

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-SECOND DAY — THURSDAY, MAY 19, 2005

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

The roll of the house was called and a quorum was announced present (Record 708).

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; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; 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.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Noriega, M.; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent, Excused — Hodge; Nixon; Oliveira.

Absent, Excused, Committee Meeting — Gattis; Kolkhorst; Luna; Pitts; Turner.

Absent — Elkins.

The invocation was offered by Reverend Mike Hunter, First Christian Church, Lufkin, as follows:

Gracious God, we pause to give you thanks and acknowledge your divine direction for our lives. In this great nation of freedom, remind us of the cost and responsibility such freedom requires; show us every road to peace. In our bountiful state, help us to seize the unlimited potential you have given us to help, teach, lead, inspire, and govern with mercy, justice, fairness, and compassion.

Forgive us God, when we take your gifts for granted. Make us good stewards of your blessings. May we be renewed by what you do through us this day. May we be empowered by your spirit to empower those we represent. May our decisions this day stand in harmony with your grace and love for all. Hear our prayer and make us instruments of your peace. Amen.

The speaker recognized Representative McReynolds 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.

LEAVES OF ABSENCE GRANTED

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

Nixon on motion of Denny.

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

Oliveira on motion of Raymond.

The following members were granted leaves of absence for today because of appropriations business:

Pitts on motion of Truitt.

Kolkhorst on motion of Truitt.

Luna on motion of Truitt.

The following members were granted leaves of absence temporarily for today because of appropriations business:

Gattis on motion of Truitt.

Turner on motion of Truitt.

CAPITOL PHYSICIAN

The speaker recognized Representative T. King who presented Dr. Lloyd Van Winkle of Castroville as the "Doctor for the Day."

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

INTRODUCTION OF GUESTS

The speaker recognized Representative Giddings who introduced members of the Delta State House Assembly, Nigeria: Ossai Ossai, house leader; Efe O'Afe, chief whip; Paul Okpue; Olisa Imegwu; and Anderson Mekoma.

MESSAGE FROM THE SENATE

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

**HR 1566 - ADOPTED
(by Campbell)**

Representative Campbell moved to suspend all necessary rules to take up and consider at this time **HR 1566**.

The motion prevailed.

The following resolution was laid before the house:

HR 1566, Honoring Dianna Spieker, treasurer of Tom Green County, for her public service.

HR 1566 was adopted.

**HR 222 - READ
(by Raymond)**

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

HR 222, Honoring Pete Astudillo.

HR 222 - MOTION TO ADD NAMES

On motion of Representative Gallego, the names of all the members of the house were added to **HR 222** as signers thereof.

INTRODUCTION OF GUEST

The speaker recognized Representative Raymond who introduced Pete Astudillo.

(Herrero in the chair)

**HR 1749 - ADOPTED
(by Seaman, D. Jones, and Hunter)**

Representative Seaman moved to suspend all necessary rules to take up and consider at this time **HR 1749**.

The motion prevailed.

The following resolution was laid before the house:

HR 1749, In memory of former State Representative Leroy J. Wieting, Sr., of Portland and Austin.

HR 1749 was read and was unanimously adopted by a rising vote.

On motion of Representative D. Jones, the names of all the members of the house were added to **HR 1749** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Seaman who introduced the family of the Honorable Leroy J. Wieting, Sr.

HR 1455 - ADOPTED
(by Olivo)

Representative Olivo moved to suspend all necessary rules to take up and consider at this time **HR 1455**.

The motion prevailed.

The following resolution was laid before the house:

HR 1455, Congratulating Willie Thomas of Booth on his induction into the Texas Rodeo Cowboy Hall of Fame.

HR 1455 was read and was adopted.

On motion of Representatives Dukes, A. Allen, and Hope, the names of all the members of the house were added to **HR 1455** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Olivo who introduced Willie Thomas and his son Myron.

HR 1597 - ADOPTED
(by McCall)

Representative McCall moved to suspend all necessary rules to take up and consider at this time **HR 1597**.

The motion prevailed.

The following resolution was laid before the house:

HR 1597, Congratulating the Plano West High School boys' hockey team for winning the 2005 Texas Cup.

