**:

Amend **CSHB 1132** by deleting Pages 1 through 16, And by deleting lines 1 and 2 on page 17, and by Renumbering the remaining sections appropriately.

Amendment No. 1 was adopted.

CSHB 1132, 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.)

(Speaker pro tempore in the chair)

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.

CSHB 879 was read second time on May 9 and was postponed until 10 a.m. today.

Representative Madden moved to postpone consideration of **CSHB 879** until 10 a.m. tomorrow.

The motion prevailed.

HCR 69
(by Chavez)

HCR 69, Requesting the U.S. Congress to enact the Agricultural Job Opportunity, Benefits, and Security Act to significantly reform immigration law as it relates to agriculture.

HCR 69 was laid before the house on April 18, postponed until April 25, and was again postponed until 10 a.m. today.

Representative Chavez moved to postpone consideration of **HCR 69** until 10 a.m. May 20.

(Speaker in the chair)

The motion prevailed.

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, postponed until May 9, and was again postponed until 6 p.m. today.

CSHB 846 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 846** under Rule 4, Section 32 of the House Rules on the grounds that the reports of the standing committee on the bill were not duplicated.

The speaker sustained the point of order and submitted the following statement:

Representative Martinez Fischer raises three points of order against further consideration of **HB 846** on three grounds: First, Representative Martinez Fischer argues that the bill analysis for **HB 846** does not adequately describe all of the provisions that relate to rulemaking as required by Rule 4, Section 32(c)(3), House Rules. Second, Representative Martinez Fischer contends that the bill analysis for **HB 846** omits several material provisions and is therefore misleading and inaccurate and a violation of Rule 4, Section 32(c)(2), House Rules. Third, Representative Martinez Fischer argues that the bill analysis omits "substantial differences" between the complete committee substitute and the original bill in violation of Rule 4, Sec. 32(c)(4), House Rules. The chair respectfully overrules the first two points of order and sustains the third point of order.

(1) Rulemaking Authority. Rule 4, Sec. 32(c)(3) requires that rulemaking authority be expressly delegated to a state officer, department or agency. The purpose of the rule is to enable members to make informed decisions about the types of powers that they are authorizing agencies to exercise. The rule is not, however, designed to require a committee or staff to be the arbiter of legal questions about whether particular actions an agency is permitted or directed to take constitute rulemaking. The provisions that Representative Martinez Fischer cites in his point of order would require committees and staff to do just that and, incidentally, contain no express use of the word "rule" at all. Therefore, this point of order is overruled.

(2) **General Omission of Material Provisions.** The rule for a committee report allows a summary or a section by section report. While the report must form a detailed analysis of the subject matter of the bill and include the 5 enumerated topics of the subsection (c), if applicable, the rule does not require that each item within a bill be specifically covered. By nature, summaries are shorter than the documents summarized. Therefore, the chair overrules the second point of order with respect to Rule 4, Sec. 32(c)(2).

(3) **Omission of Substantial Differences Between Committee Substitute and Original Bill.** In order to comply with Rule 4, Sec. 32(c)(4), a comparison of an original bill to a substitute must adequately describe substantial changes in the bill. The chair has reviewed the original bill, the committee substitute, and bill analysis and is of the opinion that the analysis (which is a mixture of a summary analysis and a section by section analysis) does not meet the rule's threshold.

The failure of the analysis to comply with this rule renders it misleading because it does not accurately describe substantial changes in the bill nor does it accurately compare the original bill to the substitute.

For this reason, the third point of order is sustained.

The ruling precluded further consideration of **CSHB 846**.

**MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 972 ON THIRD 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

On behalf of Representative Hupp, Representative Solomons offered the following amendment to **HB 972**:

Amend **HB 972**, on page 5, lines 22 through 24 as follows and renumber as appropriate:

~~"(1) must clearly specify the procedures that chiropractors may perform and the equipment that may be used to treat patients; and~~

"(2) must clearly specify any equipment and the use of that equipment which is prohibited as ineffective or unsafe for the treatment of patients;"

Amendment No. 1 was adopted.

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

HB 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 **HB 1535**:

Amend **HB 1535** on third reading 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) four [~~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) two [~~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.

(Otto in the chair)

Representative Gattis moved to table Amendment No. 1.

A record vote was requested.

The motion to table was lost by (Record 559): 65 Yeas, 76 Nays, 2 Present, not voting.

Yeas — Allen, A.; Alonzo; Anchia; Bailey; Baxter; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Hamilton; Hardcastle; Harper-Brown; Hegar; Herrero; Hochberg; Hodge; Homer; Hughes; Isett; Jackson; Keffer, B.; Laney; Laubenberg; Leibowitz; Martinez; McClendon; Moreno, P.; Naishtat; Noriega, M.; Olivo; Phillips; Raymond; Rodriguez; Rose; Seaman; Smithee; Solis; Strama; Talton; Taylor; Thompson; Turner; Uresti; Van Arsdale; Villarreal; Vo.

Nays — Allen, R.; Anderson; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Crabb; Crownover; Dawson; Delisi; Denny; Driver; Eiland; Eissler; Elkins; Flynn; Geren; Goodman; Griggs; Grusendorf; Guillen; Haggerty; Hamric; Hartnett; Hill; Hope; Hopson; Howard; Hunter; Hupp; Jones, D.; Keel; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Luna; Madden; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Morrison; Mowery; Nixon; Oliveira; Orr; Peña; Pickett; Pitts; Puente; Quintanilla; Reyna; Riddle; Ritter; Smith, T.; Smith, W.; Solomons; Swinford; Truitt; Veasey; West; Wong; Woolley; Zedler.

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

Absent — Corte; Hilderbran; Jones, J.; Miller; Paxton; Straus.

STATEMENTS OF VOTE

When Record No. 559 was taken, I was temporarily out of the house chamber. I would have voted no.

Hilderbran

When Record No. 559 was taken, I was in the house but away from my desk. I would have voted no.

Miller

A record vote was requested.

Amendment No. 1 failed of adoption by (Record 560): 68 Yeas, 74 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Berman; Blake; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Crabb; Crownover; Dawson; Delisi; Denny; Driver; Eiland; Eissler; Flynn; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamric; Hartnett; Hill; Hope; Hopson; Howard; Hunter; Hupp; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Luna; Madden; McCall; McReynolds; Morrison; Mowery; Nixon; Orr; Pickett; Pitts; Puente; Quintanilla; Reyna; Riddle; Ritter; Smith, T.; Smith, W.; Solis; Solomons; Straus; Swinford; Truitt; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Baxter; Bohac; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Elkins; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Hamilton; Hardcastle; Harper-Brown; Hegar; Herrero; Hochberg; Hodge; Homer; Hughes; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Laney; Laubenberg; Leibowitz; Martinez; Martinez Fischer; McClendon; Menendez; Merritt; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Paxton; Peña; Phillips; Raymond; Rodriguez; Rose; Seaman; Smithee; Strama; Talton; Taylor; Thompson; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo.

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

Absent — Corte; Guillen; Hilderbran; Jones, J.; Miller.

STATEMENTS OF VOTE

When Record No. 560 was taken, my vote failed to register. I would have voted yes.

Guillen

When Record No. 560 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hilderbran

When Record No. 560 was taken, I was in the house but away from my desk. I would have voted yes.

Miller

HB 1535 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 2833 ON THIRD READING(by **R. Cook, B. Cook, et al.**)

HB 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 **HB 2833**:

Amend **HB 2833** on third reading in added Section 2007.003(c)(7), Government Code (second reading floor amendment No. 1, page 1, line 6), by striking "political subdivision" and substituting "municipality".

Amendment No. 1 was adopted.

A record vote was requested.

HB 2833, as amended, was passed by (Record 561): 117 Yeas, 24 Nays, 3 Present, not voting.

Yeas — Allen, A.; Allen, R.; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Driver; Dunnam; Dutton; 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; Hodge; 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; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Merritt; Miller; Moreno, P.; Morrison; Mowery; Nixon; Oliveira; Orr; Paxton; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; Veasey; Vo; West; Woolley; Zedler.

Nays — Alonzo; Anchia; Burnam; Casteel; Castro; Coleman; Dawson; Deshotel; Dukes; Hill; Hochberg; Jones, J.; Leibowitz; Menendez; Naishtat; Noriega, M.; Olivo; Peña; Puente; Rodriguez; Rose; Strama; Turner; Villarreal.

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

Absent — Corte; Edwards; Hilderbran; King, T.; Wong.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 561. I intended to vote no.

Y. Davis

I was shown voting yes on Record No. 561. I intended to vote no.

Herrero

When Record No. 561 was taken, I was temporarily out of the house chamber. I would have voted no.

Hilderbran

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 1212 ON SECOND READING
(by P. King, Bonnen, Swinford, R. Allen, Guillen, et al.)**

CSHB 1212, A bill to be entitled An Act relating to abortion and parental consent to an abortion; providing penalties.

(Krusee in the chair)

CSHB 1212 - POINT OF ORDER

Representative Coleman raised a point of order against further consideration of **CSHB 1212** under Rule 8, Section 5(c) of the House Rules on the grounds that a joint author was incorrectly listed for the bill.

(Speaker in the chair)

The speaker sustained the point of order.

The ruling precluded further consideration of **CSHB 1212**.

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).

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. 17).

**MAJOR STATE CALENDAR
SENATE BILLS
SECOND READING**

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

**SB 15 ON SECOND READING
(Nixon and Rose - House Sponsors)**

SB 15, A bill to be entitled An Act relating to civil claims involving exposure to asbestos and silica.

Amendment No. 1

Representatives Nixon and Rose offered the following amendment to **SB 15**:

Amend **SB 15** (House committee printing) as follows:

(1) On page 10, line 18, strike "or 90.004" and substitute ", 90.004, or 90.010(f)(1)".

(2) On page 11, line 17, strike "performed" and substitute "interpreted".

(3) On page 13, line 8, between "1/0" and the comma, insert "or higher".

(4) On page 13, line 23, strike "of predicted".

(5) On page 14, line 10, strike "x-ray examinations" and substitute "diagnostic imaging of the chest".

(6) On page 14, lines 25 and 26, strike "are not on inactive status" and substitute "were not on inactive status at the time the report was made".

(7) On page 15, line 21, strike "x-ray examinations" and substitute "diagnostic imaging of the chest".

(8) On page 15, line 27, strike "are not on inactive status" and substitute "were not on inactive status at the time the report was made".

(9) On page 16, line 15, strike "of predicted".

(10) On page 17, line 5, strike "x-ray examinations" and substitute "diagnostic imaging of the chest".

(11) On page 19, lines 13 and 14, strike "(5th ed. 2000)".

(12) On page 21, lines 1 and 2, strike "Except as provided by Subsections (b) and (c), in" and substitute "In".

(13) On page 21, lines 21 and 22, strike "Except as provided by Section 90.010(d)" and substitute "In an action filed on or after the date this chapter becomes law".

(14) On page 22, line 16, strike "If" and substitute "Except as provided by Section 90.010(d) or (e), if".

(15) On page 23, line 17, between "(1)" and "trial", insert "the action was filed before September 1, 2003, and".

(16) On page 25, strike lines 11 through 17 and substitute the following:

(2)(A) the claimant does not serve a report that complies with Section 90.003 or 90.004;

(B) the claimant serves a report complying with Subsection (f)(1);
and

(C) the court, on motion and hearing, makes the findings required by Subsection (f)(2).

(17) On page 26, line 2, between "(d)" and "or", insert "(2)".

(18) On page 30, line 2, between "90.003" and the period, insert "or 90.010(f)".

(19) On page 30, line 9, between "90.004" and the period, insert "or 90.010(f)".

(20) On page 35, line 3, strike "or pending".

(21) On page 36, line 17, between "all" and "provisions", insert "of those".

Amendment No. 1 was adopted.

SB 15, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Jackson and Peña recorded voting present, not voting; Raymond and Solis recorded voting no.)

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

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

(Blake in the chair)

CSHJR 32 ON SECOND READING
(by Berman)

CSHJR 32, A joint resolution proposing a constitutional amendment authorizing the legislature to permit the governing body of a political subdivision to exempt from ad valorem taxation property owned by certain law enforcement officer associations.

A record vote was requested.

CSHJR 32 was adopted by (Record 562): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake(C); 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; 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.

Present, not voting — Mr. Speaker.

Absent — Dunnam.

SB 740 - RECOMMITTED

Representative Mowery moved to recommit **SB 740** to the Committee on Land and Resource Management.

The motion prevailed.

GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING

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

HB 2303 ON THIRD READING
(by Driver)

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

HB 2303 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 3029 ON THIRD READING
(by Strama)

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

A record vote was requested.

HB 3029 was passed by (Record 563): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake(C); 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; 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.

Present, not voting — Mr. Speaker.

Absent — Bohac.

HB 2215 ON THIRD READING
(by Bailey, Elkins, Howard, Bohac, and Hegar)

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

Amendment No. 1

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

Amend **HB 2215** on third reading by adding the following appropriately numbered section to the bill and renumbering existing sections accordingly:

SECTION __. (a) Chapter 209, Property Code, is amended by adding Section 209.012 to read as follows:

Sec. 209.012. NOTICE OF CERTAIN MEETINGS OF CERTAIN PROPERTY OWNERS' ASSOCIATIONS. (a) A property owners' association is subject to this section only if:

(1) membership in the property owners' association is mandatory for owners or for a defined class of owners of private real property in a defined geographic area; and

(2) the property owners' association has the power to make mandatory special assessments for capital improvements or mandatory regular assessments.

(b) A property owners' association shall post notice of any meeting of the association at which:

(1) one or more officers of the association will be elected; or

(2) any proposed amendment to or change in an assessment of the association, including an assessment described by Subsection (a)(2), is to be deliberated or adopted.

(c) Notice of the date, time, and location of the meeting must:

(1) be posted for at least 72 consecutive hours before the meeting; and

(2) be posted at a reasonable number of conspicuous locations in the appropriate area, including public places where it is customary to post notices concerning the meetings of the association or the affairs of the association generally.

(b) Section 109.012, Property Code, as added by this section, applies only to a meeting of a property owners' association that occurs on or after the effective date of this Act.

Amendment No. 1 was adopted.

Amendment No. 2

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

Amend **HB 2215** on third reading by inserting the following appropriately numbered SECTION and renumbering SECTIONS of the bill appropriately:

SECTION __. Section 209.003(d), Property Code, is amended to read as follows:

(d) This chapter does not apply to a condominium development governed by Chapter 81 or Chapter 82.

Amendment No. 2 was adopted.

HB 2215, 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: Baxter, Eissler, Hamric, Harper-Brown, Madden, McCall, Menendez, and Phillips recorded voting no.)

HB 1318 ON THIRD READING**(by Dawson)**

HB 1318, A bill to be entitled An Act relating to the state providing grave markers for certain members of the state military forces.

HB 1318 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 1767 ON THIRD READING**(by R. Cook)**

HB 1767, A bill to be entitled An Act relating to the regulation of veterinary medicine.

HB 1767 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 their votes are as follows: Rose recorded voting no.)

HB 2239 ON THIRD READING**(by Luna, et al.)**

HB 2239, A bill to be entitled An Act relating to homeland security training and supplemental pay for certain law enforcement officers.

A record vote was requested.

HB 2239 was passed by (Record 564): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; 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; 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; 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.

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

Absent — Grusendorf; Merritt.

HB 3181 ON THIRD READING
(by Turner)

HB 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.

A record vote was requested.

HB 3181 was passed by (Record 565): 147 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; 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.

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

(Speaker pro tempore in the chair)

HB 1952 ON THIRD READING
(by Goodman, et al.)

HB 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.

A record vote was requested.

HB 1952 was passed by (Record 566): 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; 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; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent — McCall.

HB 2668 ON THIRD 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

Representatives Giddings and Goodman offered the following amendment to **HB 2668**:

Amend **HB 2668** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION ____. Section 396.001, Finance Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a), (4-a), (9), and (10) to read as follows:

(1) "Certified foreign agency" means a foreign agency that, in lieu of registration, is issued a certificate to operate in this state under Subchapter D.

