

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-EIGHTH DAY — FRIDAY, MAY 13, 2005

The house met at 11:50 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 652).

Present — Mr. Speaker; Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; 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.

Absent, Excused — Hodge; Hope; Phillips.

Absent, Excused, Committee Meeting — Gattis.

LEAVES OF ABSENCE GRANTED

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

RULES SUSPENDED

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

The motion prevailed.

MOTION FOR ONE RECORD VOTE

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

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR THIRD READING

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

(Record 653): 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; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; 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, Excused — Hodge; Hope; Phillips.

Absent, Excused, Committee Meeting — Gattis.

Absent — Grusendorf.

HB 65

SB 1302

HB 133

HB 407

HB 573

HB 602

HB 609 (Chisum and Howard - no) (140 - 2 - 2)

HB 776

HB 873

HB 1092

HB 1102

HB 1106

HB 1207

HB 1474

HB 1502

HB 1648

HB 1740

HB 1744

HB 1748

HB 1772

HB 1885

HB 1892

SB 929

HB 2064

HB 2109

HB 2162

HB 2177

HB 2235

HB 2437

HB 2496

HB 2551

HB 2651

HB 2791

SB 1447

HB 2965

HB 2999

HB 3045

HB 3098

HB 3140

HB 3300

SB 1199

HB 3477

HB 3479

HB 3486

HB 3513

HB 3515

HB 3516

HB 3517

HB 3518

HB 3520

HB 3525

HB 3526

HB 3527

HB 3533

HB 3537

HB 3543

HB 3550

HB 3560

HB 3563

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

HB 34

HB 39

HB 363

HB 502

HB 580

HB 582

HB 637

HB 677 (Anderson, Berman, B. Brown, Chisum, Corte, Flynn, Howard, Harper-Brown, Laubenberg, Nixon, Paxton, Riddle, Talton, Taylor, and Zedler - no)

HB 781

HB 908

HB 986
HB 1030
HB 1053
HB 1075
HB 1173
HB 1203
HB 1220
HB 1399
HB 1404
HB 1414
HB 1472
HB 1475
HB 1485
HB 1580
HB 1583
HB 1632
HB 1664
HB 1719
HB 1775
HB 1791
HB 1851
HB 1891
HB 1928
HB 2023
HB 2065
HB 2101
HB 2140
HB 2144
HB 2163
HB 2249
HB 2254
HB 2309
HB 2371
HB 2388

SB 466

HB 2402

SB 1473

HB 2596 (Chisum, Y. Davis, Laney, Menendez, and Thompson - no)

HB 2618

SB 1253

HB 2640

HB 2701

HB 2750

HB 2765

HB 2769

HB 2810

SB 1436

SB 1754

HB 2863

SB 602

HB 2956

HB 2957

HB 3012

HB 3073

HB 3122

HB 3271

HB 3284

HB 3299

HB 3302

HB 3423

HB 3425

HB 3426

HB 3428

HB 3441

HB 3478

HB 3487

HB 3497

HB 3508

HB 3524

HB 3542

MOTION TO CONFORM CAPTIONS

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

The motion prevailed.

HCR 196 - ADOPTED
(by Craddick)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HCR 196**.

The motion prevailed.

The following resolution was laid before the house:

HCR 196, Recognizing Beverly Pevehouse of Midland for her contributions to her community.

HCR 196 was adopted.

HR 1625 - ADOPTED
(by Hupp)

Representative Hupp moved to suspend all necessary rules to take up and consider at this time **HR 1625**.

The motion prevailed.

The following resolution was laid before the house:

HR 1625, In memory of James Ray Palmer.

HR 1625 was read and was unanimously adopted by a rising vote.

EMERGENCY CALENDAR
HOUSE BILLS
THIRD READING

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

HB 2329 ON THIRD READING
(by Morrison, et al.)

HB 2329, A bill to be entitled An Act relating to authorizing the issuance of revenue bonds or other obligations to fund capital projects at public institutions of higher education.

Amendment No. 1

Representative Woolley offered the following amendment to **HB 2329**:

Amend **HB 2329** on page 5, line 17, by striking "\$27,600,000" and substituting "\$41,100,000".

Amendment No. 1 was adopted.

A record vote was requested.

HB 2329, as amended, was passed by (Record 654): 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.; 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; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; 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, Excused — Hodge; Hope; Phillips.

Absent, Excused, Committee Meeting — Gattis.

Absent — Burnam; Rose.

**MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 2593 ON THIRD READING
(by Baxter)**

HB 2593, A bill to be entitled An Act relating to the TexasOnline project, the TexasOnline Authority, and related powers and fees.

Amendment No. 1

Representatives F. Brown and Solomons offered the following amendment to **HB 2593**:

Amend **HB 2593** by striking the sections and substituting the following language in place thereof:

Sec. 2054.272. INDEPENDENT ANNUAL AUDIT. (a) Not later than August 1 of each year, the vendor operating the Texas Online Portal shall have an audit of the vendors finances associated with management and operation of the Texas Online Portal performed by an independent certified public accountant selected by the state, paid by the portal vendor.

(b) Not later than August 15 of each year, the authority shall provide a copy of the audit report to:

(1) the presiding officer of each house of the legislature; and

(2) the chair of each committee in the legislature that has primary jurisdiction over the department.

(c) The authority shall keep a copy of the audit report and make the audit report available for inspection by any interested person during regular business hours.

Amendment No. 1 was adopted.

A record vote was requested.

HB 2593, as amended, was passed by (Record 655): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; 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, Excused — Hodge; Hope; Phillips.

Absent, Excused, Committee Meeting — Gattis.

(Speaker in the chair)

HB 2221 ON THIRD READING
(by Luna, Morrison, Turner, and Callegari)

HB 2221, A bill to be entitled An Act relating to the territory of a public junior college district and to the provision of services by a junior college district to students residing outside the district.

A record vote was requested.

HB 2221 was passed by (Record 656): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crab; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; 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; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; 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(C).

Absent, Excused — Hodge; Hope; Phillips.