HR 1597 was adopted.

HR 1598 - ADOPTED
(by McCall)

Representative McCall moved to suspend all necessary rules to take up and consider at this time **HR 1598**.

The motion prevailed.

The following resolution was laid before the house:

HR 1598, Honoring Grace Presbyterian Church of Plano on its 25th anniversary.

HR 1598 was adopted.

HR 1599 - ADOPTED
(by McCall)

Representative McCall moved to suspend all necessary rules to take up and consider at this time **HR 1599**.

The motion prevailed.

The following resolution was laid before the house:

HR 1599, Honoring Plano Senior High School junior Erin Yu on her perfect SAT score.

HR 1599 was adopted.

HR 1600 - ADOPTED
(by McCall)

Representative McCall moved to suspend all necessary rules to take up and consider at this time **HR 1600**.

The motion prevailed.

The following resolution was laid before the house:

HR 1600, In memory of Robert Layton Simmons, Jr., of Dallas.

HR 1600 was unanimously adopted by a rising vote.

HR 1601 - ADOPTED
(by McCall)

Representative McCall moved to suspend all necessary rules to take up and consider at this time **HR 1601**.

The motion prevailed.

The following resolution was laid before the house:

HR 1601, Congratulating the Plano Senior High School boys' track and field team on winning the District 8-5A title.

HR 1601 was adopted.

(Leibowitz in the chair)

HR 1813 - ADOPTED
(by Swinford)

Representative Swinford moved to suspend all necessary rules to take up and consider at this time **HR 1813**.

The motion prevailed.

The following resolution was laid before the house:

HR 1813, Honoring David Christopher Swinford of North Richland Hills on his 40th birthday.

HR 1813 was adopted.

HR 1529 - ADOPTED
(by Uresti)

Representative Uresti moved to suspend all necessary rules to take up and consider at this time **HR 1529**.

The motion prevailed.

The following resolution was laid before the house:

HR 1529, Congratulating University of Texas at San Antonio student Rudy Garza of Adkins on his acceptance into the Joint Admission Medical Program.

HR 1529 was read and was adopted.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 46).

(Gattis now present)

HB 1239 - HOUSE DISCHARGES CONFEREES HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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 to discharge the conferees and concur in the senate amendments to **HB 1239**.

The motion to discharge and concur in senate amendments prevailed. (In accordance with House Rule 5, 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.)

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

Amend **HB 1239** (Senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 362.001, Local Government Code, is amended by adding Subdivision (3) to read as follows:

(3) "Multicounty drug task force" means a mutual aid law enforcement task force that is established as a multicounty law enforcement cooperation between counties and municipalities to enhance multicounty interagency coordination, acquire intelligence information, and facilitate multicounty investigations of drug-related crimes.

SECTION 2. Chapter 362, Local Government Code, is amended by adding Section 362.004 to read as follows:

Sec. 362.004. MULTICOUNTY DRUG TASK FORCE. (a) A multicounty drug task force is composed of law enforcement agencies located in two or more counties in this state. A multicounty drug task force may be established and operated only after the Department of Public Safety confirms:

- (1) a strategic need for the task force; and
- (2) the composition of the task force.

(b) A multicounty drug task force, and any county or municipality participating in the task force, must comply with the policies and procedures established for the operation of a multicounty drug task force by the Department of Public Safety.

SECTION 3. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0097 to read as follows:

Sec. 411.0097. MULTICOUNTY DRUG TASK FORCES. (a) The department shall establish policies and procedures for multicounty drug task forces, as defined by Section 362.001, Local Government Code, and may exercise the authority necessary to ensure compliance with those policies and procedures.

(b) The department shall evaluate each multicounty drug task force with respect to whether the task force:

(1) complies with state and federal requirements, including policies and procedures established by department rule; and

(2) demonstrates effective performance outcomes.

(c) The department shall submit semiannually to the governor's office and the Legislative Budget Board a report that includes a written evaluation of the matters described by Subsection (b).