(1-a) "Child support enforcement" means an action, conduct, or practice in enforcing, or in soliciting for enforcement, a child support obligation, including the collection of an amount owed under a child support obligation.

(4-a) "Local registry" has the meaning assigned by Section 101.018, Family Code.

(9) "State disbursement unit" has the meaning assigned by Section 101.0302, Family Code.

(10) "Title IV-D agency" has the meaning assigned by Section 101.033, Family Code.

SECTION ____. Section 396.052(a), Finance Code, is amended to read as follows:

(a) The department shall charge each applicant for a certificate of registration, or renewal of a certificate, a nonrefundable fee ~~[of \$500]~~ for each certificate. The department shall set each fee in an amount that is reasonable and necessary to defray the cost of administering this chapter.

SECTION __. Section 396.053, Finance Code, is amended to read as follows:

Sec. 396.053. COST OF REGULATION. The department may charge each registered private child support enforcement agency an annual fee in an amount that is reasonable and necessary ~~[not to exceed \$500]~~ to defray ~~[cover]~~ the cost of administering and enforcing this chapter.

SECTION __. Subchapter C, Finance Code, is amended by adding Section 396.1011 to read as follows:

Sec. 396.1011. ELIGIBILITY FOR REGISTRATION. (a) In this section, "principal" means a person who participates in the affairs of the holder of a certificate of registration under this section or who exercises supervisory duties, including an owner, officer, director, partner, trustee, or agent of the registration holder.

(b) A person is not eligible for a certificate of registration under this chapter if, during the preceding 10 years:

(1) the person or principal of the person has been convicted of:

(A) a felony or a crime involving moral turpitude under the laws of this or another state or the United States;

(B) a crime under the laws of a foreign country that involves moral turpitude or would be a felony if committed in the United States; or

(C) an offense under a state or federal law relating to any state or federal monetary instrument reporting requirement; or

(2) the person or a principal of the person has been convicted of an offense under a state or federal law relating to:

(A) drugs, drug trafficking, or money laundering; or

(B) a reporting requirement of the Bank Secrecy Act (12 U.S.C.

Section 1951 et seq.).

(c) A person is not eligible for a certificate of registration under this chapter if at any time the person or a principal of the person has been convicted of:

(1) a felony under Chapter 34, Penal Code, or a similar provision involving the laundering of money that is the product of or proceeds from criminal activity under the laws of another state or the United States; or

(2) a felony violation of 31 U.S.C. Section 5313 or 5324 or a regulation adopted under those sections.

SECTION __. Section 396.106(a), Finance Code, is amended to read as follows:

(a) The department shall issue a certificate of registration and mail the certificate to an eligible ~~[the]~~ applicant on receipt of:

(1) a completed application;

(2) evidence of financial solvency;

(3) the surety bond or deposit of money required by Section 396.105;

and

(4) the required registration fee.

SECTION ____. Section 396.153, Finance Code, is amended to read as follows:

Sec. 396.153. NOTIFICATION OF UPDATED INFORMATION OR CHANGE IN STATUS OF OTHER AUTHORIZATION. Not later than the 30th day after the date on which the change occurs, a certified foreign [~~private child support enforcement~~] agency [~~that is issued a certificate to operate in this state under this subchapter~~] shall notify the department of any change in:

(1) the information provided in an application submitted under Section 396.152; or

(2) the status of the agency's authorization in the other state.

SECTION ____. Section 393.203, Finance Code, is amended to read as follows:

Sec. 396.203. CONTRACT FOR SERVICES. (a) A registered agency and certified foreign agency [~~authorized to engage in business under this chapter~~] shall execute a written contract for the enforcement of child support for each client of the agency that is residing in this state.

(b) The contract required under this section must:

(1) be in writing, dated, and signed by both parties to the contract; [~~and~~]

(2) specify its terms in clear language; and

(3) specify that the client:

(A) may cancel the contract for any reason not later than the seventh day after the date the contract is executed; and

(B) is entitled to receive a full refund of any money paid by the client to the agency not later than the 10th day after the cancellation date.

(c) A contract under this section for the collection of a child support obligation must specify a sum certain for collection, which may not exceed:

(1) the amount of the child support obligation owed on the date the contract is executed, subject to Subsection (d); or

(2) the monthly amount of the obligor's child support payment multiplied by 36.

(d) If the parties are unable to determine the amount of the arrearage on the date the contract is executed, the agency shall, not later than the 30th day after the contract's execution date, send to the client an addendum to the contract that contains the arrearage amount and the sum certain for collection. If the agency does not send the addendum within the deadline prescribed by this subsection, the contract is voidable at the option of the client until the date the client receives the addendum.

(e) A contract for the collection of a child support obligation terminates on the date the agency collects the sum certain specified in the contract or any addendum to the contract as provided by Subsection (c).

(f) The contract required under this section must also contain a provision that allows the client the option to cancel the contract if the total amount of child support payments collected from the obligor in any consecutive 12-month period beginning 18 months after the date the contract is executed does not equal the

amount of at least one of the obligor's ordered monthly child support payments. The client must notify the agency in writing of the client's intent to cancel under this subsection.

(g) An attempted waiver of the requirements of Subsections (c)-(e) or the cancellation provisions prescribed by this section is void.

SECTION __. Subchapter E, Chapter 396, Finance Code, is amended by adding Section 396.204 to read as follows:

Sec. 396.204. ANNUAL REPORT. Not later than September 1 of each year, each registered agency shall provide to the department a detailed report accounting for all child support collections made by the agency during the preceding calendar year. The report, at a minimum, must contain a statement of the amount of child support collected on behalf of, and disbursed to, each client, including:

(1) the date on which the amount of child support was collected; and

(2) the date on which each amount of child support due the client by the obligor was paid to the client.

SECTION __. Subchapter F, Chapter 396, Finance Code, is amended by adding Sections 396.253 and 396.254 to read as follows:

Sec. 396.253. FEE OR OTHER CONSIDERATION RECEIVED BY AGENCY. (a) For child support enforcement, a registered agency or certified foreign agency may not receive a fee or other consideration that exceeds 20 percent of the total amount of the child support obligation collected by the agency from the obligor.

(b) A registered agency or certified foreign agency may not receive a fee or other consideration for any child support payment that:

(1) is collected or received solely through the efforts of the Title IV-D agency, the state disbursement unit, a local registry, or another state or local governmental entity or agency; or

(2) is collected by another registered agency or certified foreign agency.

(c) Subsection (b) does not preclude a registered agency or certified foreign agency from receiving a fee or other consideration for any increase in a child support payment that results directly from the efforts of the agency, regardless of whether the payment was initially collected or received through the efforts of the Title IV-D agency, the state disbursement unit, a local registry, or another public or private entity or agency.

(d) A person who violates Subsection (a) or (b) commits an offense. An offense under this section is a Class B misdemeanor.

Sec. 396.254. REDIRECTION OF CHILD SUPPORT PAYMENTS OR ARREARAGES PROHIBITED. No child support payment or arrearage collected or received by the Title IV-D agency, the state disbursement unit, or a local registry may be redirected to any private child support enforcement agency.

SECTION __. Section 396.301(a), Finance Code, is amended to read as follows:

(a) After notice and hearing, the department may revoke the registration of a registered agency that:

(1) fails to comply with this chapter or a rule adopted under this chapter;

(2) does not pay a fee or other charge imposed by the department under this chapter; ~~and~~

(3) fails to maintain and produce at the request of the department records attesting to the financial solvency of the registered agency or other business records concerning client accounts; or

(4) violates a prohibition established by Section 396.1011.

SECTION __. Subchapter H, Chapter 396, Finance Code, is amended by adding Section 396.354 to read as follows:

Sec. 396.354. VOIDABLE CONTRACT. (a) A contract that does not contain the information required by Section 396.203(c) or cancellation provisions prescribed by Section 396.203(b)(3), (e), or (f) is voidable at the option of the client. The client is entitled to recover any amount the registered agency or certified foreign agency received as compensation in connection with the contract.

(b) A person who prevails in an action to enforce the person's rights under this section is entitled to recover court costs and reasonable attorney's fees.

SECTION __. Sections 396.203(b)(3) and (c)-(f), 396.253, and 396.354, Finance Code, as added by this Act, apply only to a contract that is entered into on or after the effective date of this Act.

Amendment No. 1 was adopted.

A record vote was requested.

HB 2668, as amended, was passed by (Record 567): 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 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; Mowery; Naishtat; Nixon; Noriega, M.; 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; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent — Hodge; Oliveira.

HB 2696 ON THIRD READING
(by Anchia, Hartnett, Jackson, Vo, et al.)

HB 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.

HB 2696 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 2819 ON THIRD READING
(by Rose)

HB 2819, A bill to be entitled An Act relating to access to state electronic and information resources by individuals with disabilities.

HB 2819 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 2751 ON THIRD READING
(by Hartnett)

HB 2751, A bill to be entitled An Act relating to providing notice of the anticipated fiscal impact of municipal charter amendments.

HB 2751 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 1379 ON THIRD READING
(by J. Jones)

HB 1379, A bill to be entitled An Act relating to the admissibility in a civil action of certain information relating to identify theft.

A record vote was requested.

HB 1379 was passed by (Record 568): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; 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; 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; 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 — Dukes; Hamilton; Rose.

HB 2837 ON THIRD READING

(by R. Allen)

HB 2837, A bill to be entitled An Act relating to the state's activities regarding education, vocational training, and reintegration of offenders.

HB 2837 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 2879 ON THIRD READING

(by B. Keffer)

HB 2879, A bill to be entitled An Act relating to requirements for certain amusement rides.

HB 2879 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.)

(Keel in the chair)

HB 3514 ON THIRD 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. (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 984 ON THIRD READING**(by Reyna, Guillen, McReynolds, Chavez, Hochberg, et al.)**

HB 984, A bill to be entitled An Act relating to the care of elementary and secondary school students with diabetes.

HB 984 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.)

LEAVES OF ABSENCE GRANTED

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

Veasey on motion of Homer.

The following members were granted leaves of absence for the remainder of today because of important business:

Dunnam on motion of Homer.

Martinez Fischer on motion of Homer.

HB 2376 ON THIRD READING**(by Elkins)**

HB 2376, A bill to be entitled An Act relating to the environmental regulation and remediation of dry cleaning facilities; imposing a penalty.

HB 2376 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 955 ON THIRD READING**(by Solomons)**

HB 955, A bill to be entitled An Act relating to the regulation of financial businesses and practices; providing civil penalties.

HB 955 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 988 ON THIRD READING**(by Chisum)**

HB 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.

HB 988 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 1644 ON THIRD READING
(by Callegari)

HB 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.

Amendment No. 1

Representative Callegari offered the following amendment to **HB 1644**:

Amend **HB 1644** by adding on page 7, line 3, the following:

"Section 5. Section 49.218a, Water Code, is amended to read as follows:

(a) A district or water supply corporation may acquire an interest in land, materials, waste grounds, easements, rights of way, equipment, contract or permit rights or interests, including a certificate of convenience and necessity, contractual rights to use capacity in facilities and to acquire facilities and other property, real or personal considered necessary for the purpose of accomplishing any one or more of the district's or water supply corporation's purposes provided in this code or in any other law. A district may utilize proceeds from the sale and issuance of its bonds, notes or other obligations to acquire the items authorized by this section."

and renumber Section 5, Section 6, and Section 7 accordingly.

Amendment No. 1 was adopted.

A record vote was requested.

HB 1644, as amended, was passed by (Record 569): 142 Yeas, 0 Nays, 3 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; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; 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; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Dunnam; Martinez Fischer; Veasey.

Absent — Coleman.

HB 1940 ON THIRD READING
(by Ritter)

HB 1940, A bill to be entitled An Act relating to alternative dispute resolution of certain contract claims against the state.

A record vote was requested.

HB 1940 was passed by (Record 570): 142 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; 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; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; 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; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Dunnam; Martinez Fischer; Veasey.

Absent — Hartnett; Rose.

HB 2145 ON THIRD 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. (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 2463 ON THIRD READING
(by Villarreal, Menendez, Flores, Corte, et al.)

HB 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.

A record vote was requested.

HB 2463 was passed by (Record 571): 139 Yeas, 1 Nays, 3 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; 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; 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; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pitts; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Riddle.

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

Absent, Excused — Dunnam; Martinez Fischer; Veasey.

Absent — Hartnett; Morrison; Pickett.

HB 2868 ON THIRD 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.

HB 2868 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 2525 ON THIRD READING
(by Callegari)

HB 2525, A bill to be entitled An Act relating to contracts by governmental entities for construction projects and related professional services.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hartnett requested permission for the Committee on Judiciary to meet while the house is in session at 8:55 p.m. today, in 3W.9, for a formal meeting, to consider **HB 3557**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Judiciary, 8:55 p.m. today, 3W.9, for a formal meeting.

HB 2525 - (consideration continued)**Amendment No. 1**

Representative Puente offered the following amendment to **HB 2525**:

Amend **HB 2525** on third reading in added Section 2264.003, Government Code, by inserting the following new Subsection (a) and redesignating subsequent subsections appropriately:

(a) Except as provided by this section, this chapter prevails over any other law relating to public works contracts.

Amendment No. 1 was adopted.

HB 2525, 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 260 ON THIRD READING

(by Goodman)

HB 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 **HB 260**:

Amend **HB 260** (second reading engrossment) as follows:

(1) Strike page 13, line 13, through page 14, line 1, and substitute the following:

SECTION 14. Section 156.401, Family Code, is amended by amending Subsections (a) and (d) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1) or (b), the court may modify an order that provides for the support of a child if:

(1) the circumstances of the child or a person affected by the order have materially and substantially changed since the earlier of:

(A) the date of the order's rendition; or

(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.

(a-1) If the parties agree to an order under which the amount of child support differs from the amount that would be awarded in accordance with the child support guidelines, the court may modify the order only if the circumstances of the child or a person affected by the order have materially and substantially changed since the date of the order's rendition.

(2) On page 14, line 4, strike "Subsection (a) [~~(a-1)~~]" and substitute "this section [Subsection (a-1)]".

(3) On page 14, line 9, strike "156.401(a)" and substitute "156.401".

(4) On page 14, line 19, strike "156.401 (a)" and substitute "156.401".

(5) On page 17, lines 3 and 4, strike "The changes in law made by this Act to Sections 156.006 and 156.401, Family Code, apply" and substitute "The change in law made by this Act to Section 156.006, Family Code, applies".

(6) On page 17, between lines 8 and 9, 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 156.401, Family Code, applies only to a suit for modification pending before a trial court on or filed on or after the effective date of this Act.

(7) Strike SECTION 26 of the bill (page 17, line 17) and substitute the following appropriately numbered SECTION:

SECTION _____. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Alonzo offered the following amendment to **HB 260**:

Amend **HB 260** on third reading by adding the following appropriately numbered Section to the bill and renumbering the subsequent Sections as appropriate:

SECTION _____. Section 105.009, Family Code, is amended by adding Subsection (m) to read as follows:

(m) A course under this section must be available in both English and Spanish.

Amendment No. 2 was adopted.

A record vote was requested.

HB 260, as amended, was passed by (Record 572): 142 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; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Martinez; 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; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Dunnam; Martinez Fischer; Veasey.

Absent — Gattis; Madden.

HB 270 ON THIRD READING

(by Farrar)

HB 270, A bill to be entitled An Act relating to court-ordered access to a child by the child's sibling.

HB 270 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 625 ON THIRD 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. (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 3149 ON THIRD READING

(by Wong)

HB 3149, A bill to be entitled An Act relating to inactive status for cosmetology certificate or license holders.

HB 3149 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 1068 ON THIRD READING
(by Driver)

HB 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.

HB 1068 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 1074 ON THIRD 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. (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 1317 ON THIRD READING
(by Driver, Laubenberg, Raymond, et al.)

HB 1317, A bill to be entitled An Act relating to the licensing and regulation of certain electricians.

A record vote was requested.