Absent, Excused, Committee Meeting — Gattis.

Absent — Allen, A.

STATEMENT OF VOTE

I was shown voting yes on Record No. 656. I intended to vote no.

Kolkhorst

HB 1516 ON THIRD READING (by Isett and Swinford)

HB 1516, A bill to be entitled An Act relating to the Department of Information Resources' management of state electronic services.

HB 1516 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: Y. Davis and Thompson recorded voting no.)

HB 164 ON THIRD READING (by Berman, Flynn, Phillips, Madden, Driver, et al.)

HB 164, A bill to be entitled An Act relating to the civil and criminal consequences of engaging in certain conduct related to the manufacture of methamphetamine and to the distribution and retail sales of pseudoephedrine; providing penalties.

Amendment No. 1

Representative Berman offered the following amendment to **HB 164**:

Amend **HB 164** on third reading, on page 8, between lines 10 and 11, by inserting the following:

Sec. 486.005. STATEWIDE APPLICATION AND UNIFORMITY. (a) To ensure uniform and equitable implementation and enforcement throughout this state, this chapter constitutes the whole field of regulation regarding over-the-counter sales of products that contain pseudoephedrine.

(b) This chapter preempts and supersedes a local ordinance, rule, or regulation adopted by a political subdivision of this state pertaining to over-the-counter sales of products that contain pseudoephedrine.

(c) This section does not preclude a political subdivision from imposing administrative sanctions on the holder of a business or professional license or permit issued by the political subdivision who engages in conduct that violates this chapter.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Hopson offered the following amendment to **HB 164**:

Amend **HB 164** on third reading by striking SECTION 4.01 of the bill (page 28, line 25, through page 29, line 2) and substituting the following:

SECTION 4.01. This Act takes effect September 1, 2005.

Amendment No. 2 was adopted.

A record vote was requested.

HB 164, as amended, was passed by (Record 657): 143 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hopson; Howard; Hughes; Hunter; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Pickett; 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.

Nays — Hupp.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hodge; Hope; Phillips.

Absent, Excused, Committee Meeting — Gattis.

(Madden in the chair)

HB 1294 ON THIRD READING
(by Rose and B. Cook)

HB 1294, A bill to be entitled An Act relating to permissive interlocutory appeals in civil actions.

Amendment No. 1

On behalf of Representative Dutton, Representative Goodman offered the following amendment to **HB 1294**:

Amend **HB 1294** on third reading as follows:

(1) In SECTION 1 of the bill, strike the recital and substitute the following:

SECTION 1. Section 51.014, Civil Practice and Remedies Code, is amended by amending Subsections (d), (e), and (f) and adding Subsections (d-1), (g), and (h) to read as follows:

(2) In SECTION 1 of the bill, between added Subsection (g), Section 51.014, Civil Practice and Remedies Code, and SECTION 2 of the bill, insert the following:

(h) A party that appeals from an interlocutory order under Subsection (d) or (d-1) shall pay all of the opposing party's costs associated with the interlocutory appeal if the opposing party prevails in the appeal.

(Berman in the chair)

(Gattis now present)

A record vote was requested.

Amendment No. 1 failed of adoption by (Record 658): 61 Yeas, 77 Nays, 4 Present, not voting.

Yeas — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Crabb; Davis, Y.; Deshotel; Dunnam; Dutton; Eiland; Escobar; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hartnett; Herrero; Hilderbran; Hill; Hochberg; Hughes; Jones, J.; Keel; King, P.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, P.; Mowery; Naishtat; Noriega, M.; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Rodriguez; Smith, T.; Smithee; Solis; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Nays — Allen, R.; Anderson; Baxter; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crownover; Davis, J.; Dawson; Delisi; Denny; Eissler; Elkins; Farabee; Flynn; Gattis; Geren; Goodman; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hegar; Homer; Hopson; Howard; Hunter; Hupp; Isett; Jones, D.; Keffer, B.; Keffer, J.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; Merritt; Miller; Morrison; Nixon;

Oliveira; Orr; Otto; Paxton; Pitts; Reyna; Riddle; Ritter; Rose; Smith, W.; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

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

Absent, Excused — Hodge; Hope; Phillips.

Absent — Driver; Dukes; Goolsby; Seaman.

STATEMENT OF VOTE

I was shown voting yes on Record No. 658. I intended to vote no.

Hilderbran

Amendment No. 2

Representative Menendez offered the following amendment to **HB 1294**:

Amend **HB 1294** as follows:

(1) On page 1, line 6, strike "(d-1)" and substitute "(d-1), (e-1)".

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

(d-2) A stay under Subsection (e) may not exceed six months if the proceedings involve a personal injury claim for catastrophic injuries or injuries causing death.

Amendment No. 2 failed of adoption.

Amendment No. 3

Representative Dutton offered the following amendment to **HB 1294**:

Amend **HB 1294** on third reading as follows:

(1) In SECTION 1 of the bill, strike the recital and substitute the following:

SECTION 1. Section 51.014, Civil Practice and Remedies Code, is amended by amending Subsections (d), (e), and (f) and adding Subsections (d-1), (g), and (h) to read as follows:

(2) In SECTION 1 of the bill, between added Subsection (g), Section 51.014, Civil Practice and Remedies Code, and SECTION 2 of the bill, insert the following:

(h) A party that appeals from an interlocutory order under Subsection (d) or (d-1) shall pay all of the opposing party's attorney's fees and costs associated with the interlocutory appeal if the opposing party prevails in the appeal.

Amendment No. 3 failed of adoption. (Hughes and T. Smith recorded voting no.)

MESSAGE FROM THE SENATE

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

HB 1294 - (consideration continued)

A record vote was requested.

HB 1294 was passed by (Record 659): 83 Yeas, 56 Nays, 3 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Farabee; Flynn; Gattis; Geren; Goodman; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Homer; Hopson; Howard; Hunter; Hupp; Isett; Jones, D.; Keffer, B.; Keffer, J.; Kolkhorst; Kuempel; Laubenberg; Madden; Martinez; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Orr; Otto; Paxton; Pitts; Reyna; Ritter; Rose; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Herrero; Hochberg; Hughes; Jones, J.; Keel; King, P.; King, T.; Krusee; Laney; Leibowitz; Luna; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Smithee; Solis; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

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

Absent, Excused — Hodge; Hope; Phillips.