SECTION 4. Article 59.06, Code of Criminal Procedure, is amended by adding Subsection (q) to read as follows:

(q)(1) Notwithstanding any other provision of this article, a multicounty drug task force, or a county or municipality participating in the task force, that is not established in accordance with Section 362.004, Local Government Code, or that fails to comply with the policies and procedures established by the Department of Public Safety under that section, and that participates in the seizure of contraband shall forward to the comptroller all proceeds received by the task force from the forfeiture of the contraband. The comptroller shall deposit the proceeds in the state treasury to the credit of the general revenue fund.

(2) The attorney general shall ensure the enforcement of Subdivision (1) by filing any necessary legal proceedings in the county in which the contraband is forfeited or in Travis County.

SECTION 5. Article 59.06(q), Code of Criminal Procedure, as added by this Act, applies to proceeds from the sale of property that is forfeited under Chapter 59 of that code on or after the effective date of this Act. The disposition of proceeds from the sale of property that was forfeited under that chapter before the effective date of this Act is governed by the law in effect on the date the property was forfeited, and the former law is continued in effect for that purpose.

SECTION 6. 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.

HR 1821 - ADOPTED

(by Wong)

Representative Wong moved to suspend all necessary rules to take up and consider at this time **HR 1821**.

The motion prevailed.

The following resolution was laid before the house:

HR 1821, Honoring Dr. Mary Chua Jeu on her retirement as chief of Park Plaza Anesthesiologists.

HR 1821 was adopted.

(Delisi in the chair)

POSTPONED BUSINESS

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

SB 335 ON THIRD READING (Hartnett - House Sponsor)

SB 335, A bill to be entitled An Act relating to the recording of electronic documents.

SB 335 was read third time on May 18 and was postponed until 9 a.m. today.

Representative Hughes moved to postpone consideration of **SB 335** until 10 a.m. May 23.

The motion prevailed.

SB 579 ON SECOND READING (Corte - House Sponsor)

SB 579, A bill to be entitled An Act relating to the eligibility of children of certain military personnel to receive Texas B-On-time loans.

SB 579 was read second time on May 18 and was postponed until 9 a.m. today.

SB 579 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.)

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

SB 637 ON THIRD READING (Hamric - House Sponsor)

SB 637, A bill to be entitled An Act relating to the precedence of certain county highway access rules and ordinances over highway access management orders of the Texas Transportation Commission.

(Turner now present)

A record vote was requested.

SB 637 was passed by (Record 709): 140 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; 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; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Noriega, M.; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Hodge; Nixon; Oliveira.

Absent, Excused, Committee Meeting — Kolkhorst; Luna; Pitts.

Absent — Elkins.

SB 1331 ON THIRD READING
(Denny and Geren - House Sponsors)

SB 1331, A bill to be entitled An Act relating to certain temporary wine and beer retailer's permits.

A record vote was requested.

SB 1331 was passed by (Record 710): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; 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; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Noriega, M.; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna;

Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Hodge; Nixon; Oliveira.

Absent, Excused, Committee Meeting — Kolkhorst; Luna; Pitts.

Absent — Elkins; Straus.

SB 1137 ON THIRD READING
(Swinford - House Sponsor)

SB 1137, A bill to be entitled An Act relating to the development of the wine industry and other businesses related to agriculture or tourism in this state.

A record vote was requested.

SB 1137 was passed by (Record 711): 136 Yeas, 3 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.; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; 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; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Krusee; Kuempel; Laney; Leibowitz; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Moreno, P.; Morrison; Mowery; Naishtat; Noriega, M.; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley.

Nays — Laubenberg; Miller; Zedler.

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

Absent, Excused — Hodge; Nixon; Oliveira.

Absent, Excused, Committee Meeting — Kolkhorst; Luna; Pitts.

Absent — Dawson; Elkins.

STATEMENT OF VOTE

I was shown voting yes on Record No. 711. I intended to vote present, not voting.

Howard

SB 1339 ON THIRD READING
(Straus - House Sponsor)

SB 1339, A bill to be entitled An Act relating to the limitation on the sales and use tax rate of a political subdivision in an advanced transportation district.

A record vote was requested.

SB 1339 was passed by (Record 712): 136 Yeas, 0 Nays, 4 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; 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.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Noriega, M.; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Hodge; Nixon; Oliveira.