HB 1317 was passed by (Record 573): 138 Yeas, 5 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; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; 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; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; 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; Villarreal; Vo; West; Wong; Woolley.

Nays — Bohac; Eiland; Eissler; Herrero; Zedler.

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

Absent, Excused — Dunnam; Martinez Fischer; Veasey.

Absent — Hughes.

HB 3297 ON THIRD 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.

A record vote was requested.

HB 3297 was passed by (Record 574): 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; 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; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; 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; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Dunnam; Martinez Fischer; Veasey.

Absent — Hardcastle.

HB 1366 ON THIRD READING **(by R. Allen)**

HB 1366, A bill to be entitled An Act relating to the enforcement of the regulation of nursing.

Amendment No. 1

Representative Zedler offered the following amendment to **HB 1366**:

Amend **HB 1366** (second reading engrossment) as follows:

(1) Add the following appropriately numbered section:

SECTION ____ Subchapter H, Chapter 301, Occupations Code, is amended by adding Section 301.354 to read as follows:

Sec. 301.354. NURSE FIRST ASSISTANTS; ASSISTING AT SURGERY BY OTHER NURSES. (a) In this section, "nurse first assistant" means a registered nurse who:

(1) has completed a nurse first assistant educational program approved or recognized by an organization recognized by the board; and

(2) is either:

(A) certified in perioperative nursing by an organization recognized by the board; or

(B) recognized by the board as an advanced practice nurse and qualified by education, training, or experience to perform the tasks involved in perioperative nursing.

(b) Unless the person is a nurse first assistant, the person may not use:

(1) the title "nurse first assistant" or "registered nurse first assistant";

(2) the abbreviation "R.N.F.A."; or

(3) any other title or abbreviation that implies to the public that the person is qualified as a nurse first assistant under this section.

(c) A health maintenance organization or an insurer, including an insurer offering a preferred provider benefit plan, may not, by contract or any other method, require a physician to use the services of a nurse first assistant.

(d) A nurse who is not a nurse first assistant may assist a physician, podiatrist, or dentist in the performance of surgery if the nurse:

(1) assists under the direct personal supervision and in the physical presence of the physician, podiatrist, or dentist;

(2) is in the same sterile field as the physician, podiatrist, or dentist;

(3) is employed by;

(A) the physician, podiatrist, or dentist;

(B) a group to which the physician, podiatrist, or dentist belongs;

or

(C) a hospital licensed or owned by the state; and

(4) is qualified by education, training, or experience to perform the tasks assigned to the nurse.

(e) A patient or third-party insurer may not be billed separately for the services performed by a nurse described by Subsection (d).

(f) A registered nurse must perform circulating duties in the operating room. In accordance with approved medical staff policies and procedures, a vocational nurse or surgical technologist may assist in circulating duties under the direct supervision of the registered nurse.

(2) Strike Section 6 of the bill (page 6, line 9) and substitute the following appropriately numbered section:

SECTION _____. Sections 301.1525, 301.1526, 301.1527, and 304.010, Occupations Code, are repealed.

(3) Renumber the sections of the bill accordingly.

Amendment No. 1 was adopted.

HB 1366, 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 1532 ON THIRD 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. (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 2572 ON THIRD READING
(by Truitt, Isett, McReynolds, Miller, Coleman, et al.)

HB 2572, A bill to be entitled An Act relating to the functions of local mental health and mental retardation authorities.

Amendment No. 1

Representatives McReynolds and Kolkhorst offered the following amendment to **HB 2572**:

Amend Section 3, **HB 2572** on third reading by striking existing subsection (c) (as added in second reading - Floor Amendment #4) in Sec. 533.0355, and replacing it with the following:

(c) In determining eligibility under (b)(3) an authority must offer a state school as an option among the residential services available to an individual who is eligible for those services and who meets the department's criteria for state school admission, regardless of whether other residential services are available to the individual. The Community Mental Health and Mental Retardation Centers must document the number of individuals who are eligible for state school services under the department's criteria, the number of individuals who meet eligibility who are requesting state school admissions, and the number of individuals who meet eligibility criteria who are referred for state school services. The HHSC will adopt rules related to the performance criteria required of the Community Mental Health and Mental Retardation Centers regarding the provision of information related to services and referral for services.

Amendment No. 1 was adopted.

A record vote was requested.

HB 2572, as amended, was passed by (Record 575): 132 Yeas, 7 Nays, 3 Present, not voting.

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

Nays — Anchia; Branch; Davis, J.; Gattis; Harper-Brown; Jackson; Laubenberg.

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

Absent, Excused — Dunnam; Martinez Fischer; Veasey.

Absent — Burnam; Hartnett; Reyna; Rodriguez.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 575. I intended to vote no.

B. Keffer

I was shown voting yes on Record No. 575. I intended to vote no.

Paxton

I was shown voting yes on Record No. 575. I intended to vote no.

Rose

HB 1547 ON THIRD READING

(by Pickett, Chavez, Guillen, Quintanilla, and Menendez)

HB 1547, A bill to be entitled An Act relating to the form of the loan contract and related documents for a consumer loan.

HB 1547 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 1582 ON THIRD READING

(by Chavez)

HB 1582, A bill to be entitled An Act relating to a study of residential foreclosures in certain counties.

HB 1582 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 1821 ON THIRD 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. (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 2187 ON THIRD 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. (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 1120 ON THIRD READING
(by Nixon)

HB 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 Herrero offered the following amendment to **HB 1120**:

Amend **HB 1120** on third reading as follows:

(1) On page 2, line 5, between "applicant" and the period, insert "to circumvent immigration laws or for the sole purpose of obtaining immigration benefits".

(2) Strike page 4, line 27, through page 5, line 1, and substitute the following: "marrying the absent applicant to circumvent immigration laws or for the sole purpose of obtaining immigration benefits; and".

Amendment No. 1 was adopted.

HB 1120, 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 2390 ON THIRD 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.

A record vote was requested.

HB 2390 was passed by (Record 576): 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.; 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; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jackson; Jones, D.; Jones, J.; 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; 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; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Dunnam; Martinez Fischer; Veasey.

Absent — Brown, F.; Hamilton; Isett.

HB 2747 ON THIRD READING
(by McClendon and Menendez)

HB 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.

Amendment No. 1

Representative McClendon offered the following amendment to **HB 2747**:

Amend **HB 2747** (Second Reading Engrossment) on page 12, line 1, by striking "Except as provided by Subsection (f) of this section, if" and substituting "IF".

Amendment No. 1 was adopted.

A record vote was requested.

HB 2747, as amended, was passed by (Record 577): 140 Yeas, 2 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; 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; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jackson; Jones, D.; Jones, J.; 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; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; 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; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Harper-Brown; Phillips.

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

Absent, Excused — Dunnam; Martinez Fischer; Veasey.

Absent — Hilderbran; Isett.

HB 3376 ON THIRD READING
(by Taylor)

HB 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.

HB 3376 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 2839 ON THIRD READING
(by R. Allen)

HB 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.

HB 2839 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 their votes are as follows: Herrero and Leibowitz recorded voting no.)

HB 2905 ON THIRD READING
(by **Haggerty**)

HB 2905, A bill to be entitled An Act relating to the installation of water conservation systems in Texas Department of Criminal Justice facilities.

HB 2905 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 their votes are as follows: Kolkhorst recorded voting no.)

HB 2932 ON THIRD 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 Rodriguez offered the following amendment to **HB 2932**:

Amend **HB 2932** on third reading in added Section 2262.004(b), Government Code (second reading engrossment, page 2, line 4), between "major stockholder," and "or", by inserting "a paid consultant with a contract with the business entity the value of which exceeds \$25,000."

Amendment No. 1 was adopted.

A record vote was requested.

HB 2932, as amended, was passed by (Record 578): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; 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; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; 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; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Dunnam; Martinez Fischer; Veasey.

HB 3093 ON THIRD 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. (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 THIRD 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.

HB 3125 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 1572 ON THIRD READING

(by Taylor)

HB 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.

HB 1572 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 and Leibowitz recorded voting no.)

HB 1830 ON THIRD READING

(by Wong)

HB 1830, A bill to be entitled An Act relating to the notice provided for the establishment of municipal management districts.

HB 1830 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 85 ON THIRD READING
(by Riddle)

HB 85, A bill to be entitled An Act relating to the release on bond of certain criminal defendants.

HB 85 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 1816 ON THIRD 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.

A record vote was requested.

HB 1816 was passed by (Record 579): 140 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; 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; 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; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Madden; Martinez; 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; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Anchia; Herrero; Leibowitz.

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

Absent, Excused — Dunnam; Martinez Fischer; Veasey.

Absent — Ritter.

HB 2801 ON THIRD 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.

A record vote was requested.

HB 2801 was passed by (Record 580): 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; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Dunnam; Martinez Fischer; Veasey.

Absent — Moreno, P.; Quintanilla; Seaman.

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

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

**SB 1211 ON THIRD 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 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 599 ON THIRD 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 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 1224 ON THIRD 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 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 286 ON THIRD 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 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 489 ON THIRD 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 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 1472 ON THIRD READING
(Geren and Flores - House Sponsors)

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

SB 1472 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 728 ON THIRD 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 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 1428 ON THIRD 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.

A record vote was requested.

SB 1428 was passed by (Record 581): 142 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; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; 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; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Dunnam; Martinez Fischer; Veasey.

Absent — Martinez; Moreno, P.

GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING

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

CSHB 843 ON SECOND READING
(by Truitt)

CSHB 843, A bill to be entitled An Act relating to the authority of certain counties to regulate the construction of certain communication facilities in certain circumstances; providing a penalty.

CSHB 843 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 2218 ON SECOND READING
(by McCall)

CSHB 2218, A bill to be entitled An Act relating to the regulation of money services businesses; providing a penalty.

CSHB 2218 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 209 ON SECOND READING
(by Goodman)

CSHB 209, A bill to be entitled An Act relating to challenging an acknowledgment of paternity executed by a minor.

CSHB 209 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 401 ON SECOND READING
(by Villarreal)

CSHB 401, A bill to be entitled An Act relating to the use of volunteer income tax assistance programs by persons who owe delinquent child support.

CSHB 401 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 3335 ON SECOND READING
(by Hartnett)

CSHB 3335, A bill to be entitled An Act relating to the report, delivery, and claims process concerning certain unclaimed property.

CSHB 3335 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 1921 ON SECOND READING
(by R. Allen, Zedler, and Otto)

CSHB 1921, A bill to be entitled An Act relating to the civil commitment of sexually violent predators.

A record vote was requested.

CSHB 1921 was passed to engrossment by (Record 582): 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.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; 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; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Dunnam; Martinez Fischer; Veasey.

Absent — Corte.

CSHB 1680 ON SECOND READING
(by Callegari, W. Smith, et al.)

CSHB 1680, A bill to be entitled An Act relating to the administration, powers, duties, and operation of the Harris-Galveston Subsidence District and the Fort Bend Subsidence District.

Representative Callegari moved to postpone consideration of **CSHB 1680** until 11 a.m. May 12.

The motion prevailed.

HB 2945 ON SECOND READING
(by Eiland)

HB 2945, A bill to be entitled An Act relating to participation in the optional retirement program by certain employees of institutions of higher education.

HB 2945 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 1765 ON SECOND READING
(by Morrison, Ritter, Kolkhorst, Deshotel, McCall, et al.)

CSHB 1765, A bill to be entitled An Act relating to the creation of programs and funding for emerging technology industries.

Amendment No. 1

Representative Morrison offered the following amendment to **CSHB 1765**:

On page 13 of **HB 1765**, line 23, between "another" and "institution" insert "public or private" and after "institution" insert "of higher education in this state".

CSHB 1765 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE SEAMAN: Chairman Morrison, we discussed this on page 9 where subject to the availability to other partners and resources. In the D-7 it says, "in other suitable locations as determined by the governor in consultation with the lieutenant governor, etc." I just wanted to be sure this doesn't exclude other counties like, in this case, Nueces County or San Patricia County, if upon their agreement. So, I want to establish that for legislative intent.

REPRESENTATIVE MORRISON: Absolutely, Mr. Seaman. You are absolutely right. The areas that are in this bill is just to show that it's going to be throughout the state in different regions, but it does not preclude any area in the State of Texas from having this in their area. That is why it says, as you pointed out in line 7, "other suitable locations as determined by the governor in consultation with the lieutenant governor and the speaker of the house of representatives." So, it does not exclude anyone.

SEAMAN: Thank you, Chairman Morrison.

REMARKS ORDERED PRINTED

Representative Seaman moved to print remarks between Representative Morrison and Representative Seaman.

The motion prevailed.

CSHB 1765 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE T. KING : Madame Chair, in your bill, you list several areas where this merging technology fund can be used. Is that true?

REPRESENTATIVE MORRISON: That is absolutely correct.

T. KING: And it lists several areas—and your office and my office have been working on an amendment for some time now—if it was earlier in the session, you had every intention of accepting that amendment, didn't you?

MORRISON: That is correct.

T. KING: And what that amendment does, in addition to the other areas, it includes "On page 9, between lines 4 and 5, insert the following: The middle Rio Grande Valley, in addition to the other areas." That's the amendment that I had.

MORRISON: That's correct, because in the legislation, it says that the lower Rio Grande Valley—we just wanted to make sure that your area and the Rio Grande Valley were not excluded. And with number 7, on line 5, with the other suitable locations, there is no area that is excluded. I want to make sure that we know that your area is not excluded also.

T. KING: And then, in addition to that, there is a section right below that, that says that any area that's appropriate, as deemed by the governor, lieutenant governor, or speaker, can be considered?

MORRISON: That is correct.

T. KING: So it's your intention that the middle Rio Grande Valley also be included in that list?

MORRISON: Absolutely, and I want to make it perfectly clear that this is not excluding any area of the state. Anyone can apply for this.

T. KING: Thank you, Madame Chair.

CSHB 1765 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE CHISUM: Representative Morrison, in Section 490.003(b) [Page 2, Line 6], you have a generic list of emerging technology industries. Was your intent to have a generic list rather than list out all of the specific technologies?

REPRESENTATIVE MORRISON: Yes, we wanted to be generic rather than listing specific types of technology. Otherwise the list would be a mile long. From a public policy point, it makes more sense to be generic because if we had a specific list, we could well be leaving out one that we do not even know about today.

CHISUM: For instance, Representative Hughes has **HB 2201** next up on the calendar that talks about various kinds of new technologies, including carbon sequestration and the capturing of carbon dioxide from emissions. So, looking at your list, is it your intent that these types of new technologies would be covered by item (4) Energy or item (11) Petroleum Refining and Chemical Processes?

MORRISON: Yes. We have looked at those technologies and we believe they would be included in those items.

REMARKS ORDERED PRINTED

Representative Chisum moved to print remarks between Representative Morrison and Representative Chisum.

The motion prevailed.

Representative T. King moved to print remarks between Representative Morrison and Representative T. King.

The motion prevailed.

Amendment No. 1 was adopted.

CSHB 1765, 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 recorded voting no.)

REASON FOR VOTE

Although the New and Emerging Technology Fund may be a good plan for the purpose of stimulating economic development in our state, its funding requirements and implementation are not appropriate at this time when compared to Texas' social and educational concerns that demand immediate attention and funding. Given the lack of funding and attention being allocated to date to address these issues, I must vote against this bill.

Herrero

CSHB 2201 ON SECOND READING

(by Hughes, Hopson, R. Cook, Kolkhorst, Homer, et al.)

CSHB 2201, A bill to be entitled An Act relating to implementing a clean coal project in this state.

Representative Hughes moved to postpone consideration of **CSHB 2201** until 10:45 p.m. today.

The motion prevailed.

CSHB 2894 ON SECOND READING

(by Phillips)

CSHB 2894, A bill to be entitled An Act relating to the marketing and sale of certain license plates by a private vendor.

CSHB 2894 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 2959 ON SECOND READING

(by Paxton)

HB 2959, A bill to be entitled An Act relating to the use of federal child care and development block grant funds by local workforce development boards.