Absent — Goolsby; Guillen; Pickett; Seaman.

STATEMENTS OF VOTE

I was shown voting present, not voting on Record No. 659. I intended to vote yes.

Berman

When Record No. 659 was taken, I was in the house but away from my desk. I would have voted yes.

Seaman

I was shown voting no on Record No. 659. I intended to vote yes.

Villarreal

(Krusee in the chair)

HB 1890 ON THIRD READING (by Smithee and Escobar)

HB 1890, A bill to be entitled An Act relating to the operation and funding of the Texas Windstorm Insurance Association, including funding of coverage for certain catastrophic events through the establishment of a revenue bond program.

HB 1890 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 3112 ON THIRD READING
(by Corte)

HB 3112, A bill to be entitled An Act relating to the security of computer networks in state government.

HB 3112 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 2193 ON THIRD READING
(by Madden, Turner, R. Allen, McReynolds, and Haggerty)

HB 2193, A bill to be entitled An Act relating to the operation of a system of community supervision.

Amendment No. 1

Representative Alonzo offered the following amendment to **HB 2193**:

Amend **HB 2193** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering existing SECTIONS accordingly:

SECTION __. Article 42.12, Code of Criminal Procedure, is amended by adding Section 11A to read as follows:

Sec. 11A. ALTERNATIVE TO GENERAL CONDITIONS. In lieu of the imposition of general and special conditions of community supervision, a judge that places a defendant on community supervision may require as the sole condition of community supervision that the defendant make one payment to a nonprofit organization operating a food pantry that serves low-income residents of the county in which the court is located. On proof of payment under this subsection, the judge may terminate the condition community service.

Amendment No. 1 was withdrawn.

HB 2193 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: Berman, Bohac, Branch, Castro, R. Cook, Crabb, Crownover, Elkins, Flynn, Gattis, Harper-Brown, Keel, T. King, Kuempel, Phillips, Riddle, Strama, Talton, and Taylor recorded voting no.)

REASON FOR VOTE

This bill has been touted as a way to "streamline" our probation system, the implication being that we have too many probationers. If simply reducing the length of the probationary period a convicted felon can be ordered to serve is "streamlining" the system, then the bill's proponents have succeeded.

The bill prevents a judge from having the discretion to sentence third degree felons to any amount of probation longer than five years. Current law allows the judge to choose any amount of time between two and ten years. The bill's change

to the law is foolish and removes the ability of trial judges to appropriately apply sound discretion on a case-by-case basis, corresponding to the seriousness of the offense and the criminal history of the defendant.

There are some third degree felony cases that merit lengthy probationary periods, just as there are infrequent situations where the facts and circumstances of a first degree felony case may warrant a shorter probationary period. Because these matters involve literally infinite variables of facts of the case and criminal backgrounds and circumstances of defendants, Texas has traditionally accorded judges and juries wide latitude to accommodate differing situations to effect justice in each case. Current law already allows judges to sentence defendants to the lower end of probation, but it stands to reason that judges have sentenced probationers to sentences longer than this bill would now allow because they believed that the facts and circumstances warranted supervision of the defendant for a longer period of time. Such decisions are imminently reasonable and may include considerations about the safety of potential victims and the public at large.

A good example of the misinformation regarding this bill is an article in today's *Austin American Statesman* which reports, "*The bill would cut the maximum probation terms from 10 to five years for **nonviolent**, third-degree felonies. . .*" [Emphasis added]. The offenses that would have reduced punishments under this bill include, among others, kidnapping, aggravated assault with serious bodily injury, robbery, and arson — hardly accurately categorized as "nonviolent" felonies.

The criminal justice policy impact statement from the Legislative Budget Board estimates that this bill, if enacted, will result in approximately 49,242 felons being immediately taken off of probation supervision. The potential danger this represents to the public is obvious. All of these probationers were deemed worthy of being supervised for longer than five years, and the judges presiding over their cases have furthermore not seen fit to release them early (which is likewise currently within their discretion to do under current law). Instead, the legislature will simply let them off probation as much as five years early, applying this bill retroactively as well as prospectively. Unbelievable.

There will be unforeseen and serious consequences to victims of crime if this bill is passed by the senate and becomes law. If the senate passes this measure, the governor should veto it.

Keel

HB 2793 ON THIRD READING **(by Bonnen)**

HB 2793, A bill to be entitled An Act relating to the removal and collection of convenience switches from motor vehicles; providing penalties.

HB 2793 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 3024 ON THIRD READING**(by B. Cook)**

HB 3024, A bill to be entitled An Act relating to the sale of fish collected from certain private property.

HB 3024 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 1434 ON THIRD READING**(by Hamric, Solomons, Truitt, and Dunnam)**

HB 1434, A bill to be entitled An Act relating to the continuation and functions of the Texas Lottery Commission.

HB 1434 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: B. Brown recorded voting no.)

MAJOR STATE CALENDAR**SENATE BILLS****SECOND READING**

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

CSSB 5 ON SECOND READING**(Solomons - House Sponsor)**

CSSB 5, A bill to be entitled An Act relating to the continuation and operation of the workers' compensation system of this state and to the abolition of the Texas Workers' Compensation Commission, the establishment of the office of injured employee counsel, and the transfer of the powers and duties of the Texas Workers' Compensation Commission to the Texas Department of Insurance and the office of injured employee counsel; providing administrative violations.

CSSB 5 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.)

GENERAL STATE CALENDAR**HOUSE BILLS****THIRD READING**

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

HB 1829 ON THIRD READING**(by Wong)**

HB 1829, A bill to be entitled An Act relating to authorizing private or independent institutions of higher education to charge fees for processing or handling certain payments or payment transactions.