Absent, Excused, Committee Meeting — Kolkhorst; Luna; Pitts.

Absent — Castro; Dawson; Elkins.

SB 907 ON THIRD READING
(Woolley - House Sponsor)

SB 907, A bill to be entitled An Act relating to authority of a peace officer to make an arrest outside of the officer's jurisdiction or to seize property while making the arrest.

SB 907 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 1850 ON THIRD READING
(Geren, Farrar, Goolsby, Thompson, J. Moreno, et al. - House Sponsors)

SB 1850, A bill to be entitled An Act relating to the regulation of certain businesses that sell beer or beer and wine in certain counties; providing an administrative penalty.

(Elkins now present)

SB 1850 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 164 ON THIRD READING
(Hunter - House Sponsor)

SB 164, A bill to be entitled An Act relating to the statutory requirements for the term and residency of the Commissioner of the General Land Office.

A record vote was requested.

SB 164 was passed by (Record 713): 138 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; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; 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; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keffer, B.; Keffer, J.; King, P.; King, T.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Noriega, M.; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Hodge; Nixon; Oliveira.

Absent, Excused, Committee Meeting — Kolkhorst; Luna; Pitts.

Absent — Castro; Goolsby; Keel.

STATEMENT OF VOTE

When Record No. 713 was taken, I was in the house but away from my desk. I would have voted yes.

Keel

SB 166 ON THIRD READING
(Keel - House Sponsor)

SB 166, A bill to be entitled An Act relating to the effect of an expunction.

Amendment No. 1

Representative Keel offered the following amendment to **SB 166**:

Amend **SB 166** on third reading by striking the language added by the Truitt amendment on second reading that adds Subsection (a-1), Article 55.01, Code of Criminal Procedure, amends Section 2(a), Article 55.02, Code of Criminal Procedure, and adds nonamendatory transition language relating to the addition and amendment.

(Speaker in the chair)

Amendment No. 1 was adopted.

A record vote was requested.

SB 166, as amended, was passed by (Record 714): 138 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; 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.; Krusee; Kuempel; Laubenberg; Leibowitz; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Noriega, M.; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hodge; Nixon; Oliveira.

Absent, Excused, Committee Meeting — Kolkhorst; Luna; Pitts.

Absent — Harper-Brown; Hope; Jackson; Laney.

STATEMENT OF VOTE

When Record No. 714 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hope

SB 363 ON THIRD READING
(Callegari - House Sponsor)

SB 363, A bill to be entitled An Act relating to the general powers, authority, and boundaries and to the directors of the West Harris County Regional Water Authority; providing penalties.

A record vote was requested.

SB 363 was passed by (Record 715): 142 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hodge; Nixon; Oliveira.

Absent, Excused, Committee Meeting — Kolkhorst; Luna; Pitts.

SB 396 ON THIRD READING
(R. Allen - House Sponsor)

SB 396, A bill to be entitled An Act relating to the interagency exchange of information regarding certain offenders with special needs.

A record vote was requested.

SB 396 was passed by (Record 716): 138 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; 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 Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen;

Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; 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.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Noriega, M.; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; 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; Nixon; Oliveira.

Absent, Excused, Committee Meeting — Kolkhorst; Luna; Pitts.

Absent — Crabb; Edwards; Hartnett; Seaman.

STATEMENT OF VOTE

When Record No. 716 was taken, I was temporarily out of the house chamber. I would have voted yes.

Crabb

SB 509 ON THIRD READING (Geren - House Sponsor)

SB 509, A bill to be entitled An Act relating to the repeal of the restriction on the amount of money in the water infrastructure fund that may be used for certain purposes in a fiscal year.

A record vote was requested.

SB 509 was passed by (Record 717): 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; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Noriega, M.; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter;

Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hodge; Nixon; Oliveira.

Absent, Excused, Committee Meeting — Kolkhorst; Luna; Pitts.

Absent — Jones, D.

SB 517 ON THIRD READING
(Eiland - House Sponsor)

SB 517, A bill to be entitled An Act relating to studies or projects concerning coastal erosion that may be undertaken by the General Land Office in conjunction with qualified project partners.