Amendment No. 1

Representative Kolkhorst offered the following amendment to **HB 2959**:

Amend **HB 2959** on page 1 by striking lines 5-6 and substituting the following:

SECTION 1. Sections 2308.315 and 2308.316, Government Code, are amended to read as follows:

Sec. 2308.315. REIMBURSEMENT RATES FOR CHILD CARE. Each board may [~~shall~~] establish graduated reimbursement rates for child care based on the Texas Workforce Commission's designated vendor program. If a board establishes graduated reimbursement rates for child care, the [~~The~~] minimum

reimbursement rate for designated vendors must be at least five percent greater than the maximum rate established for nondesignated vendors for the same category of care. A [The] designated vendor rate differential established in this section shall be funded with federal child care development funds dedicated to quality improvement activities.

Sec. 2308.316. FUNDING OF COMPETITIVE PROCUREMENT PROCESS FOR INFANT AND EARLY CHILDHOOD CHILD CARE. Each board may [shall] allocate a portion of the board's federal child care development funds dedicated to quality improvement activities to a competitive procurement process for a system for quality child care for children under four years of age that encourages child care providers to voluntarily meet the criteria of the Texas Workforce Commission's designated vendor program or national accreditation. If a board allocates [In allocating] funds under this section, special consideration shall be given to funding child care for children under four years of age in low-income communities. This section may not be interpreted to limit parental choice.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Villarreal offered the following amendment to **HB 2959**:

Amend **HB 2959** as follows:

SECTION 1. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Sections 42.061 and 42.062 to read as follows:

Sec. 42.061. USE OF CERTAIN DEDICATED CHILD-CARE FUNDS. (a) If the state is required to dedicate more than four percent of the amount of federal child-care development funds for the purposes provided by 42 U.S.C. Section 9858e, the Texas Workforce Commission, unless otherwise required by federal law and notwithstanding any other state law, shall ensure that any amount of the dedicated funds in excess of four percent is used to establish and implement the grant program for quality improvement activities under Section 42.062.

(b) The Texas Workforce Commission shall enter into a memorandum of understanding with the department under which:

(1) the commission transfers the dedicated funds in excess of four percent as described by Subsection (a) to the department; and

(2) the department uses the transferred funds to implement the grant program for quality improvement activities under Section 42.062.

Sec. 42.062. QUALITY IMPROVEMENT ACTIVITIES FOR CHILD-CARE SERVICES. (a) Subject to the availability of funds under Section 42.061 or from another source, the executive commissioner by rule shall establish a program under which the department awards grants to child-care providers and community-based organizations for use in providing quality improvement activities to improve the quality and availability of child-care services.

(b) The executive commissioner by rule shall prescribe eligibility criteria for receipt of a grant under the program.

(c) In developing the program under this section, the executive commissioner shall adopt a list of quality improvement activities for which a provider or organization is eligible to receive funding through the program. The list of activities must include:

- (1) comprehensive consumer education encompassing:
 - (A) parent education programs;
 - (B) publication of quality indicators to evaluate child-care services;
 - (C) data collection regarding child-care and early childhood education programs; and
 - (D) parent referral services;
- (2) professional development activities for providers, including:
 - (A) training, educational materials, or technical assistance;
 - (B) scholarship information and assistance; and
 - (C) strategies to increase salaries or other forms of compensation;
- (3) teacher training programs, mentoring programs, or other programs or activities that promote early development of language, literacy, and mathematical skills in young children;
- (4) programs or activities that promote inclusive child care;
- (5) activities promoted by the Healthy Child Care America program and other activities designed to promote the social and emotional development of young children;
- (6) use of infant and toddler specialists to educate parents and provide training and technical assistance to child-care providers; and
- (7) other activities the department determines will increase parental choice and improve the quality and availability of child-care services.

(d) To the extent allowed by federal law, the department shall use federal child-care development funds transferred under Section 42.061 for the purposes of the program. The department may use other available funds for the purposes of the program.

(e) In developing the program, the executive commissioner shall ensure that the department administers the program in a manner that allows local providers and organizations to choose which of the quality improvement activities described by Subsection (c) the provider or organization wants to provide under the program.

(f) In awarding grants under the program, the department shall give priority to quality improvement activities for programs that serve infants and toddlers younger than three years of age.

(g) The department shall submit to the legislature an annual report regarding the operation of the program during the preceding year. At a minimum, the report must include the number and total amount of grants awarded by the department during the period covered by the report.

SECTION 2. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules necessary for the implementation of Section 42.062, Human Resources Code, as added by this Act.

Amendment No. 2 was withdrawn.

Representative Paxton moved to postpone consideration of **HB 2959** until 11 p.m. today.

The motion prevailed.

CSHB 3318 ON SECOND READING
(by B. Brown)

CSHB 3318, A bill to be entitled An Act relating to continuing education requirements for renewal of a structural pest control business license.

Amendment No. 1

Representative B. Brown offered the following amendment to **CSHB 3318**:

Amend **CSHB 3318**, on page 1, line 10, between "chapter" and the period, by inserting "by a license holder who holds only a structural pest control business license".

Amendment No. 1 was adopted.

Amendment No. 2

On behalf of Representative McReynolds, Representative Goodman offered the following amendment to **CSHB 3318**:

Amend **CSHB 3318**, on page 1 of the bill, between lines 15 and 16, by inserting the following:

(c) The continuing education requirements adopted under this section do not apply to a business license holder that operates solely as a wood treater that treats wood on property owned by the business license holder.

Amendment No. 2 was adopted.

CSHB 3318, 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, McCall, and Phillips recorded voting no.)

HB 3410 ON SECOND READING
(by Rose)

HB 3410, A bill to be entitled An Act relating to immunity from liability for certain civil actions and civil actions against sales agents.

Representative Rose moved to postpone consideration of **HB 3410** until 8 a.m. May 12.

The motion prevailed.

(Speaker in the chair)

HB 49 ON SECOND READING
(by T. Smith)

HB 49, A bill to be entitled An Act relating to the punishment prescribed for certain repeat intoxication offenders.

HB 49 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 2984 ON SECOND READING
(by West)

CSHB 2984, A bill to be entitled An Act relating to the composition of and use of money in the oil-field cleanup fund.

Amendment No. 1

Representative West offered the following amendment to **CSHB 2984**:

Amend **CSHB 2984** (House committee printing) on page 7, between lines 4 and 5, by inserting the following:

(f) Notwithstanding Subsection (d), the commission, in order to protect the public health or the environment, including water in the state, in the event of an emergency may spend money in the fund in a manner that is inconsistent with that subsection if the commission determines that the expenditure is necessary to prevent, abate, or control the discharge or potential discharge of hydrocarbons or oil and gas waste from a well. An expenditure of money under this subsection may not exceed \$100,000 unless the commission first approves the expenditure at an open meeting, including an open emergency meeting, held for the purpose of approving the expenditure. The chairman of the commission shall notify the presiding officer of the oil-field cleanup fund advisory committee of the expenditure of money under this subsection not later than 24 hours after the expenditure is made.

Amendment No. 1 was adopted.

LEAVE OF ABSENCE GRANTED

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

Corte on motion of Straus.

CSHB 2984 - (consideration continued)

Amendment No. 2

Representative Farabee offered the following amendment to **CSHB 2984**:

Amend **CSHB 2984** (House committee printing) as follows:

(1) Strike page 5, line 27, through page 6, line 2, and substitute the following:

(6) [(7)] the criteria used [method] by [which] the commission to determine the priority of expenditures of money in the fund [sets priorities by which it determines the order in which abandoned wells are plugged];

(7) the current list of orphaned wells and well-sites, and surface locations that require remediation, ranked in order of priority, and an anticipated schedule of when the plugging or remediation work will begin;

(2) On page 6, line 3, strike "(7) [(8)]" and substitute "(8)".

(3) On page 6, line 7, strike "~~(8) [(9)]~~" and substitute "(9)".

Amendment No. 2 was adopted.

CSHB 2984, 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 51 ON SECOND READING

(by T. Smith, Peña, et al.)

CSHB 51, A bill to be entitled An Act relating to the punishment prescribed for and conditions of community supervision imposed on certain persons who commit intoxication offenses.

Amendment No. 1

Representative T. Smith offered the following amendment to **CSHB 51**:

Amend **CSHB 51** by striking page 1, line 16 through page 2, line 8, and substituting:

SECTION 2. Section 13(i), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

Amendment No. 1 was adopted.

CSHB 51, 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 251 ON SECOND READING

(by Eissler)

CSHB 251, A bill to be entitled An Act relating to the release of certain information regarding a workers' compensation claim.

CSHB 251 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 661 ON SECOND READING

(by Branch, Flynn, Bonnen, Kolkhorst, Rodriguez, et al.)

HB 661, A bill to be entitled An Act relating to allowing designated public school libraries to participate in group purchasing agreements with the TexShare Library Consortium.

HB 661 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 2986 ON SECOND READING
(by West)

CSHB 2986, A bill to be entitled An Act relating to the informal resolution of certain proceedings conducted by the Railroad Commission of Texas.

Amendment No. 1

Representative Chisum offered the following amendment to **CSHB 2986**:

Amend **CSHB 2986** as follows:

(1) On page 4, line 13, between the period and "Discovery", insert "The railroad commission shall hold an administrative hearing and enter an order approving an existing rate or setting a new rate in a matter relating to a complaint about a gathering rate before the 186th day after the date the matter is set for an administrative hearing unless the parties to the matter agree to an extension."

(2) On page 9, line 7, after the period, insert "The commission shall hold an administrative hearing and enter an order approving an existing rate or setting a new rate in a matter relating to a complaint about a gathering rate before the 186th day after the date the matter is set for an administrative hearing unless the parties to the matter agree to an extension."

Amendment No. 1 was adopted.

Amendment No. 2

Representative J. Keffer offered the following amendment to **CSHB 2986**:

Amend **CSHB 2986** as follows:

(1) On page 1, lines 5 and 6, strike "is amended by adding Section 102.0055" and substitute "is amended by adding Sections 102.0055 and 102.0056".

(2) On page 1, line 8, between "section" and the comma, insert "and in Section 102.0056".

(3) On page 1, line 15, strike "does" and substitute "and Section 102.0056 do".

(4) On page 1, lines 21-22, strike "as provided by this section".

(5) On page 1, line 24, strike "An" and substitute "Except in an emergency or as otherwise necessary to consider interim relief, an".

(6) On page 2, line 1, after the period, insert "The informal resolution process must require the parties to a contested proceeding to elect one of the following:

(1) the alternative dispute resolution procedure under Section 102.0056;

(2) mediation under rules adopted by the railroad commission in conformance with Chapter 2009, Government Code; or

(3) mediation consistent with Chapter 154, Civil Practice and Remedies Code, with a mediator agreed on by all parties.

(d) If the parties to a contested proceeding cannot agree on an election under Subsection (c), the method described by Subsection (c)(3) shall be used.

(e) A gas utility shall reimburse the costs of a complainant in a contested proceeding to the extent the railroad commission determines reasonable if the complainant prevails before the railroad commission.

(f) Costs for which a prevailing complainant may receive reimbursement under this section include costs:

(1) related to the investigation, preparation, prosecution, and litigation of a matter before the railroad commission, such as the costs of consultants, accountants, auditors, attorneys, expert witnesses, and engineers; and

(2) that are not yet paid because payment has been deferred pending reimbursement by a gas utility.

(g) Notwithstanding any other provision of this title and except as provided by Subsection (h), a gas utility may not recover as or through a charge to the gas utility's customers any amount paid as reimbursement to a complainant under this section.

(h) A gas utility may recover through its rates its reasonable rate case expenses attributable to defending against a complaint in a contested proceeding, if the railroad commission finds the complaint to be frivolous or without significant merit. In making a determination under this section, the railroad commission shall consider:

(1) the nature and degree of the offense that is the object of the complaint; and

(2) the degree to which the complaint was shown to be justified.

(i) This section does not diminish or restrict the right of a municipality to obtain rate assistance and receive cost reimbursement under Section 103.022.

(7) On page 2, lines 2 and 3, strike "(d) The railroad commission shall require the parties to a contested proceeding to" and substitute "Sec. 102.0056. ALTERNATIVE DISPUTE RESOLUTION PROCEDURE. (a) The railroad commission shall require the parties to a contested proceeding electing alternative dispute resolution under this section to".

(8) From page 2, line 12, through page 4, line 19, reletter proposed Sections 102.0055(e)-(k), Utilities Code, as proposed Sections 102.0056(b)-(h), Utilities Code, and correct cross-references as necessary.

(9) From page 4, line 20, through page 6, line 8, strike proposed Subsections (l) and (m).

(10) On page 6, line 10, strike "is amended by adding Section 111.228" and substitute "is amended by adding Sections 111.228 and 111.229".

(11) On page 6, line 12, between "section" and the comma, insert "and in Section 111.229".

(12) On page 6, line 19, strike "does" and substitute "and Section 102.0056 do".

(13) On page 6, lines 23-24, strike "as provided by this section".

(14) On page 6, line 26, strike "An" and substitute "Except in an emergency or as otherwise necessary to consider interim relief, an".

(15) On page 7, line 1, after the period, insert "The informal resolution process must require the parties to a contested proceeding to elect one of the following:

(1) the alternative dispute resolution procedure under Section 111.229;
(2) mediation under rules adopted by the commission in conformance with Chapter 2009, Government Code; or

(3) mediation consistent with Chapter 154, Civil Practice and Remedies Code, with a mediator agreed on by all parties.

(d) If the parties to a contested proceeding cannot agree on an election under Subsection (c), the method described by Subsection (c)(3) shall be used.

(e) A public utility or pipeline facility shall reimburse the costs of a complainant in a contested proceeding to the extent the commission determines reasonable if the complainant prevails before the commission.

(f) Costs for which a prevailing complainant may receive reimbursement under this section include costs:

(1) related to the investigation, preparation, prosecution, and litigation of a matter before the commission, such as the costs of consultants, accountants, auditors, attorneys, expert witnesses, and engineers; and

(2) that are not yet paid because payment has been deferred pending reimbursement by a public utility or pipeline facility.

(g) Notwithstanding any other provision of this title and except as provided by Subsection (h), a public utility or pipeline facility may not recover as or through a charge to the public utility's or facility's customers any amount paid as reimbursement to a complainant under this section.

(h) A public utility or pipeline facility may recover through its rates its reasonable rate case expenses attributable to defending against a complaint in a contested proceeding if the commission finds the complaint to be frivolous or without significant merit. In making a determination under this section, the commission shall consider:

(1) the nature and degree of the offense that is the object of the complaint; and

(2) the degree to which the complaint was shown to be justified.

(i) This section does not diminish or restrict the right of a municipality to obtain rate assistance and receive cost reimbursement under Section 103.022.

(16) On page 7, lines 2 and 3, strike "(d) The commission shall require the parties to a contested proceeding to" and substitute "Sec. 111.229. ALTERNATIVE DISPUTE RESOLUTION PROCEDURE. (a) The commission shall require the parties to a contested proceeding electing alternative dispute resolution under this section to".

(17) From page 7, line 11 through page 9, line 10, reletter proposed Sections 111.228(e)-(k), Natural Resources Code, as proposed Sections 111.229(b)-(h), Natural Resources Code, and correct cross-references as necessary.

(18) From page 9, line 11, through page 10, line 25, strike proposed Subsections (l) and (m).

(Veasey now present)

Representative West moved to table Amendment No. 2.

A record vote was requested.