Representative Wong moved to postpone consideration of **HB 1829** for five minutes.

The motion prevailed.

HB 3410 ON THIRD 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.

HB 3410 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: A. Allen and Leibowitz recorded voting no.)

HB 3207 ON THIRD READING**(by Zedler, Flynn, and Eissler)**

HB 3207, A bill to be entitled An Act relating to increasing the penalties for certain criminal offenses involving an election.

HB 3207 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: A. Allen, Herrero, Leibowitz, and Thompson recorded voting no.)

HB 3208 ON THIRD READING**(by Zedler, Flynn, and Eissler)**

HB 3208, A bill to be entitled An Act relating to the investigation of certain criminal conduct in election matters.

HB 3208 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: A. Allen, Herrero, and Leibowitz recorded voting no.)

HB 1449 ON THIRD READING**(by Dutton and Goodman)**

HB 1449, A bill to be entitled An Act relating to suits affecting the parent-child relationship, including proceedings for the establishment, modification, and enforcement of child support; providing a civil penalty.

HB 1449 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 2300 ON THIRD READING

(by Turner)

HB 2300, A bill to be entitled An Act relating to the authority of metropolitan rapid transit authorities to enter into comprehensive development agreements.

HB 2300 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 273 ON THIRD READING

(by Farrar, M. Noriega, Thompson, Vo, and J. Moreno)

HB 273, A bill to be entitled An Act relating to the regulation of certain alcoholic beverage retailers; providing an administrative penalty.

HB 273 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 275 ON THIRD READING

(by Farrar, M. Noriega, Thompson, Vo, and J. Moreno)

HB 275, A bill to be entitled An Act relating to the application fee for wine and beer retailer's permits and retail dealer's on-premise licenses.

HB 275 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 1252 ON THIRD READING

(by Guillen, Escobar, Leibowitz, and Gonzalez Toureilles)

HB 1252, A bill to be entitled An Act relating to providing services for persons with chronic kidney disease under the medical assistance program.

Amendment No. 1

Representative J. Davis offered the following amendment to **HB 1252**:

Amend **HB 1252** on third reading as follows:

- (1) On page 2, line 9, immediately before "A provider", insert "(a)".
- (2) On page 2, between lines 16 and 17, insert the following:

(b) Consistent with a medical direction or authorization as provided by Subsection (c), a licensed dietitian acting within the scope of the person's license in a licensed facility that provides screening, diagnosis, or treatment services to a patient as described by Subsection (a), may:

(1) accept, transcribe into the patient's medical record, or transmit verbal or electronically transmitted orders, including medication orders, relating to the implementation or provision of medical nutrition therapy and related medical protocols for the patient or a group of patients from a physician to another authorized health care professional; or

(2) order medical laboratory tests relating to the implementation or provision of medical nutrition therapy and related medical protocols for the patient or a group of patients.

(c) A medical direction or authorization required by Subsection (b) must be provided through a physician's order, standing medical order, standing delegation order, or medical protocol issued in accordance with Subchapter A, Chapter 157, Occupations Code, and rules adopted by the Texas State Board of Medical Examiners under that subchapter.

Amendment No. 1 was adopted.

HB 1252, 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 recorded voting no.)

HB 3169 ON THIRD READING (by Crossover)

HB 3169, A bill to be entitled An Act relating to purchase of equivalent membership service credit in the Teacher Retirement System of Texas.

Amendment No. 1

Representative Hochberg offered the following amendment to **HB 3169**:

Amend **HB 3169** on third reading by striking Sections 3 and 4 and substituting the following:

SECTION 3. Unless the agreement is terminated before all payments are made, the change in law made by this Act does not apply to an agreement that existed immediately before January 1, 2006, between an individual and the Teacher Retirement System of Texas for the purchase in installments of service credit under Section 823.405, Government Code.

SECTION 4. (a) Except as provided by Subsections (b) and (c) of this section, this Act takes effect September 1, 2005.

(b) The change in law made by this Act to Section 825.307(a), Government Code, takes effect January 1, 2009.

(c) Section 2 of this Act takes effect January 1, 2006.

Amendment No. 1 was adopted.

HB 3169, 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: A. Allen, Herrero, and Leibowitz recorded voting no.)

HB 1896 ON THIRD READING
(by Hodge, Madden, R. Allen, and Haggerty)

HB 1896, A bill to be entitled An Act relating to the application of laws awarding credit to an inmate for time between release on and subsequent revocation of parole, mandatory supervision, or conditional pardon.

HB 1896 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: Branch recorded voting no.)

HB 1570 ON THIRD READING
(by Taylor)

HB 1570, A bill to be entitled An Act relating to certain health benefit plans. Representative Taylor moved to postpone consideration of **HB 1570** until 1:30 p.m. today.

The motion prevailed.

HB 1342 ON THIRD READING
(by Hochberg)

HB 1342, A bill to be entitled An Act relating to the imposition of the sales and use tax on certain sales made by individuals.

HB 1342 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 1822 ON THIRD READING
(by Kolkhorst)

HB 1822, A bill to be entitled An Act relating to an offense of passing or avoiding a weigh station by certain vehicle operators.

(Speaker in the chair)

HB 1822 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

POSTPONED BUSINESS

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

HB 1829 ON THIRD READING
(by Wong)

HB 1829, A bill to be entitled An Act relating to authorizing private or independent institutions of higher education to charge fees for processing or handling certain payments or payment transactions.

HB 1829 was read third time earlier today and was postponed until this time.

Amendment No. 1

Representative Gallego offered the following amendment to **HB 1829**:

HB 1829 is amended by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION _____. Section 54.5011(c), Education Code, is amended to read as follows:

(c) A fee or other charge under this section may not exceed the actual expense incurred by the institution as a result of accepting the payment or as a result of the payment transaction being dishonored or refused ~~[must be in an amount reasonably related to the expense incurred by the institution in processing and handling the payment or payment transaction].~~

Amendment No. 1 was adopted.

A record vote was requested.