SB 517 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 651 ON THIRD READING
(Geren - House Sponsor)

SB 651, A bill to be entitled An Act relating to the University of North Texas Health Science Center at Fort Worth missing persons DNA database.

A record vote was requested.

SB 651 was passed by (Record 718): 142 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hodge; Nixon; Oliveira.

Absent, Excused, Committee Meeting — Kolkhorst; Luna; Pitts.

SB 679 ON THIRD READING

(Keel - House Sponsor)

SB 679, A bill to be entitled An Act relating to the procedure for determining the incompetency of a defendant to stand trial.

SB 679 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 736 ON THIRD READING

(W. Smith - House Sponsor)

SB 736, A bill to be entitled An Act relating to the authority of certain counties to apply a county fire code to certain buildings.

A record vote was requested.

SB 736 was passed by (Record 719): 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; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Madden; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Noriega, M.; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hodge; Nixon; Oliveira.

Absent, Excused, Committee Meeting — Kolkhorst; Luna; Pitts.

Absent — McCall.

(Harper-Brown in the chair)

SB 910 ON THIRD READING
(Keel - House Sponsor)

SB 910, A bill to be entitled An Act relating to the repeal of certain obsolete laws defining and regulating nitrous oxide as a volatile chemical.

A record vote was requested.

SB 910 was passed by (Record 720): 134 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Campbell; Casteel; Castro; 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; 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.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Moreno, P.; Morrison; Mowery; Naishtat; Noriega, M.; Olivo; Orr; Otto; Paxton; Peña; Pickett; Puente; Quintanilla; Raymond; 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; Harper-Brown(C).

Absent, Excused — Hodge; Nixon; Oliveira.

Absent, Excused, Committee Meeting — Kolkhorst; Luna; Pitts.

Absent — Allen, R.; Callegari; Chavez; Dutton; Miller; Phillips; Reyna.

SB 912 ON THIRD READING
(R. Allen, Zedler, and Otto - House Sponsors)

SB 912, A bill to be entitled An Act relating to the civil commitment of sexually violent predators.

SB 912 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 1186 ON THIRD READING
(Guillen and M. Noriega - House Sponsors)

SB 1186, A bill to be entitled An Act relating to the effect that certain orders relating to family violence and certain decisions regarding military service have on residential leases; providing civil penalties.

A record vote was requested.

SB 1186 was passed by (Record 721): 141 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Hodge; Nixon; Oliveira.

Absent, Excused, Committee Meeting — Kolkhorst; Luna; Pitts.

SB 1465 ON THIRD READING
(Ritter - House Sponsor)

SB 1465, 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.

SB 1465 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 1791 ON THIRD READING
(Keel - House Sponsor)

SB 1791, A bill to be entitled An Act relating to the prosecution of the offense of capital murder.

SB 1791 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 1257 ON THIRD READING
(Callegari - House Sponsor)

SB 1257, A bill to be entitled An Act relating to the operation of a motor vehicle by a person who holds a driver's license or a commercial driver's license.

(Speaker in the chair)

SB 1257 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE KEEL: Thank you, Representative Callegari. I just want to make it clear for the record so it's clear to all these members. By virtue of the adoption of the Menendez amendment yesterday, it will now be a criminal offense if a person that is 16 years of age, within the first six months of their driver's license, operates the navigation system on a vehicle.

REPRESENTATIVE CALLEGARI: That is my understanding, yes.

REMARKS ORDERED PRINTED

Representative Keel moved to print remarks between Representative Callegari and Representative Keel.

The motion prevailed.

Amendment No. 1

Representative Guillen offered the following amendment to **SB 1257**:

Amend Amendment No. ___ by Menendez to **SB 1257** by inserting the following new SECTION:

SECTION ___. Subchapter I, Chapter 445, Transportation Code, is amended by adding Section 545.425 to read as follows:

Sec. 545.425. USE OF WIRELESS COMMUNICATION DEVICE BY CERTAIN MOTORISTS. A person may not use a wireless communication device while operating a passenger bus with a minor passenger on the bus except in case of emergency or if the passenger bus is not in motion.