The motion to table was lost by (Record 583): 49 Yeas, 79 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Bohac; Bonnen; Callegari; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Gattis; Geren; Gonzales; Goodman; Goolsby; Haggerty; Hamric; Harper-Brown; Hartnett; Hegar; Hill; Howard; Jones, D.; Keel; Keffer, B.; King, T.; Krusee; Laubenberg; Madden; McReynolds; Nixon; Orr; Paxton; Phillips; Pitts; Reyna; Smith, T.; Smith, W.; Straus; Swinford; Talton; Taylor; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Alonzo; Anderson; Berman; Blake; Branch; Brown, B.; Brown, F.; Campbell; Casteel; Castro; Chavez; Chisum; Cook, B.; Cook, R.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gonzalez Toureilles; Griggs; Grusendorf; Guillen; Hamilton; Hardcastle; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hope; Hopson; Hunter; Hupp; Isett; Jones, J.; Keffer, J.; King, P.; Kolkhorst; Kuempel; Laney; Leibowitz; Martinez; McCall; McClendon; Menendez; Merritt; Moreno, P.; Morrison; Mowery; Naishtat; Noriega, M.; Oliveira; Otto; Peña; Pickett; Puente; Quintanilla; Raymond; Riddle; Ritter; Smithee; Solis; Thompson; Truitt; Turner; Uresti; Veasey; Villarreal; Vo.

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

Absent, Excused — Corte; Dunnam; Martinez Fischer.

Absent — Anchia; Bailey; Baxter; Burnam; Coleman; Edwards; Giddings; Hughes; Jackson; Luna; Miller; Olivo; Rodriguez; Rose; Seaman; Strama.

STATEMENT OF VOTE

When Record No. 583 was taken, I was in the house but away from my desk. I would have voted no.

Strama

Amendment No. 2 was adopted.

Amendment No. 3

Representative J. Keffer offered the following amendment to **CSHB 2986**:

Amend **CSHB 2986** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION _____. Section 102.151, Utilities Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) The gas utility shall file as part of the schedules required under Subsection (a):

- (1) maps showing receipt and delivery points on each pipeline facility;
- (2) rates for all bundled or unbundled services; and
- (3) the nature or type of service to which each rate applies.

(d) The information on schedules required to be filed under this section is:

- (1) not confidential; and
- (2) available for public inspection.

Amendment No. 3 was withdrawn.

Amendment No. 4

Representative J. Keffer offered the following amendment to **CSHB 2986**:

Amend **CSHB 2986** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION ____ . Subchapter C, Chapter 105, Utilities Code, is amended by adding Section 105.052 to read as follows:

Sec. 105.052. COST REIMBURSEMENT. (a) A gas utility shall reimburse the costs of a complainant in a proceeding filed under this title or under Subchapter G, Chapter 111, Natural Resources Code, to the extent the regulatory authority determines reasonable if the complainant prevails before a regulatory authority or a court.

(b) Costs for which a prevailing complainant may receive reimbursement under this section include costs:

(1) related to the investigation, preparation, prosecution, and litigation of a matter before a regulatory authority or court, such as the costs of consultants, accountants, auditors, attorneys, expert witnesses, and engineers; and

(2) that are not yet paid because payment has been deferred pending reimbursement by a gas utility.

(c) Notwithstanding any other provision of this title and except as provided by Subsection (d), a gas utility may not recover as or through a charge to the gas utility's customers any amount paid as reimbursement to a complainant under this section.

(d) A gas utility may recover through its rates its reasonable rate case expenses attributable to defending against a complaint under this title or under Subchapter G, Chapter 111, Natural Resources Code, if the regulatory authority finds the complaint to be frivolous or without significant merit. In making a determination under this section, the regulatory authority shall consider:

(1) the nature and degree of the offense that is the object of the complaint; and

(2) the degree to which the complaint was shown to be justified.

(e) This section does not diminish or restrict the right of a municipality to obtain rate assistance and receive cost reimbursement under Section 103.022.

Amendment No. 4 was withdrawn.

Amendment No. 5

Representative J. Keffer offered the following amendment to **CSHB 2986**:

Amend **CSHB 2986** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION _____. Section 102.151, Utilities Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) The gas utility shall file as part of the schedules required under Subsection (a):

(1) maps showing receipt and delivery points on each pipeline facility;

(2) rates for all bundled or unbundled services; and

(3) the nature or type of service to which each rate applies.

(d) The information on schedules required to be filed under this section is:

(1) not confidential; and

(2) available for public inspection.

Amendment No. 5 was adopted.

CSHB 2986, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero and Leibowitz recorded voting no.)

CSHB 726 ON SECOND READING

(by Berman)

CSHB 726, A bill to be entitled An Act relating to the exemption from ad valorem taxation of property owned by certain law enforcement officer associations.

CSHB 726 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 2470 ON SECOND READING

(by Delisi)

CSHB 2470, A bill to be entitled An Act relating to the operations of and the funding mechanisms for emergency medical services and trauma facility care in this state.

CSHB 2470 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: Anderson, Hughes, and Keel recorded voting no.)

HB 1484 ON SECOND READING

(by Talton)

HB 1484, A bill to be entitled An Act relating to the penalty for failing to perform certain duties following a vehicle accident.

HB 1484 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 1330 ON SECOND READING
(by Chisum)

CSHB 1330, A bill to be entitled An Act relating to the creation of a dispute resolution program for state building construction contracts.

Amendment No. 1

Representative Chisum offered the following amendment to **CSHB 1330**:

Amend **CSHB 1330** as follows:

1. On page 1, line 13, between "to" and "resolve", insert "avoid and".
2. On page 1, line 24, between "DISPUTE" and "RESOLUTION", insert "AVOIDANCE AND".
3. On page 2, line 2, between "to" and "resolve", insert "avoid and".
4. On page 2, line 4, between "dispute" and "resolution", insert "avoidance and".
5. On page 2, between lines 21 and 22, insert a new subsection (d) to read as follows:

(d) Only a party that is in a contractual relationship with the commission or using agency may use the resolution system under Subsection (b)(4).

6. On page 2, between lines 21 and 22, insert new sections 2166.066 and 2166.067 to read as follows and renumber the sections that follow appropriately:

Sec. 2166.606. PAYMENT OF CLAIM. (a) The commission or using agency shall pay the amount of a claim or part of a claim brought under this subchapter if a mediated or negotiated settlement is reached or a third party arbitrator or adjudicator finds, by a preponderance of the evidence, that under the laws of this state the claim or part of the claim is valid or that payment is due.

(b) The commission or using agency shall pay a claim under this subchapter from money appropriated to it. The amount negotiated, settled, or awarded shall be paid from money previously appropriated. If the previously appropriated amount is insufficient to pay the claim fully, the balance of the claim shall be paid:

(1) from money appropriated to the commission or using agency in its next appropriation; or

(2) if the commission or using agency:

(A) requests permission from the Legislative Budget Board to pay the balance of the claim from money previously appropriated; and

(B) the Legislative Budget Board gives its approval to pay the claim.

Sec. 2166.607. REPORT AND RECOMMENDATION TO THE STATE OFFICE OF ADMINISTRATIVE HEARINGS.

(a) The third party arbitrator or adjudicator shall issue a written report to the State Office of Administrative Hearings if:

(1) the third party arbitrator or adjudicator finds a claim is valid under 2166.606; and

(2) the commission has certified to the arbitrator or adjudicator that money previously appropriated to the commission or using agency is insufficient to pay the claim.

(b) The State Office of Administrative hearings shall submit all written reports received under this subchapter to the Legislature.

(c) A contractor may submit the decision of the arbitrator or adjudicator to the State Office of Administrative Hearings for reporting to the Legislature if the arbitrator, adjudicator, commission, or using agency has not done so by the 15th day after the arbitrator or adjudicator has reached a decision.

(d) If after the State Office of Administrative Hearings has submitted a report under section 2166.607(b), the commission or using agency pays in full or in part the balance of the claim under section 2166.606(b), the paying commission or using agency shall report to the Legislature the amount of the payment that was made.

7. On page 2, line 27, strike "2166.607" and substitute "2166.609"

8. On page 3, between lines 9 and 10, insert the following new section 2166.610, to read as follows:

Sec 2166.610. A state or local governmental entity may adopt by rule the program developed under this chapter for use on projects not covered by this subchapter.

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

CSHB 1330, 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.) (The vote was reconsidered later today, Amendment No. 1 was withdrawn, and **CSHB 1330** was passed to engrossment.)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Woolley requested permission for the Committee on Calendars to meet while the house is in session at 11 p.m. today in 3W.9 for a formal meeting to consider the calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 11 p.m. today, 3W.9, for a formal meeting, to consider the calendar.

CSHB 3057 ON SECOND READING (by Howard)

CSHB 3057, A bill to be entitled An Act relating to the number of hours worked by a part-time fire protection employee.

CSHB 3057 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 1047 ON SECOND READING
(by Chisum)

CSHB 1047, A bill to be entitled An Act relating to the offense of failing to certify compliance of an underground storage tank before accepting delivery of the regulated substance to be stored in the tank.

CSHB 1047 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 1037 ON SECOND READING
(by Isett)

CSHB 1037, A bill to be entitled An Act relating to the prosecution of the offense of unlawfully carrying a handgun, illegal knife, or club.

(Miller in the chair)

CSHB 1037 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 1584 ON SECOND READING
(by Casteel and Solomons)

CSHB 1584, A bill to be entitled An Act relating to requiring the operator of a vehicle storage facility to accept certain forms of payment for the delivery or storage of a vehicle.

CSHB 1584 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 1167 ON SECOND READING
(by Talton, Wong, Edwards, Dawson, Bailey, et al.)

CSHB 1167, A bill to be entitled An Act relating to the Texas Department of Housing and Community Affairs.

CSHB 1167 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of **CSHB 1167** under Rule 4, Section 18(a)(1) of the House Rules on the grounds that the committee minutes are incorrect.

(Speaker in the chair)

The speaker sustained the point of order.

The ruling precluded further consideration of **CSHB 1167**.

CSHB 1330 - VOTE RECONSIDERED

Representative Chisum moved to reconsider the vote by which **CSHB 1330** was passed to engrossment.

The motion to reconsider prevailed.

**CSHB 1330 ON SECOND READING
(by Chisum)**

CSHB 1330, A bill to be entitled An Act relating to the creation of a dispute resolution program for state building construction contracts.

Amendment No. 1 - Vote Reconsidered

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

The motion to reconsider prevailed.

Amendment No. 1 was withdrawn.

CSHB 1330 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 1238 ON SECOND READING
(by Paxton, Hughes, and Laubenberg)**

CSHB 1238, A bill to be entitled An Act relating to distribution of certain child support payments by the state disbursement unit.

CSHB 1238 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 1268 ON SECOND READING
(by Bohac)**

CSHB 1268, A bill to be entitled An Act relating to the information included on a voter registration application.

Amendment No. 1

Representative Naishtat offered the following amendment to **CSHB 1268**:

Amend **CSHB 1268** as follows:

- (1) On page 4, line 8, after the semicolon, insert "and".
- (2) On page 4, strike lines 9-12.
- (3) On page 4, line 13, strike "(14)" and substitute "(13)".

(Keel in the chair)

Amendment No. 1 was withdrawn.

CSHB 1268 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, Castro, Coleman, Herrero, Leibowitz, Menendez, M. Noriega, Puente, and Veasey recorded voting no.)

HB 2933 ON SECOND READING
(by Delisi and Isett)

HB 2933, A bill to be entitled An Act relating to standards of conduct for and conflicts of interest of state officers and employees.

(Speaker in the chair)

Amendment No. 1

Representative Callegari offered the following amendment to **HB 2933**:

Amend **HB 2933** as follows:

(1) On page 2, between lines 12 and 13, insert the following:

(c) The office of the attorney general shall develop and distribute a model policy that state agencies may use in adopting an agency ethics policy under Subsection (b). A state agency is not required to adopt the model policy developed under this subsection.

(2) On page 2, line 13, strike "(c)" and substitute "(d)".

(3) On page 2, between lines 14 and 15, insert the following:

(e) Not later than November 1, 2005, the office of the attorney general shall:

(1) develop a model ethics policy as required by Subsection (c); and

(2) distribute the policy to each state agency required to adopt an ethics policy under Subsection (b).

(4) On page 2, line 15, strike "(d)" and substitute "(f)".

(5) On page 2, line 20, strike "(e)" and substitute "(g)".

(6) On page 2, line 20, strike "Subsection (d)" and substitute "Subsections (e) and (f)".

Amendment No. 1 was adopted.

Amendment No. 1 - Vote Reconsidered

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

The motion to reconsider prevailed.

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Callegari offered the following amendment to **HB 2933**:

Amend **HB 2933** as follows:

(1) On page 2, between lines 12 and 13, insert the following:

(c) The office of the attorney general shall develop in coordination with the Ethics Commission and distribute a model policy that state agencies may use in adopting an agency ethics policy under Subsection (b). A state agency is not required to adopt the model policy developed under this subsection.

(2) On page 2, line 13, strike "(c)" and substitute "(d)".

(3) On page 2, between lines 14 and 15, insert the following:

(e) Not later than November 1, 2005, the office of the attorney general shall:

(1) develop a model ethics policy as required by Subsection (c); and

(2) distribute the policy to each state agency required to adopt an ethics policy under Subsection (b).

(4) On page 2, line 15, strike "(d)" and substitute "(f)".

(5) On page 2, line 20, strike "(e)" and substitute "(g)".

(6) On page 2, line 20, strike "Subsection (d)" and substitute "Subsections (e) and (f)".

Amendment No. 2 was adopted.

HB 2933, 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 1270 ON SECOND READING

(by Bohac)

HB 1270, A bill to be entitled An Act relating to the qualifications of a deputy voter registrar.

Amendment No. 1

Representative Alonzo offered the following amendment to **HB 1270**:

Amend **HB 1270** by adding the following appropriately numbered sections to the bill and renumbering the remaining sections of the bill appropriately:

SECTION _____. Section 13.033(b), Election Code, is amended to read as follows:

(b) If a person is to be appointed, the registrar shall prepare a certificate of appointment in duplicate containing:

(1) the date of appointment;

(2) the statement: "I, _____, Voter Registrar for _____ County, do hereby appoint _____ as a volunteer deputy registrar for _____ County.";

(3) the person's residence address;

(4) the person's voter registration number, if any;

(5) a statement that the term of the appointment expires December 31 of an even-numbered year; and

(6) a statement that the appointment terminates on the person's final conviction for an offense for failure to deliver a registration application and may terminate on the registrar's determination that the person violated Section 13.038(b) or failed to adequately review a registration application.

SECTION _____. Section 13.036(b), Election Code, is amended to read as follows:

(b) The registrar may terminate the appointment of a volunteer deputy registrar on a determination by the registrar that the volunteer deputy violated Section 13.038(b) or failed to adequately review a registration application as required by Section 13.039.

SECTION _____. Section 13.038, Election Code, is amended to read as follows:

Sec. 13.038. POWERS GENERALLY. (a) A volunteer deputy registrar may distribute voter registration application forms throughout the county and receive registration applications submitted to the deputy in person.

(b) In conducting the duties prescribed by this subchapter, a volunteer deputy registrar may not:

(1) harass, intimidate, or coerce any person; or

(2) refuse to:

(A) distribute voter registration applications;

(B) receive a completed voter registration application submitted to

the deputy; or

(C) provide assistance to any person who is eligible for registration as a voter in this state.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Chavez offered the following amendment to **HB 1270**:

Amend **HB 1270** on page 1, line 11, between "citizen" and the semicolon, by inserting "or be a member of the United States armed forces or the reserves of the United States armed forces, or be a veteran who served in the United States armed forces".

Representative Bohac moved to table Amendment No. 2.

A record vote was requested.

The motion to table prevailed by (Record 584): 71 Yeas, 64 Nays, 2 Present, not voting.

Yeas — Allen, R.; Baxter; Berman; Bohac; Bonnen; Brown, F.; Callegari; Casteel; Cook, B.; Crabb; Crownover; Dawson; Delisi; Denny; Driver; Eiland; Eissler; Elkins; Flynn; Gattis; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Harper-Brown; Hartnett; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Anderson; Bailey; Brown, B.; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Edwards; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren;

Giddings; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Hardcastle; Hegar; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Jones, J.; King, T.; Leibowitz; Luna; Martinez; McClendon; Menendez; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

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

Absent, Excused — Corte; Dunnam; Martinez Fischer.

Absent — Blake; Branch; Chisum; Goodman; Keffer, J.; Laney; McReynolds; Oliveira; Truitt.