HB 1829, as amended, was passed by (Record 660): 135 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; 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; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Otto; Paxton; Peña; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hodge; Hope; Phillips.

Absent — Burnam; Coleman; Dunnam; Hardcastle; Martinez Fischer; Olivo; Pitts; Smith, W.; Smithee; West.

STATEMENTS OF VOTE

When Record No. 660 was taken, I was in the house but away from my desk. I would have voted yes.

Olivo

When Record No. 660 was taken, I was in the house but away from my desk. I would have voted yes.

W. Smith

GENERAL STATE CALENDAR (consideration continued)

HB 2421 ON THIRD READING (by Chavez, Villarreal, Castro, and Leibowitz)

HB 2421, A bill to be entitled An Act relating to the use of an employer assessment to fund the skills development program and authorizing the Texas Workforce Commission to develop new job incentive programs.

HB 2421 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 2901 ON THIRD READING (by Hilderbran)

HB 2901, A bill to be entitled An Act relating to a deer breeder's permit.

HB 2901 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 3221 ON THIRD READING (by Callegari)

HB 3221, A bill to be entitled An Act relating to the records of certain vehicle repairs, sales, and purchases; providing penalties.

HB 3221 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 3409 ON THIRD READING (by Rose)

HB 3409, A bill to be entitled An Act relating to the application of the municipal civil service law for firefighters and police officers to certain municipalities.

A record vote was requested.

HB 3409 was passed by (Record 661): 137 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; 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; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hodge; Hope; Phillips.

Absent — Castro; Crownover; Goolsby; Hardcastle; Harper-Brown; Keel; Seaman; Taylor.

HB 1574 ON THIRD READING

(by Miller, McCall, Raymond, Truitt, and Branch)

HB 1574, A bill to be entitled An Act relating to the offense of fraudulent use or possession of a person's identifying information.

HB 1574 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 1655 ON THIRD READING

(by J. Keffer, McReynolds, Bonnen, Dawson, Blake, et al.)

HB 1655, A bill to be entitled An Act relating to funding for the Texas statewide emergency services personnel retirement fund.

A record vote was requested.

HB 1655 was passed by (Record 662): 135 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb;

Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Hodge; Hope; Phillips.

Absent — Bonnen; Branch; Edwards; Goodman; Goolsby; McReynolds; Menendez; Pickett; Pitts.

STATEMENTS OF VOTE

When Record No. 662 was taken, I was in the house but away from my desk. I would have voted yes.

Branch

When Record No. 662 was taken, I was in the house but away from my desk. I would have voted yes.

Edwards

HB 1481 ON THIRD READING (by Gattis)

HB 1481, A bill to be entitled An Act relating to the offense of disobeying certain motor vehicle traffic warning devices.

HB 1481 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 2157 ON THIRD READING (by Smithee)

HB 2157, A bill to be entitled An Act relating to the receivership of insurers in this state; providing penalties.

HB 2157 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 2180 ON THIRD READING
(by Anderson and Dawson)

HB 2180, A bill to be entitled An Act relating to donees of anatomical gifts.

HB 2180 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 615 ON THIRD READING
(by Puente)

HB 615, A bill to be entitled An Act relating to a defendant's right to appear by counsel in certain misdemeanor cases.

HB 615 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 1234 ON THIRD READING
(by Paxton)

HB 1234, A bill to be entitled An Act relating to the appointment of substitute trustees in certain foreclosures.

HB 1234 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 2471 ON THIRD READING
(by Delisi)

HB 2471, A bill to be entitled An Act relating to authorizing the Department of State Health Services to issue a single license for multiple hospitals.

HB 2471 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 3152 ON THIRD READING
(by Escobar and Hodge)

HB 3152, A bill to be entitled An Act relating to procedures applicable to waivers of the right to counsel.

HB 3152 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 3357 ON THIRD READING**(by Delisi)**

HB 3357, A bill to be entitled An Act relating to certain information required to be contained in an application for or renewal of a hospital license.

HB 3357 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 1636 ON THIRD READING**(by R. Allen)**

HB 1636, A bill to be entitled An Act relating to proof of residency for the purpose of obtaining a license or permit issued by the Parks and Wildlife Department.

Amendment No. 1

Representative T. Smith offered the following amendment to **HB 1636**:

Amend **HB 1636** as follows:

(1) On page 1, line 7, strike "PROOF OF RESIDENCY. The" and substitute "RESIDENCY FOR HUNTING AND OTHER PURPOSES. (a) The".

(2) On page 1, between lines 10 and 11, insert the following:

(b) In addition to any other rules adopted under Subsection (a), the commission may adopt rules relating to residency for the purposes of hunting or catching any animal in this state through the use of any device that remotely controls another device used to hunt or catch the animal.

(c) A rule described by Subsection (b) may prohibit a class or classes of persons from hunting or catching an animal in the manner described by Subsection (b) if the rule treats a class of persons in a substantially similar manner regardless of whether a person in the class is a resident or nonresident. A person who violates a rule adopted under Subsection (b) commits an offense that is a Class A Parks and Wildlife misdemeanor, and each animal the person hunts or catches in violation of the rule is a separate offense.

(3) Insert the following appropriately numbered SECTION in the bill and renumber subsequent SECTIONS accordingly:

SECTION _____. If **HB 391**, Acts of the 79th Legislature, Regular Session, 2005, or other legislation substantially similar to that Act becomes law, Sections 11.004(b) and (c), Parks and Wildlife Code, as added by this Act, are void and do not take effect.

Amendment No. 1 was adopted.

A record vote was requested.

HB 1636, as amended, was passed by (Record 663): 137 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; 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; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; 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; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hodge; Hope; Phillips.

Absent — Anderson; Deshotel; Edwards; Flores; McClendon; Moreno, P.; Peña; Truitt.

STATEMENTS OF VOTE

When Record No. 663 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

When Record No. 663 was taken, I was in the house but away from my desk. I would have voted yes.

Edwards

HB 1859 ON THIRD READING

(by Uresti)

HB 1859, A bill to be entitled An Act relating to a court's continuing jurisdiction to handle the disposition of a felony case.

HB 1859 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 31 ON THIRD READING

(by Eissler)

HB 31, A bill to be entitled An Act relating to state assessment of public school students in social studies in the fifth grade.

Amendment No. 1

Representative Eissler offered the following amendment to **HB 31**:

Amend **HB 31** on third reading on page 2, line 21, by striking "or" and substituting "and may adopt rules for the implementation of".

Amendment No. 1 was adopted.

HB 31, 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: A. Allen, Herrero, Leibowitz, and Swinford recorded voting no.)

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

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

**SB 1537 ON THIRD READING
(Callegari - House Sponsor)**

SB 1537, 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.

A record vote was requested.

SB 1537 was passed by (Record 664): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; 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(C).

Absent, Excused — Hodge; Hope; Phillips.

Absent — Deshotel; Peña.

SB 122 ON THIRD READING
(Giddings - House Sponsor)

SB 122, A bill to be entitled An Act relating to the prevention and punishment of identity theft and the rights of certain victims of identity theft; providing penalties.

Amendment No. 1

Representative Giddings offered the following amendment to **SB 122**:

Amend **SB 122**, on third reading, in added Section 48.103, Business & Commerce Code, by striking Subsection (g), as added on second reading by Amendment No. 4 by Giddings, and substituting the following:

(g) Notwithstanding Subsection (e), a person that maintains its own notification procedures as part of an information security policy for the treatment of sensitive personal information that complies with the timing requirements for notice under this section complies with this section if the person notifies affected persons in accordance with that policy.

Amendment No. 1 was adopted.

SB 122, 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.)

SB 1027 ON THIRD READING
(T. King - House Sponsor)

SB 1027, A bill to be entitled An Act relating to the authority of the board of directors of the Maverick County Hospital District to employ health care providers.

A record vote was requested.

SB 1027 was passed by (Record 665): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; 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(C).

Absent, Excused — Hodge; Hope; Phillips.

Absent — Anderson; Pickett.

STATEMENT OF VOTE

When Record No. 665 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

SB 624 ON THIRD READING (Talton - House Sponsor)

SB 624, A bill to be entitled An Act relating to the regulation of bail bond sureties.

SB 624 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.)

RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

HCR 143

(by Burnam, Van Arsdale, Edwards, Veasey, McClendon, et al.)

HCR 143, Encouraging managers of Texas public pension funds to divest their portfolios of any stock in publicly-traded companies doing business in Sudan.

HCR 143 was adopted. (Swinford recorded voting no.)

POSTPONED BUSINESS

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

HB 1570 ON THIRD READING (by Taylor)

HB 1570, A bill to be entitled An Act relating to certain health benefit plans.

HB 1570 was read third time earlier today and was postponed until this time.

A record vote was requested.

HB 1570 was passed by (Record 666): 119 Yeas, 24 Nays, 1 Present, not voting.

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

Nays — Allen, A.; Alonzo; Anchia; Burnam; Castro; Coleman; Davis, Y.; Dukes; Dunnam; Farrar; Flores; Herrero; Leibowitz; Martinez; Martinez Fischer; McClendon; Naishtat; Olivo; Ritter; Rodriguez; Solis; Strama; Uresti; Veasey.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hodge; Hope; Phillips.

Absent — Anderson; Grusendorf.

STATEMENT OF VOTE

When Record No. 666 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

COMMITTEE GRANTED PERMISSION TO MEET

Representative Woolley requested permission for the Committee on Calendars to meet while the house is in session during bill referral 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, during bill referral today, 3W.9, for a formal meeting, to set the calendar.

HB 2814 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2814, A bill to be entitled An Act relating to the powers and duties of the Sweeny Hospital District.

Representative Bonnen moved to concur in the senate amendments to **HB 2814**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 667): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hopson; Howard; Hughes; Hunter; Isett; Jackson; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Pickett; 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(C).

Absent, Excused — Hodge; Hope; Phillips.

Absent — Elkins; Hupp; Jones, D.; Kuempel.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 2814** in Section 5 of the bill, in amended Section 7, Chapter 135, Acts of the 58th Legislature, Regular Session, 1963 (committee printing, page 4, line 60, through page 5, line 7), by striking proposed Subsection (d) and substituting the following:

(d) The board of directors may spend district funds, enter into agreements, and take other necessary action to recruit physicians as independent contractors to serve as medical staff members and to recruit other persons to serve as employees of the district, including:

(1) advertising and marketing;

(2) paying travel, recruitment, and relocation expenses;

(3) providing a loan or scholarship to:

(A) a physician currently enrolled in health care education courses at an institution of higher education who contractually agrees to serve as an independent contractor on the medical staff of the district; or

(B) a person, other than a physician, currently enrolled in health care education courses at an institution of higher education who contractually agrees to become a district employee;

(4) contracting with one or more full-time medical students each of whom must be enrolled and in good standing at an accredited medical school, college, or university, to pay the student's tuition or other expenses in consideration of the student's agreement to serve as an independent contractor on the medical staff of the district; or

(5) contracting with one or more full-time students, other than medical students, in a health occupation each of whom must be enrolled and in good standing at an accredited medical school, college, or university, to pay the student's tuition or other expenses in consideration of the student's agreement to serve as an employee or independent contractor for the district.

**HB 1503 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative J. Davis called up with senate amendments for consideration at this time,

HB 1503, A bill to be entitled An Act relating to the additional exit conference required following inspection, survey, or investigation of certain facilities.

Representative J. Davis moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1503**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1503**: J. Davis, chair; Uresti; Griggs; Quintanilla; and Paxton.

**HB 1285 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1285, A bill to be entitled An Act relating to the exception from required disclosure under the public information law of certain audit working papers.

Representative Swinford moved to concur in the senate amendments to **HB 1285**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 668): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; 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(C).

Absent, Excused — Hodge; Hope; Phillips.