STATEMENTS OF VOTE

When Record No. 584 was taken, I was in the house but away from my desk. I would have voted yes.

Branch

I was shown voting no on Record No. 584. I intended to vote yes.

B. Brown

HB 1270, 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: Castro, Chavez, Guillen, Herrero, Menendez, Raymond, and Villarreal recorded voting no.)

CSHB 867 ON SECOND READING

(by R. Allen)

CSHB 867, A bill to be entitled An Act relating to the registration and supervision of sex offenders; providing penalties.

Amendment No. 1

Representative R. Allen offered the following amendment to **CSHB 867**:

Amend **CSHB 867** (House Committee Printing), on page 53, by inserting the following between lines 9 and 10:

Art. 62.062. LIMITATION ON NEWSPAPER PUBLICATION. (a) Except as provided by Subsection (b), a local law enforcement authority may not publish notice in a newspaper or other periodical or circular concerning a person's registration under this chapter if the only basis on which the person is subject to registration is one or more adjudications of delinquent conduct.

(b) This article does not apply to a publication of notice under Article 62.056.

Amendment No. 1 was adopted.

Amendment No. 2

Representative R. Allen offered the following amendment to **CSHB 867**:

Amend **CSHB 867** (House Committee Printing) as follows:

(1) On page 80, line 25, between "discretion" and "to", insert "and jurisdiction".

(2) On page 81, line 5, between "state" and "and", insert ", regardless of whether the respondent is 18 years of age or older,".

Amendment No. 2 was adopted.

Amendment No. 3

Representative R. Allen offered the following amendment to **CSHB 867**:

Amend **CSHB 867** (House Committee Printing) as follows:

(1) On page 2, line 12, between "prostitution," and "43.25", insert "43.23 (Obscenity) if the offense is punishable under Subsection (h) of that section,".

(2) On page 53, line 25, strike "or".

(3) On page 54, line 11, strike the underlined period and substitute "; or".

(4) On page 54, between lines 11 and 12, insert the following:

"(5) an offense under Section 43.23, Penal Code, that is punishable under Subsection (h) of that section."

Amendment No. 3 was adopted.

Amendment No. 4

Representative R. Allen offered the following amendment to **CSHB 867**:

Amend **CSHB 867** (House Committee Printing) as follows:

(1) On page 6, strike lines 24-26 and substitute the following:

Art. 62.002. APPLICABILITY OF CHAPTER. (a) On or after September 1, 2005, a person, as a result of a reportable conviction or adjudication, has a duty to register under this chapter only if the person:

(1) had a duty to register:

(A) under this chapter at the time the person was convicted, received a grant of deferred adjudication, or was found to have engaged in delinquent conduct under the laws of this state as described by this chapter; or

(B) under the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice as a result of a conviction or adjudication of delinquent conduct under the laws of that jurisdiction or code, if the duty arose at the time the person was convicted or was found to have engaged in the delinquent conduct; or

(2) would have had a duty to register under this chapter at the time the person was convicted or was found to have engaged in delinquent conduct under the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice because the offense for which the person was convicted, or the offense based on which the person was found to have engaged in delinquent conduct, contains elements that are substantially similar to the elements of an offense requiring registration under this chapter.

(b) Subsection (a) does not affect:

(1) the authority of a court, the Board of Pardons and Paroles, or the Texas Youth Commission to require a person to register under this chapter as a condition of parole, release to mandatory supervision, community supervision, or juvenile probation; or

(2) the duties of a person who is required to register under this chapter as a condition of parole, release to mandatory supervision, community supervision, or juvenile probation.

(2) On page 6, line 27, strike "(b)" and substitute "(c)".

(3) On page 6, line 27, strike "Subsection (c)" and substitute "Subsection (d)".

(4) On page 7, line 8, strike "(c)" and substitute "(d)".

(5) In ARTICLE 3 of the bill, insert the following appropriately numbered SECTION of the bill and renumber subsequent SECTIONS accordingly:

SECTION 3. _____. The following laws are repealed:

(1) Section 11, Chapter 668, Acts of the 75th Legislature, Regular Session, 1997; and

(2) Section 26, Chapter 1415, Acts of the 76th Legislature, Regular Session, 1999.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Leibowitz offered the following amendment to **CSHB 867**:

Amend **CSHB 867** by adding the following appropriately numbered article and renumbering the subsequent articles of the bill accordingly:

ARTICLE _____. PROXIMITY OF RESIDENCE TO SCHOOL

SECTION __.01. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.024 to read as follows:

Sec. 38.024. CERTAIN PERSONS PROHIBITED FROM RESIDING NEAR SCHOOL. (a) This section applies only to a person who is:

(1) required to register as a sex offender under Chapter 62, Code of Criminal Procedure, because of a reportable conviction or adjudication involving a victim younger than 17 years of age; or

(2) civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code, and subject to outpatient treatment and supervision under that chapter.

(b) A person to whom this section applies may not reside within 1,500 feet of a public or private school campus, as measured in a straight line from the nearest property line of the residence to the nearest property line of the campus.

(c) A person to whom this section applies who resides within 1,500 feet of a school campus may remain at the person's residence if:

(1) the person resided at the residence on September 1, 2005; or

(2) the person is residing at the residence at the time that the campus is established or extended to within 1,500 feet of the residence.

(d) For each person described by Subsection (c) who remains at the residence, the state, county, or local law enforcement agency with the primary responsibility of registering or supervising the person shall provide written

notice, including the person's address and a recent photograph of the person, to the appropriate public or private school campus not later than the first day of instruction each school year.

(e) A person to whom this section applies commits an offense if the person violates this section. The punishment for an offense under this subsection is a felony of the third degree and is considered to be a conviction of an offense under Article 62.102, Code of Criminal Procedure, for purposes of enhancement under Subsection (c) of that article.

SECTION __.02. The change in law made by Section 38.024, Education Code, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

Amendment No. 5 - Point of Order

Representative R. Allen raised a point of order against further consideration of Amendment No. 5 under Rule 11, Section 2 of the House Rules on the grounds that it is not germane to the bill.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 5.

Amendment No. 4 - Vote Reconsidered

Representative Uresti moved to reconsider the vote by which Amendment No. 4 was adopted.

The motion to reconsider prevailed.

Amendment No. 4 was withdrawn.

CSHB 867, 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, Hopson, Menendez, Solomons, and Talton recorded voting no.)

POSTPONED BUSINESS

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

CSHB 2201 ON SECOND READING

(by Hughes, Hopson, R. Cook, Kolkhorst, Homer, et al.)

CSHB 2201, A bill to be entitled An Act relating to implementing a clean coal project in this state.

CSHB 2201 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Hughes offered the following amendment to **CSHB 2201**:

Amend **CSHB 2201** (committee printing) as follows:

(1) On page 7, line 10, between "technology" and the underscored semicolon, insert "in a manner that meets the FutureGen project profile".

(2) On page 7, line 13, between "facility" and "in", insert "in a manner that meets the FutureGen project profile".

(3) On page 7, line 17, between "recovery" and the underscored comma, insert "in a manner that meets the FutureGen project profile".

(4) On page 7, line 22, strike "in order to complete" and substitute "to perform the sampling, analysis, or research necessary to submit".

(5) On page 8, strike lines 7-27 and on page 9, strike lines 1-7 and substitute:

SECTION 6. Subchapter M, Chapter 5, Water Code, is amended by adding Section 5.558 to read as follows:

Sec. 5.558. CLEAN COAL PROJECT PERMITTING PROCEDURE. (a) The United States Department of Energy may specify the FutureGen emissions profile for a project in that department's request for proposals or request for a contract. If the United States Department of Energy does not specify in a request for proposals or a request for a contract the FutureGen emissions profile, the profile means emissions of air contaminants at a component of the FutureGen project that equal not more than:

(1) one percent of the average sulphur content of the coal or coals used for the generation of electricity at the component;

(2) 10 percent of the average mercury content of the coal or coals used for the generation of electricity at the component;

(3) 0.05 pounds of nitrogen oxides per million British thermal units of energy produced at the component; and

(4) 0.005 pounds of particulate matter per million British thermal units of energy produced at the component.

(b) As authorized by federal law, the commission by rule shall implement reasonably streamlined processes for issuing permits required to construct a component of the FutureGen project designed to meet the FutureGen emissions profile.

(c) When acting under a rule adopted under Subsection (b), the commission shall use public meetings, informal conferences, or advisory committees to gather the opinions and advice of interested persons.

(d) A permit proceeding under the rules adopted under Subsection (b) is not a contested case hearing under Chapter 2001, Government Code, and is not subject to contested case hearing requirements of this chapter or Chapter 382, Health and Safety Code.

(e) This section does not apply to an application for a permit to construct or modify a new or existing coal-fired electric generating facility that will use pulverized or supercritical pulverized coal.

SECTION 7. Section 16.053, Water Code, is amended by adding Subsection (r) to read as follows:

(r) The board by rule shall provide for reasonable flexibility to allow for a timely amendment of a regional water plan, the board's approval of an amended regional water plan, and the amendment of the state water plan, to facilitate planning for water supplies reasonably required for a clean coal project, as defined by Section 5.001. The rules may allow for amending a regional water plan without providing notice and without a public meeting or hearing under Subsection (h) if the amendment does not:

(1) significantly change the regional water plan, as reasonably determined by the board; or

(2) adversely affect other water management strategies in the regional water plan.

(6) On page 9, strike lines 16-23 and substitute:
by federal law, into a reservoir productive of oil, gas, or geothermal resources by a Class II injection well, or by a Class I injection well if required by federal law.

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

SECTION _____. Subchapter B, Chapter 27, Water Code, is amended by adding Section 27.022 to read as follows:

Sec. 27.022. JURISDICTION OVER CARBON DIOXIDE INJECTION. The commission has jurisdiction over injection of carbon dioxide produced by a clean coal project, to the extent authorized by federal law, into a zone that is below the base of usable quality water and that is not productive of oil, gas, or geothermal resources by a Class II injection well, or by a Class I injection well if required by federal law.

(8) On page 10, line 1, strike "Section 5.558" and substitute "Sections 5.558 and 27.022".

Amendment No. 2

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

Amend Amendment No. 1 to **CSHB 2201** by Hughes on page 2 of the amendment, by striking lines 14-18 and substituting the following:

(d) For the purposes of Subsection (b), a permit application submitted under this section that meets the emission standards described by Subsection (a) is deemed to be the recommendation of the executive director of the commission, and after a public meeting described by Subsection (c), shall be forwarded to the state office of administrative hearings for a contested case hearing.

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

Amendment No. 3

Representative Hughes offered the following amendment to **CSHB 2201**:

Amend **CSHB 2201** by adding a new SECTION, numbered appropriately, to read as follows:

SECTION ____ Subchapter C, Chapter 27, Water Code, is amended by adding Section 27.039 to read as follows:

Sec. 27.039. RESERVOIR CHARACTERIZATION, REMEDIATION, AND MONITORING FOR CARBON DIOXIDE SEQUESTRATION PERMIT.

(a) The railroad commission by rule shall establish procedures, techniques, and standards for reservoir characterization, monitoring, and remediation for carbon dioxide sequestration.

(b) The railroad commission shall require four-dimensional reservoir characterization of a proposed reservoir for carbon dioxide sequestration before the commission issues a permit for injecting carbon dioxide. The railroad commission may issue the permit only if the reservoir characterization demonstrates that the reservoir proposed for the sequestration is capable of retaining 90 percent of the carbon dioxide to be injected under the permit for a period of at least 100 years.

(c) The railroad commission by rule shall establish a program for detecting and monitoring surface leakage of injected carbon dioxide from a permitted sequestration project by measuring carbon dioxide pressure and concentration in the reservoir.

(d) The railroad commission by rule shall require a permitted carbon dioxide sequestration project to sequester an additional amount of carbon dioxide that is equal to the amount of carbon dioxide that leaks from the project. The additional sequestration must be completed before the first anniversary of the detection of the leak.

Amendment No. 3 was adopted.

CSHB 2201, 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 2959 ON SECOND READING **(by Paxton)**

HB 2959, A bill to be entitled An Act relating to the use of federal child care and development block grant funds by local workforce development boards.

HB 2959 was read second time earlier today, amended, and was postponed until this time.

Amendment No. 3

Representative Villarreal offered the following amendment to **HB 2959**:

Amend **HB 2959** as follows:

SECTION 1. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Sections 42.061 and 42.062 to read as follows:

Sec. 42.061. USE OF CERTAIN DEDICATED CHILD-CARE FUNDS.
(a) If the state is required to dedicate more than four percent of the amount of federal child-care development funds for the purposes provided by 42 U.S.C.

Section 9858e, the Texas Workforce Commission, unless otherwise required by federal law and notwithstanding any other state law, shall ensure that any amount of the dedicated funds in excess of four percent is used to establish and implement the grant program for quality improvement activities under Section 42.062.

(b) The Texas Workforce Commission shall enter into a memorandum of understanding with the department under which:

(1) the commission transfers the dedicated funds in excess of four percent as described by Subsection (a) to the department; and

(2) the department uses the transferred funds to implement the grant program for quality improvement activities under Section 42.062.

Sec. 42.062. QUALITY IMPROVEMENT ACTIVITIES FOR CHILD-CARE SERVICES. (a) Subject to the availability of funds under Section 42.061 or from another source, the executive commissioner by rule shall establish a program under which the department awards grants to child-care providers and community-based organizations for use in providing quality improvement activities to improve the quality and availability of child-care services.

(b) The executive commissioner by rule shall prescribe eligibility criteria for receipt of a grant under the program.

(c) In developing the program under this section, the executive commissioner shall adopt a list of quality improvement activities for which a provider or organization is eligible to receive funding through the program. The list of activities must include:

(1) comprehensive consumer education encompassing:

(A) parent education programs;

(B) publication of quality indicators to evaluate child-care services;

(C) data collection regarding child-care and early childhood education programs; and

(D) parent referral services;

(2) professional development activities for providers, including:

(A) training, educational materials, or technical assistance;

(B) scholarship information and assistance; and

(C) strategies to increase salaries or other forms of compensation;

(3) teacher training programs, mentoring programs, or other programs or activities that promote early development of language, literacy, and mathematical skills in young children;

(4) programs or activities that promote inclusive child care;

(5) activities promoted by the Healthy Child Care America program and other activities designed to promote the social and emotional development of young children;

(6) use of infant and toddler specialists to educate parents and provide training and technical assistance to child-care providers; and

(7) other activities the department determines will increase parental choice and improve the quality and availability of child-care services.

(d) To the extent allowed by federal law, the department shall use federal child-care development funds transferred under Section 42.061 for the purposes of the program. The department may use other available funds for the purposes of the program.

(e) In developing the program, the executive commissioner shall ensure that the department administers the program in a manner that allows local providers and organizations to choose which of the quality improvement activities described by Subsection (c) the provider or organization wants to provide under the program.

(f) In awarding grants under the program, the department shall give priority to quality improvement activities for programs that serve infants and toddlers younger than three years of age.

(g) The department shall submit to the legislature an annual report regarding the operation of the program during the preceding year. At a minimum, the report must include the number and total amount of grants awarded by the department during the period covered by the report.

SECTION 2. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules necessary for the implementation of Section 42.062, Human Resources Code, as added by this Act.

Amendment No. 4

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

Amend Amendment No. 3 by Villarreal as follows:

(1) On page 1, beginning on line 13, strike "any amount of the dedicated funds in excess of four percent is" and insert "the additional quality money required will be".

(2) On page 3, beginning in line 5, strike subsection (5) and insert the following:

(5) activities promoted by the State Center for Early Childhood Development and other activities designed to promote the school readiness of young children".

Amendment No. 4 was adopted.

Amendment No. 3, as amended, was adopted.

HB 2959, 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.)

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

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

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Energy Resources is cancelled.

County Affairs will still meet at 8 a.m. in the regular posted meeting place.

The Border and International Affairs meeting scheduled for May 11 is cancelled.

Public Health, upon adjournment of Legislative Day 66, May 11, E2.036, for a public hearing, to consider previously posted agenda items.