Senate Amendment No. 1 (Senate Committee Amendment No. 1)

Amend **HB 1285** as follows:

(1) On page 1, lines 5-10, strike Section 1 of the bill and insert the following appropriately numbered sections:

SECTION _____. Section 552.116(a), Government Code, is amended to read as follows:

(a) An audit working paper of an audit of the state auditor or the auditor of a state agency, an institution of higher education as defined by Section 61.003, Education Code, a county, ~~[or]~~ a municipality, or a joint board operating under Section 22.074, Transportation Code, is excepted from the requirements of Section 552.021. If information in an audit working paper is also maintained in another record, that other record is not excepted from the requirements of Section 552.021 by this section.

SECTION _____. Section 552.116(b)(1), Government Code, is amended to read as follows:

(1) "Audit" means an audit authorized or required by a statute of this state or the United States, the charter or an ordinance of a municipality, an order of the commissioners court of a county, or a resolution or other action of a joint board described by Subsection (a) and includes an investigation.

(2) Renumber existing sections of the bill accordingly.

HB 87 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 87, A bill to be entitled An Act relating to the authority of a municipality to alter speed limits in an urban district within the municipality.

Representative Reyna moved to concur in the senate amendments to **HB 87**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 669): 141 Yeas, 0 Nays, 1 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; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; 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; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hodge; Hope; Phillips.

Absent — Baxter; Crabb; Jackson; Luna.

Senate Committee Substitute

CSHB 87, A bill to be entitled An Act relating to the authority of a municipality to alter speed limits in an urban district within the municipality.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 545.356, Transportation Code, is amended by adding Subsection (b-1) and amending Subsection (c) to read as follows:

(b-1) The governing body of a municipality, for a highway or a part of a highway in an urban district in the municipality that is not an officially designated or marked highway or road of the state highway system, is 35 feet or less in width, and along which vehicular parking is not prohibited on one or both sides of the highway, may declare a lower speed limit of not less than 25 miles per hour, if the governing body determines that the prima facie speed limit on the highway is unreasonable or unsafe.

(c) A prima facie speed limit that is altered by the governing body of a municipality under Subsection (b) or (b-1) is effective when the governing body erects signs giving notice of the new limit and at all times or at other times as determined.

SECTION 2. 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.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 87** as follows:

(1) In the prefatory language in SECTION 1 of the bill (committee printing, page 1, line 13), strike "Subsection (b-1)" and Substitute "Subsections (b-1) and (b-2)".

(2) In SECTION 1 of the bill, added Subsection (b-1), Section 545.356, Transportation Code (committee printing, page 1, line 15), strike "The" and substitute "Except as provided by Subsection (b-2), the".

(3) In SECTION 1 of the bill, after added Subsection (b-1), Section 545.356, Transportation Code (committee printing, page 1, between lines 22 and 23), insert:

"(b-2) Subsection (b-1) does not apply to a highway or part of a highway that has four or more lanes used for vehicular travel."

**HB 304 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 304, A bill to be entitled an Act relating to conditions of employment for police officers employed by certain municipalities.

Representative Talton moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 304**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 304**: Talton, chair; Blake; Bailey; Reyna; and Menendez.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

**HB 3 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE INSTRUCTED
CONFERENCE COMMITTEE APPOINTED**

Representative J. Keffer called up with senate amendments for consideration at this time,

HB 3, A bill to be entitled an Act relating to property tax relief and protection of taxpayers, taxes and fees, and other matters relating to the financing of public schools; providing civil and criminal penalties.

Representative J. Keffer moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3**.

The motion prevailed.

Representative Hartnett moved to instruct the conference committee on **HB 3** to remove Senate Amendment No. 24 from the conference committee report on **HB 3**.

LEAVES OF ABSENCE GRANTED

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

Pitts on motion of Hopson.

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

Luna on motion of Hopson.

HB 3 - (consideration continued)

(Luna now present)

A record vote was requested.

The motion to instruct conferees prevailed by (Record 670): 72 Yeas, 65 Nays, 1 Present, not voting.

Yeas — Allen, A.; Anchia; Anderson; Berman; Bohac; Brown, B.; Burnam; Callegari; Castro; Chavez; Coleman; Corte; Crabb; Crownover; Davis, J.; Dawson; Dunnam; Elkins; Farabee; Flynn; Gallego; Gonzales; Goolsby; Griggs; Hartnett; Herrero; Hilderbran; Hill; Hochberg; Hopson; Howard; Hughes; Isett; Jackson; Jones, D.; Jones, J.; Keffer, B.; King, P.; King, T.; Laubenberg; Leibowitz; Martinez Fischer; McCall; Merritt; Miller; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Paxton; Quintanilla; Raymond; Riddle; Rodriguez; Seaman; Smith, T.; Smith, W.; Solomons; Strama; Talton; Taylor; Thompson; Truitt; Van Arsdale; Veasey; Vo; West; Wong; Zedler.

Nays — Allen, R.; Alonzo; Bailey; Baxter; Blake; Bonnen; Branch; Brown, F.; Campbell; Chisum; Cook, B.; Cook, R.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Escobar; Farrar; Flores; Frost; Gattis; Geren; Giddings; Gonzalez Tourelles; Goodman; Grusendorf; Guillen; Haggerty; Hamric; Hardcastle; Hegar; Homer; Hunter; Hupp; Keel; Keffer, J.; Kolkhorst; Krusee; Kuempel; Laney; Luna; Madden; Martinez; McClendon; McReynolds; Morrison; Otto; Peña; Pickett; Puente; Reyna; Ritter; Rose; Solis; Straus; Swinford; Turner; Uresti; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hodge; Hope; Phillips.

Absent, Excused, Committee Meeting — Pitts.

Absent — Casteel; Hamilton; Harper-Brown; Menendez; Moreno, P.; Smithee; Villarreal.

STATEMENTS OF VOTE

I was shown voting no on Record No. 670. I intended to vote yes.

Branch

I was shown voting yes on Record No. 670. I intended to vote no.

Chavez

I was shown voting no on Record No. 670. I intended to vote yes.

Eissler

When Record No. 670 was taken, my vote failed to register. I would have voted yes.

Harper-Brown

I was shown voting no on Record No. 670. I intended to vote yes.

Hunter

When Record No. 670 was taken, my vote failed to register. I would have voted yes.

Menendez

REASON FOR VOTE

Today, I voted against Will Hartnett's motion to instruct the conferees against accepting the bingo amendment. This should not be viewed in any way as an indication of my views on gambling, but rather as a vote to preserve the process and not to set a dangerous precedent.

Kolkhorst

LEAVE OF ABSENCE GRANTED

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

Villarreal on motion of Truitt.

HB 3 - (consideration continued)

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3**: J. Keffer, chair; Chisum; Otto; Swinford; and Geren.

HB 1239 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 1239, A bill to be entitled An Act relating to the implementation of unified drug enforcement strategies.

Representative Keel moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1239**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1239**: Hodge, chair; Keel; Hupp; Anchia; and McClendon.

**HB 2 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 2, A bill to be entitled An Act relating to public education and public school finance matters.

Representative Grusendorf moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2**: Grusendorf, chair; Eissler; Delisi; B. Keffer; and Branch.

FIVE DAY POSTING RULE SUSPENDED

Representative Chavez moved to suspend the five day posting rule to allow the Committee on Border and International Affairs to consider **SB 183**, **SB 185**, **SB 425**, **SB 684**, **SB 827**, **SB 964**, **SB 1202**, **SJR 27**, and **SCR 30**.

The motion prevailed.

Representative West moved to suspend the five day posting rule to allow the Committee on Energy Resources to consider **SB 712**, **SB 1166**, **SB 1170**, and **SB 1175** at 8 a.m. May 17, in JHR 110.

The motion prevailed.

Representative Morrison moved to suspend the five day posting rule to allow the Committee on Higher Education to consider **SB 81**, **SB 151**, **SB 296**, **SB 511**, **SB 702**, **SB 730**, **SB 1226**, **SB 1227**, and **SB 1528**.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Government Reform, upon final adjournment today, Desk 114, for a formal meeting, to consider pending business.

Calendars, upon final adjournment today, 3W.9, for a formal meeting, to consider setting the calendar.

Urban Affairs, upon final adjournment today, Desk 48, for a formal meeting, to consider **HB 3480, SB 993, , SB 1457, SB 1751, SB 1806, and SB 1813.**

Border and International Affairs, 8 a.m. Monday, May 16, E1.026, for a public hearing, to consider **SB 183, SB 185, SB 425, SB 684, SB 827, SB 964, SB 1202, SJR 27, and SCR 30.**

Energy Resources, 8 a.m. May 17, JHR 110, for a public hearing, to consider **SB 712, SB 1166, SB 1170, SB 1175,** and other pending business.

Civil Practices, upon final adjournment today, Desk 57, for a formal meeting, to consider committee business and senate bills.

Land and Resource Management, upon final adjournment today, Desk 74, for a formal meeting, to consider **SB 854.**

Higher Education, 8 a.m. or upon final adjournment Tuesday, May 17, JHR 120, for a public hearing, to consider **SB 81, SB 151, SB 296, SB 511, SB 702, SB 730, SB 1226, SB 1227, and SB 1528.**

ADJOURNMENT

Representative Dutton moved that the house adjourn until 10 a.m. Monday, May 16 in memory of Ruby Cooper of Houston.

The motion prevailed.

The house accordingly, at 3:16 p.m., adjourned until 10 a.m. Monday, May 16.

ADDENDUM

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Friday, May 13, 2005 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 282 Hope SPONSOR: Wentworth
Relating to the funding of alternative dispute resolution systems.
(AMENDED)

HB 951 West, George "Buddy" SPONSOR: Seliger
Relating to construction affecting pipeline easements and rights-of-way.
(AMENDED)

HB 1077 Crabb SPONSOR: Wentworth
Relating to the composition of certain courts of appeals districts and to the assignment and transfer of cases in certain courts of appeals districts.
(COMMITTEE SUBSTITUTE/AMENDED)

HB 1508 Denny SPONSOR: Harris
Relating to reporting of expenditures by persons registered as lobbyists.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 13, 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 REFUSED TO CONCUR IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 1050

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 12

Business and Industry - **SB 54, SB 1018, SB 1186**

Corrections - **SB 396, SB 912**

County Affairs - **SB 1026, SB 1518, SB 1555, SB 1635**

Criminal Jurisprudence - **SB 679, SB 907, SB 1469, SB 1791**

Culture, Recreation, and Tourism - **SB 150, SB 318, SB 804, SCR 9, SCR 12**

Elections - **SB 427**

Energy Resources - **SB 1032**

Law Enforcement - **SB 1473**

Licensing and Administrative Procedures - **SB 624**

Local Government Ways and Means - **SB 1205**

Natural Resources - **SB 363, SB 509, SB 1792, SB 1824**

Public Health - **SB 419**

Transportation - **SB 737, SB 1257, SB 1465, SB 1713**

ENGROSSED

May 12 - **HB 49, HB 51, HB 209, HB 251, HB 401, HB 661, HB 726, HB 843, HB 867, HB 1037, HB 1047, HB 1132, HB 1238, HB 1268, HB 1270, HB 1330, HB 1484, HB 1584, HB 1765, HB 1795, HB 1921, HB 2201, HB 2218, HB 2330, HB 2470, HB 2842, HB 2876, HB 2894, HB 2933, HB 2945, HB 2959, HB 2984, HB 2988, HB 3057, HB 3071, HB 3253, HB 3318, HB 3333, HB 3335, HJR 79**

ENROLLED

May 12 - **HB 1025, HCR 156, HCR 170**

SENT TO THE GOVERNOR

May 12 - **HB 1025, HCR 156, HCR 170**

RECOMMENDATIONS FILED WITH THE SPEAKER

May 12 - **HB 3490, HB 3491, HB 3492, HB 3506, HB 3512, HB 3514, HB 3521, HB 3522, HB 3523, HB 3524, HB 3525, HB 3554, HB 3560, HB 3561, HB 3565**