MESSAGE FROM THE SENATE

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

PROVIDING FOR ADJOURNMENT

Representative Farabee moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. today in memory of Frank Bohn of Wichita Falls.

The motion prevailed.

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List Nos. 1 and 2.)

(Taylor in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 12:59 a.m., adjourned until 10 a.m. today.

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 3591 (By B. Brown), Relating to the creation of Kaufman County Water Control and Improvement District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

SB 95 to Higher Education.

SB 185 to Border and International Affairs.

SB 309 to Criminal Jurisprudence.

SB 333 to Higher Education.

SB 356 to Urban Affairs.

SB 410 to Public Health.

SB 422 to Public Education.

SB 426 to Public Education.

SB 504 to Civil Practices.

SB 642 to Transportation.

SB 696 to Law Enforcement.

SB 760 to Local Government Ways and Means.

SB 768 to County Affairs.

SB 828 to Local Government Ways and Means.

SB 831 to Economic Development.

SB 837 to Criminal Jurisprudence.

SB 918 to Licensing and Administrative Procedures.

SB 921 to Transportation.

SB 952 to Juvenile Justice and Family Issues.

SB 978 to Judiciary.

SB 1038 to State Affairs.

SB 1152 to Juvenile Justice and Family Issues.

SB 1166 to Energy Resources.

SB 1201 to State Affairs.

SB 1450 to Judiciary.

SB 1504 to Culture, Recreation, and Tourism.

SB 1547 to Government Reform.

SB 1549 to Criminal Jurisprudence.

SB 1597 to Judiciary.

SB 1644 to Government Reform.

SB 1665 to Environmental Regulation.
SB 1692 to Licensing and Administrative Procedures.
SB 1697 to Insurance.
SB 1726 to Natural Resources.
SB 1738 to Insurance.
SB 1786 to Transportation.
SB 1797 to Natural Resources.
SB 1800 to Natural Resources.
SB 1801 to Natural Resources.
SB 1802 to Natural Resources.
SB 1803 to Natural Resources.
SB 1804 to Natural Resources.
SB 1805 to Urban Affairs.
SB 1806 to Urban Affairs.
SB 1807 to Natural Resources.
SB 1808 to Natural Resources.
SB 1810 to Natural Resources.
SB 1811 to Natural Resources.
SB 1813 to Urban Affairs.
SB 1814 to Urban Affairs.
SB 1823 to Natural Resources.
SB 1829 to Insurance.
SB 1843 to Urban Affairs.
SB 1846 to County Affairs.
SB 1855 to Natural Resources.
SB 1860 to Urban Affairs.
SB 1865 to Natural Resources.
SB 1866 to Urban Affairs.
SB 1875 to Judiciary.
SB 1876 to Natural Resources.
SB 1880 to Urban Affairs.
SB 1884 to Natural Resources.
SCR 21 to State Affairs.

List No. 2

HR 1435 (By Chavez), Honoring El Paso Writers' League president Donna Munch.

To Rules and Resolutions.

HR 1436 (By Chavez), Honoring El Paso native Rudy Tellez for his career and accomplishments in television.

To Rules and Resolutions.

HR 1437 (By Chavez), Honoring Wayne Weaver of El Paso for his commitment to animal rescue.

To Rules and Resolutions.

HR 1438 (By Chavez), Honoring Monica Saenz of Houston for being named the 2005 Young Engineer of the Year by the Society of Women Engineers–Houston Area.

To Rules and Resolutions.

HR 1439 (By Chavez), Honoring Bill Barry of El Paso for his achievements in the sport of running.

To Rules and Resolutions.

HR 1440 (By Chavez), Honoring University of Texas at El Paso senior defensive tackle Chris Mineo for making the 36th Rotary Lombardi Award watch list.

To Rules and Resolutions.

HR 1441 (By Chavez), Honoring Tressa Yocum of El Paso for her athletic achievements.

To Rules and Resolutions.

HR 1442 (By Chavez), Honoring Patricia Arellano of El Paso for her accomplishments as a teacher.

To Rules and Resolutions.

HR 1443 (By Chavez), Honoring Selena Renee Solis of El Paso for her heroism.

To Rules and Resolutions.

HR 1444 (By Chavez), Honoring Ingrid Phillips of El Paso for her exceptional volunteerism.

To Rules and Resolutions.

HR 1445 (By Chavez), In memory of Isadore J. Kahn of El Paso.

To Rules and Resolutions.

HR 1446 (By Chavez), Honoring Betty Barrie on her myriad achievements and congratulating her on her continued participation in the El Paso Senior Games.

To Rules and Resolutions.

HR 1447 (By Chavez), Honoring Cruz Hernandez and Javier Martinez of El Paso for their heroism.

To Rules and Resolutions.

HR 1448 (By Chavez), Honoring Sam Casper of El Paso on the occasion of his retirement.

To Rules and Resolutions.

HR 1449 (By Callegari), In memory of Joseph Joaquin Harvey III of Houston.

To Rules and Resolutions.

HR 1450 (By Bailey), Honoring La Rosa Family Services of Houston on its 10th anniversary.

To Rules and Resolutions.

HR 1452 (By B. Cook), In memory of Olin Nickleberry of Corsicana.

To Rules and Resolutions.

HR 1453 (By Corte), Welcoming the Friendship Force Club of Manawatu, New Zealand, to San Antonio.

To Rules and Resolutions.

HR 1454 (By Hamric and Woolley), In memory of Allene Barr White of Temple.

To Rules and Resolutions.

HR 1455 (By Olivo), Congratulating Willie Thomas of Booth on his induction into the Texas Rodeo Cowboy Hall of Fame.

To Rules and Resolutions.

HR 1457 (By Peña), In memory of Alicia Alamia Rodriguez of Edinburg.

To Rules and Resolutions.

HR 1458 (By Peña), Honoring Vanessa Alejandro of Edinburg for her first place finish in the 2004 national mariachi competition held at Walt Disney World.

To Rules and Resolutions.

HR 1459 (By Peña), Honoring the Edcouch-Elsa High School football team for its outstanding 2004 season.

To Rules and Resolutions.

HR 1460 (By Peña), Honoring Dr. Robert Reeve for his contributions to The University of Texas–Pan American.

To Rules and Resolutions.

HR 1461 (By Peña), Honoring Raul Yzaguirre for his receipt of the 2005 Tejano Democrats Lifetime Achievement Award.

To Rules and Resolutions.

HR 1462 (By Peña), Honoring Mariachi Primer Orgullo of Edinburg High School on its achievements.

To Rules and Resolutions.

HR 1463 (By Peña), Honoring U.S. Army Specialist Juan Manuel Arevalo for his unwavering service to his country.

To Rules and Resolutions.

HR 1468 (By Flynn), Recognizing the Texas A&M–Commerce Lady Lions soccer team for winning the 2004 Lone Star Conference tournament championship.

To Rules and Resolutions.

HR 1469 (By Bailey), Honoring the Macedonia Outreach Center on its many contributions to the citizens of Houston.

To Rules and Resolutions.

HR 1470 (By Kuempel), Honoring Doris Graves Reynolds of Uvalde on her 80th birthday.

To Rules and Resolutions.

HR 1471 (By Goolsby), In memory of Iris Alicia Pryor Mathews Mashburn of De Kalb.

To Rules and Resolutions.

HR 1472 (By Goolsby), In memory of Deborah Wester Jacob of Dallas.

To Rules and Resolutions.

HR 1474 (By Quintanilla), In memory of Francisco Acuna of Clint.

To Rules and Resolutions.

HR 1475 (By Quintanilla), Congratulating Albert and Margie Perez on the occasion of their 30th wedding anniversary.

To Rules and Resolutions.

HR 1476 (By Quintanilla), In memory of Barbara Contreras of Fabens.

To Rules and Resolutions.

HR 1477 (By Quintanilla), In memory of Jennifer Crystal Chavez of El Paso.

To Rules and Resolutions.

HR 1478 (By Gonzales), In memory of Hermes Villarreal of San Juan.

To Rules and Resolutions.

HR 1479 (By Ritter), In memory of W. C. "Wib" Walker of Austin.

To Rules and Resolutions.

HR 1481 (By Frost), In memory of Enos Raymond Presley of Atlanta.

To Rules and Resolutions.

HR 1482 (By Kolkhorst), Recognizing May 1-7, 2005, as Texas Correctional Officers Week.

To Rules and Resolutions.

HR 1483 (By Bohac), Honoring Spring Woods High School of Houston on the occasion of its 40th anniversary.

To Rules and Resolutions.

HR 1484 (By Farabee), Congratulating Marcos Lopez on being named the 2005 Youth of the Year by the Boys and Girls Clubs of Wichita Falls.

To Rules and Resolutions.

HR 1485 (By Hilderbran), Honoring Harley Steele of San Antonio for her perseverance in her efforts to attend the presidential inauguration in Washington, D.C., in January 2005.

To Rules and Resolutions.

HR 1486 (By Hilderbran), In memory of Brenda Kaye York Butler of Austin and Brackettville.

To Rules and Resolutions.

HR 1487 (By Hilderbran), Honoring the members of the D. P. Smith family of Llano for their contributions to the cattle industry.

To Rules and Resolutions.

HR 1489 (By Herrero), Congratulating the Texas A&M University–Corpus Christi Islander Democrats on receiving the school's Student Affairs' Organization of the Year Award in 2005.

To Rules and Resolutions.

HR 1491 (By J. Jones, Anderson, and Dunnam), Honoring Darold Williamson for his success at the 2004 Athens Olympic Games.

To Rules and Resolutions.

HR 1492 (By J. Jones, Anderson, and Dunnam), Honoring Jeremy Wariner of Baylor University for his exceptional achievements in track and field competition.

To Rules and Resolutions.

HR 1493 (By McCall), Recognizing Schimelpfenig Middle School in Plano on the 25th anniversary of its founding.

To Rules and Resolutions.

HR 1494 (By McCall), Congratulating Nikhil Koganti on winning the 47th annual The Dallas Morning News Regional Spelling Bee.

To Rules and Resolutions.

HR 1495 (By McCall), Congratulating Matt Ockwood on being named corps commander at Texas A&M University.

To Rules and Resolutions.

HR 1496 (By McCall), Recognizing the dedication of the Allan K. and Carolyn H. Bird Education Center in Plano.

To Rules and Resolutions.

HR 1497 (By McCall), Honoring Erin Bedell of Plano West High School for her participation in the 33rd Annual IAAF World Cross Country Championships.

To Rules and Resolutions.

HR 1498 (By McCall), In memory of James Alexander "Jim" Lyell of Plano.

To Rules and Resolutions.

HR 1499 (By Keel), Honoring the members of the James Bowie High School Outdoor Performing Ensemble of Austin on their victory at the 2004 Fiesta Bowl National Band Championship and their record of achievement.

To Rules and Resolutions.

HR 1500 (By Quintanilla), In memory of Manuel B. Vigil of El Paso.

To Rules and Resolutions.

HR 1501 (By Quintanilla), In memory of Eduardo Martinez of Clint.

To Rules and Resolutions.

HR 1502 (By Quintanilla), In memory of Saridivanna Franco and Sergio Franco of El Paso.

To Rules and Resolutions.

HR 1503 (By Hamilton), Honoring R. D. "Bo" Welborn on his selection as president of the State Firemen's and Fire Marshals' Association of Texas.

To Rules and Resolutions.

HR 1504 (By Hamilton), Honoring Ashley Watson of Vidor High School for her exceptional performance at the Texas High School Women's Powerlifting Association state championships in Killeen.

To Rules and Resolutions.

HR 1505 (By Casteel), In memory of Carlin Dale Wicker of Fredericksburg.

To Rules and Resolutions.

HR 1506 (By Casteel), Honoring Texas Air National Guard Major Scott Galliardt of Boerne for his service to his country and for his contributions in behalf of his fellow soldiers.

To Rules and Resolutions.

HR 1507 (By P. King), Commending Dr. Tom Annunziato for his exceptional service as an optometrist and a community leader.

To Rules and Resolutions.

HR 1508 (By Wong), Commending all associated with the celebration of "A Mosaic of Israeli Music" hosted by the Consul General of Israel to the Southwest on the occasion of the 57th anniversary of Israel's independence.

To Rules and Resolutions.

HR 1510 (By Truitt), Congratulating Todd Dodge of Southlake Carroll High School on being named the Adams USA National Head Coach of the Year.

To Rules and Resolutions.

HR 1511 (By Escobar and Alonzo), In memory of Laura Canales of Kingsville, "La Reina de la Onda Tejana."

To Rules and Resolutions.

HR 1512 (By Bailey), Commending Aditi Sheth on her service as an intern on the staff of State Representative Kevin Bailey.

To Rules and Resolutions.

HR 1513 (By Dunnam), Honoring Texas State Technical College on the occasion of its 40th anniversary.

To Rules and Resolutions.

HR 1514 (By Dunnam), Honoring the Brazos Higher Education Authority, Inc., on its 30th anniversary.

To Rules and Resolutions.

HR 1515 (By Keel), Honoring the students of Kiker Elementary School in Austin for their generosity in behalf of troops serving in Iraq.

To Rules and Resolutions.

HR 1516 (By Dutton), Honoring Dr. M. L. Jackson on his 47th pastoral anniversary with Bethlehem Missionary Baptist Church of Houston.

To Rules and Resolutions.

HR 1517 (By Dutton), Congratulating the members of the eighth-grade class of Northwest Preparatory Academy Charter School of Houston on the occasion of their graduation.

To Rules and Resolutions.

HR 1518 (By Flynn), Honoring Dr. Ben Bratcher, Truman Oakley, Pat May, Monte Clearman, Craig Ham, Matthew Daniel, and Cary Chastain for their efforts to help prevent the spread of AIDS in Swaziland.

To Rules and Resolutions.

HR 1519 (By Farabee), Commemorating the 10th anniversary of the founding of the James V Allred Unit of the Texas Department of Criminal Justice.

To Rules and Resolutions.

HR 1520 (By Hunter, Goolsby, M. Noriega, Griggs, and McReynolds), Honoring David Leeson on his receipt of a 2004 Pulitzer Prize for his photojournalistic coverage of the invasion of Iraq.

To Rules and Resolutions.

HR 1521 (By Hughes), Congratulating Wayland Sessions, Sr., and Betty Hendrix Sessions of Quitman on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1522 (By Hughes), Honoring Paul and Betty Bozeman of Quitman on the occasion of their 50th wedding anniversary.

To Rules and Resolutions.

HR 1523 (By Hughes), Honoring Winona McQuaid of Hawkins on her 100th birthday.

To Rules and Resolutions.

HR 1524 (By Hughes), Honoring Roosevelt and Thelma Triplett of Quitman on the occasion of their 50th wedding anniversary.

To Rules and Resolutions.

HR 1525 (By Hughes), Congratulating Justin Lookadoo of Mineola on his accomplishments as a motivational speaker and author.

To Rules and Resolutions.

HR 1526 (By Hunter), Congratulating Angela and Jason Hindman on the birth of their daughter, Helen Noel Hindman.

To Rules and Resolutions.

HR 1527 (By Hunter), In memory of Catherine Morrison Benson.

To Rules and Resolutions.

HR 1528 (By Goolsby), Honoring Jim Lehrer for his outstanding career as a television news anchor and writer.

To Rules and Resolutions.

HR 1529 (By Uresti), Congratulating University of Texas at San Antonio student Rudy Garza of Adkins on his acceptance into the Joint Admission Medical Program.

To Rules and Resolutions.

HR 1530 (By Uresti), In memory of Ezequiel Uresti of San Antonio.

To Rules and Resolutions.

HR 1531 (By Uresti), Commending Jose M. Lopez of San Antonio for his heroism during World War II.

To Rules and Resolutions.

HR 1532 (By Uresti), In memory of Ann D. Nash of Elmendorf.

To Rules and Resolutions.

HR 1533 (By Veasey), Honoring the Corsicana Chapter of the Huston-Tillotson University International Alumni Association on being named the 2005 Chapter of the Year.

To Rules and Resolutions.

HR 1534 (By Naishtat), In memory of Jesse Chambers of Austin.

To Rules and Resolutions.

HR 1535 (By Madden, Denny, Krusee, and Turner), Recognizing Southwestern University's Texas Legislative Politics Internship Program on its 40th anniversary and commending the 2005 student interns.

To Rules and Resolutions.

HR 1536 (By Escobar), Honoring Dr. John Phillip Toelkes, veterinarian of the King Ranch, on his professional accomplishments.

To Rules and Resolutions.

HR 1537 (By Paxton), Honoring the first graduating class of the Youth Leadership Frisco training program.

To Rules and Resolutions.

HR 1538 (By Paxton), Commending the students, staff, and faculty of Story Elementary School in Allen for their efforts in behalf of the Liebo family.

To Rules and Resolutions.

HR 1539 (By Paxton), Congratulating the McKinney High School girls' soccer team for winning the 2005 Class 4A state championship.

To Rules and Resolutions.

HR 1540 (By Paxton), Honoring Citizenship McKinney, McKinney Youth Leadership, and Northern Collin County Leadership for their contributions to the residents of North Texas.

To Rules and Resolutions.

HR 1541 (By Paxton), Honoring Todd Hamilton of McKinney for winning the 2004 British Open.

To Rules and Resolutions.

HR 1542 (By Quintanilla), In memory of Maria N. Quintanilla of Tornillo.

To Rules and Resolutions.

HR 1543 (By Quintanilla), In memory of Tomas Quintanilla of Tornillo.

To Rules and Resolutions.

HR 1544 (By Dunnam), Congratulating Frank Dickson of Waco on his 2005 induction into the Texas High School Football Hall of Fame.

To Rules and Resolutions.

HR 1545 (By Kuempel), Honoring the legacy of the American Quarter Horse Association foundation sire Gonzales Joe Bailey.

To Rules and Resolutions.

HR 1546 (By Hughes), Honoring Ray Lawson on being named Marshall's 2004 Outstanding Citizen.

To Rules and Resolutions.

HR 1547 (By Hughes), Honoring Mineola for its designation as a Preserve America community.

To Rules and Resolutions.

HR 1548 (By McClendon), Congratulating Chase Cannon of San Antonio on his receipt of the Best of Texas Award from the Texas Career and Technology Council.

To Rules and Resolutions.

HR 1549 (By McClendon), Congratulating Betzaida Morales of San Antonio on her receipt of the Best of Texas Award from the Texas Career and Technology Council.

To Rules and Resolutions.

HR 1550 (By Goodman), Honoring Marie Marshall of Wichita Falls on her 100th birthday.

To Rules and Resolutions.

HR 1551 (By Dutton), Honoring Phi Delta Kappa, Inc., and its Delta Chi Chapter in Houston on the occasion of the groups' Founder's Day observance.

To Rules and Resolutions.

HR 1552 (By Bailey), Honoring Atma Kabad of Houston for his work as a legislative intern for State Representative Kevin Bailey.

To Rules and Resolutions.

HR 1553 (By Keel), Congratulating Robert Jackson and Michael McElhaney of Austin on their design of the Warren Skaaren Environmental Learning Center at Westcave Preserve, which was granted the Award of Excellence at the National American Institute of Architects/Committee on Architecture for Education Conference in Washington, D.C.

To Rules and Resolutions.

SIGNED BY THE SPEAKER

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

Senate List No. 17

SB 182, SB 262, SB 321, SB 359, SB 376, SB 441, SB 446, SB 449, SB 550, SB 580, SB 644, SB 718, SB 895, SB 896, SB 1005, SB 1011, SB 1126, SB 1217, SB 1563, SB 1680, SCR 25, SJR 7, SJR 17, SJR 21, SJR 40

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

Tuesday, May 10, 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:

LOCAL AND UNCONTESTED CALENDAR

HB 18 Cortez SPONSOR: Van de Putte

Relating to the persons who may inspect or obtain a copy of a military discharge record under the public information law.

HB 22 Brown, Fred SPONSOR: Shapiro

Relating to the disposition of state agency surplus or salvage property.

HB 74 Naishtat SPONSOR: Fraser

Relating to exempting school districts from certain mold assessor and remediation licensing requirements.

HB 256 Hopson SPONSOR: Estes

Relating to investments in certificates of deposit by certain governmental entities.

- HB 404** Villarreal SPONSOR: Shapleigh
Relating to the membership of the Family and Protective Services Council.
- HB 503** Guillen SPONSOR: Fraser
Relating to tuition and fee exemptions for certain military personnel and certain children of those personnel.
- HB 532** Howard SPONSOR: Janek
Relating to certain investments by title insurance companies.
- HB 564** Gattis SPONSOR: Ogden
Relating to the creation of an additional county court at law in Williamson County.
- HB 595** Smithee SPONSOR: Seliger
Relating to the jurisdiction of the County Court at Law of Randall County.
- HB 604** Hopson SPONSOR: Staples
Relating to participation as an annuitant under the Texas Employees Group Benefits Act.
- HB 685** Rose SPONSOR: Van de Putte
Relating to the requirements that apply to certain armed forces personnel who apply to obtain or renew a concealed handgun license.
- HB 736** Nixon SPONSOR: Duncan
Relating to updating citations in Chapter 84, Civil Practice and Remedies Code.
- HB 737** Nixon SPONSOR: Duncan
Relating to updating citations to Chapter 74, Civil Practice and Remedies Code, in Chapter 88, Civil Practice and Remedies Code.
- HB 738** Nixon SPONSOR: Duncan
Relating to updating citations to Chapter 74, Civil Practice and Remedies Code, in Chapter 81, Health and Safety Code.
- HB 739** Nixon SPONSOR: Duncan
Relating to updating citations in Chapter 241, Health and Safety Code.
- HB 740** Nixon SPONSOR: Duncan
Relating to updating citations to Chapter 74, Civil Practice and Remedies Code, in Chapter 578, Health and Safety Code.
- HB 741** Nixon SPONSOR: Duncan
Relating to updating citations to Chapter 74, Civil Practice and Remedies Code, in Chapter 611, Health and Safety Code.
- HB 742** Nixon SPONSOR: Duncan
Relating to updating citations to Chapter 74, Civil Practice and Remedies Code, in Chapter 159, Occupations Code.
- HB 743** Nixon SPONSOR: Duncan
Relating to updating citations to Chapter 74, Civil Practice and Remedies Code, in Chapter 160, Occupations Code.
- HB 744** Nixon SPONSOR: Duncan
Relating to updating citations to Chapter 74, Civil Practice and Remedies Code, in Chapter 164, Occupations Code.

- HB 755** Gattis SPONSOR: Duncan
Relating to procedures relating to the doctrine of forum non conveniens in a civil cause of action.
- HB 836** Gattis SPONSOR: Ogden
Relating to certain requirements concerning the filling of a prescription.
- HB 957** Pickett SPONSOR: Staples
Relating to the valuation of state-owned real property.
- HB 1076** Crabb SPONSOR: Van de Putte
Relating to waiving hunting and fishing license fees for certain military personnel.
- HB 1139** McReynolds SPONSOR: Staples
Relating to certain bonds required for employees of the General Land Office.
- HB 1201** Seaman SPONSOR: Averitt
Relating to the appointment of certain temporary insurance agents.
- HB 1328** Naishtat SPONSOR: Fraser
Relating to certificates of mold remediation.
- HB 1602** Eissler SPONSOR: Janek
Relating to high deductible health plans.
- HB 1817** Driver SPONSOR: Brimer
Relating to the regulation of the practice of engineering.
- HB 2131** Phillips SPONSOR: Estes
Relating to the demonstration of financial assurance by a local government in relation to the operation of a municipal solid waste landfill facility.
- HB 2949** Geren SPONSOR: Lucio
Relating to the authority of the Texas Commission on Environmental Quality to issue an emergency order authorizing certain action in the event of a catastrophe.
- HB 3340** Hughes SPONSOR: Estes
Relating to surveys accepted for filing in the official records of the General Land Office.
- HCR 59** Eiland SPONSOR: Averitt
Opposing the State Modernization and Regulatory Transparency (SMART) Act and any similar federal legislation that would interfere with the ability of state governments to regulate the business of insurance.
- SB 426** Shapleigh
Relating to the health of school-age children.
- SB 623** Hinojosa
Relating to the authorized charges for providing a copy of public information requested under the public information law.
- SB 727** Wentworth
Relating to the public information law.

- SB 768** Wentworth
Relating to the authority of counties to regulate the use of outdoor lighting; providing a penalty.
- SB 769** West, Royce
Relating to allowing a person who successfully completes a term of deferred adjudication community supervision to be eligible for a pardon.
- SB 1152** Harris
Relating to the perfection of a child support lien on a motor vehicle.
- SB 1201** Ellis
Relating to creating an office of civil rights at certain state agencies.
- SB 1440** Hinojosa
Relating to the use of sales tax revenue to pay or secure certain municipal public securities.
- SB 1549** Van de Putte
Relating to the seizure of property by law enforcement and to the treatment of that property in a criminal proceeding.
- SB 1564** Janek
Relating to the repeal of the requirement for a surety bond or other proof of financial responsibility for licensure of surplus lines insurance agents.
- SB 1582** Zaffirini
Relating to the detention of persons for mental health purposes.
- SB 1644** Shapleigh
Relating to the TexasOnline project, the TexasOnline Authority, and related powers and fees.
- SB 1645** Shapleigh
Relating to creation of an Internet portal for housing resources.
- SB 1657** Staples
Relating to the modification of the conservatorship or possession of or access to a child by certain persons who fail to pay court-ordered child support.
- SB 1665** Eltife
Relating to outdoor burning in certain counties under the Texas Clean Air Act.
- SB 1726** Gallegos
Relating to the financing of water and sewer programs in disadvantaged areas.
- SB 1768** Harris
Relating to the attachment of a judgment lien to homestead property.
- SB 1772** Deuell
Relating to the validation and confirmation of the boundaries and acts of Dallas County Water Control and Improvement District No. 6.
- SB 1797** Armbrister
Relating to the creation of the Victoria County Groundwater Conservation District; providing authority to impose a tax and issue bonds; abolishing the Crossroads Groundwater Conservation District.

SB 1800 Jackson, Mike
Relating to the creation of the Galveston County Municipal Utility District No. 60; providing authority to impose taxes and issue bonds; granting the power of eminent domain.

SB 1801 Jackson, Mike
Relating to the creation of the Galveston County Municipal Utility District No. 61; providing authority to impose taxes and issue bonds; granting the power of eminent domain.

SB 1802 Jackson, Mike
Relating to the creation of the Galveston County Municipal Utility District No. 62; providing authority to impose taxes and issue bonds; granting the power of eminent domain.

SB 1803 Jackson, Mike
Relating to the creation of the Galveston County Municipal Utility District No. 63; providing authority to impose taxes and issue bonds; granting the power of eminent domain.

SB 1804 Jackson, Mike
Relating to the creation of the Galveston County Municipal Utility District No. 64; providing authority to impose taxes and issue bonds; granting the power of eminent domain.

SB 1805 Jackson, Mike
Relating to the creation of the Galveston County Management District No. 1; providing authority to levy an assessment, impose a tax, and issue bonds.

SB 1807 Jackson, Mike
Relating to the power and duties of the Galveston County Municipal Utility District No. 52.

SB 1808 Jackson, Mike
Relating to the creation of the Galveston County Municipal Utility District No. 54; providing authority to impose taxes and assessments and issue bonds; granting the power of eminent domain.

SB 1810 Shapleigh
Relating to the dissolution of the Homestead Municipal Utility District, the provision of water supply services to the residents of the district's service area after dissolution, and the rates charged for water service by the City of El Paso; validating certain actions of the district's board of directors.

SB 1811 Shapleigh
Relating to the ability of certain water supply or sewer service corporations to dissolve and transfer assets to a municipality.

SB 1823 Wentworth
Relating to the creation of the Schertz Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

SB 1829 Lucio
Relating to rate regulation of certain insurers writing personal automobile insurance.

SB 1852

Van de Putte

Relating to consideration of a person's eligibility for a tuition and fee exemption for certain veterans or their family members in determining whether to admit the person into a certificate or degree program of a public institution of higher education.

SB 1855

Deuell

Relating to the creation of the Rockwall County Municipal Utility Districts Nos. 6, 7, 8, and 9; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

SB 1865

Jackson, Mike

Relating to the creation of the Galveston County Municipal Utility District No. 53; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

SB 1866

Jackson, Mike

Relating to the creation of the Dickinson Management District No. 1; providing authority to impose an assessment, impose a tax, and issue bonds.

SB 1874

Whitmire

Relating to the Automobile Theft Prevention Authority.

SB 1875

Hinojosa

Relating to the creation of an additional county court at law in Hidalgo County.

SB 1876

Brimer

Relating to the powers, duties, administration, governance, and functions of the Benbrook Water and Sewer Authority.

SB 1879

Wentworth

Relating to the creation of special districts for improvements in certain counties, including authority to acquire, construct, and improve water, wastewater, and drainage improvements; providing authority to impose a tax and issue bonds.

SCR 30

Lucio

Urging the State of Texas to continue to pursue increased trade with Mexico and to develop a plan with Mexico to mitigate delays at border crossings.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, May 10, 2005 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

SB 1880

Ellis

Relating to the Buffalo Bayou Management District and the creation of the East Montrose Management District and the Fourth Ward Management District out of part of the territory of the Buffalo Bayou Management District; authorizing taxes and bonds.

SB 1884

Ellis

Relating to the creation of the Harris County Municipal Utility District No. 460; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

SJR 44

Deuell

Proposing a constitutional amendment providing authorization for a county to issue bonds or notes to finance the development or redevelopment of an unproductive, underdeveloped, or blighted area within the county.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, May 10, 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:

SB 504

West, Royce

Relating to the filing of certain information by arbitrators after each arbitration.

SB 642

Lucio

Relating to offenses involving use of a child passenger safety seat.

SB 696

Ogden

Relating to testing and examination fee requirements for certain provisional license holders.

SB 918

Gallegos

Relating to a license fee exemption for certain certified public accountants.

SB 1166

Armbrister

Relating to the enforcement of the laws governing plugging of abandoned oil and gas wells and preventing, controlling, or cleaning up oil and gas wastes or other substances or materials regulated by the Railroad Commission of Texas.

SB 1452

Lucio

Relating to the Texas Academy of Mathematics and Science at The University of Texas at Brownsville.

SB 1697

Duncan

Relating to the distinction between surplus lines insurance and unauthorized insurance.

SB 1786

Gallegos

Relating to the powers and duties of a navigation district or port authority.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, May 10, 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:

SB 892

Carona

Relating to the operation of property owners' associations; providing a civil penalty.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 5

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Wednesday, May 11, 2005 - 1

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:

Public Education - **HB 328, HB 444, HB 527, HB 622, HB 623, HB 977, HB 1805, HB 2327, HB 2464, HB 2578, HB 2605, HB 2953, HB 3312**

Public Health - **HB 2540, HB 2912, HB 2919, HB 3418, HB 3454, SB 1000**

Regulated Industries - **HB 1581**

State Affairs - **HB 2264, HB 3278**

Transportation - **SB 1670**

Urban Affairs - **SB 1050**

ENROLLED

May 9 - 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

SENT TO THE GOVERNOR

May 9 - 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

RECOMMENDATIONS FILED WITH THE SPEAKER

May 9 - HB 3493, HB 3494, HB 3495, HB 3496, HB 3501, HB 3502, HB 3503, HB 3504, HB 3505, HB 3507, HB 3508, HB 3509, HB 3510, HB 3513, HB 3516, HB 3517, HB 3518, HB 3520, HB 3526, HB 3529, HB 3530, HB 3532, HB 3534, HB 3538, HB 3539, HB 3544, HB 3546, HB 3558, HB 3564, HB 3566, HB 3568, HB 3569, HB 3571

SIGNED BY THE GOVERNOR

May 9 - HB 67, HB 423, HB 1657, HB 1815