Representative Callegari moved to table Amendment No. 1.

The motion to table was lost.

Amendment No. 1 was adopted.

(Crownover in the chair)

A record vote was requested.

SB 1257, as amended, was passed by (Record 722): 120 Yeas, 17 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, F.; Burnam; Callegari; Campbell; Casteel; Chavez; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dunnam; Dutton; Edwards; Eiland; Eissler; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Hamilton; Hamric; Hardcastle; Hartnett; Hegar; Herrero; Hilderbran; Hill;

Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Isett; Jackson; Jones, D.; Jones, J.; Keffer, B.; Keffer, J.; King, P.; Krusee; Kuempel; Laubenberg; Leibowitz; Madden; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Noriega, M.; Olivo; Orr; Otto; Paxton; Peña; Pickett; Puente; Quintanilla; Raymond; Reyna; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Blake; Brown, B.; Denny; Elkins; Gattis; Haggerty; Harper-Brown; Hupp; Keel; Laney; McCall; Phillips; Riddle; Ritter; Smithee; Talton; Truitt.

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

Absent, Excused — Hodge; Nixon; Oliveira.

Absent, Excused, Committee Meeting — Kolkhorst; Luna; Pitts.

Absent — Castro; Chisum; Dukes; King, T.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 722. I intended to vote no.

R. Cook

I was shown voting yes on Record No. 722. I intended to vote no.

J. Davis

I was shown voting yes on Record No. 722. I intended to vote no.

Hopson

I was shown voting yes on Record No. 722. I intended to vote no.

Miller

SB 1354 ON THIRD READING (J. Keffer - House Sponsor)

SB 1354, A bill to be entitled An Act relating to the protection of water quality in watersheds threatened by quarry activities; establishing a pilot program in a certain portion of the Brazos River watershed; providing penalties.

A record vote was requested.

SB 1354 was passed by (Record 723): 137 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; 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; 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.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Noriega, M.; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; West; Wong; Woolley; Zedler.

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

Absent, Excused — Hodge; Nixon; Oliveira.

Absent, Excused, Committee Meeting — Kolkhorst; Luna; Pitts.

Absent — Frost; King, T.; Solomons; Vo.

STATEMENTS OF VOTE

When Record No. 723 was taken, I was in the house but away from my desk. I would have voted yes.

T. King

When Record No. 723 was taken, I was in the house but away from my desk. I would have voted yes.

Vo

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Environmental Regulation, upon lunch recess today, Desk 69, for a formal meeting, to consider pending business.

Public Health, upon lunch recess today, Desk 129, for a formal meeting, to consider pending business.

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

Culture, Recreation, and Tourism, upon lunch recess today, Desk 66, for a formal meeting, to consider committee business.

(Speaker in the chair)

Juvenile Justice and Family Issues, upon lunch recess today, Desk 115, for a formal meeting, to consider pending business.

Defense Affairs and State-Federal Relations, upon lunch recess today, Desk 76, for a formal meeting, to consider **SB 1105**, **SB 1714**, and **SB 1735**.

State Affairs, upon lunch recess today, Desk 9, for a formal meeting, to consider **HCR 208** and **SB 1150**.

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

Criminal Jurisprudence, upon lunch recess today, Desk 59, for a formal meeting, to consider pending business.

RECESS

At 11:52 a.m., the speaker announced that the house would stand recessed until 1:15 p.m. today.

(Gattis in the chair)

AFTERNOON SESSION

The house met at 1:15 p.m. and was called to order by the chair.

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. 24).

GENERAL STATE CALENDAR

SENATE BILLS

SECOND READING

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

CSSB 427 ON SECOND READING

(Vo and Denny - House Sponsors)

CSSB 427, A bill to be entitled An Act relating to providing notification to a county voter registrar of the change in boundaries of a political subdivision located in the county.

Amendment No. 1

Representative Vo offered the following amendment to **CSSB 427**:

Amend **CSSB 427** by adding the following appropriately numbered SECTION to the bill and renumbering the existing SECTIONS as appropriate:

SECTION ____. (a) Section 43.061(b), Election Code, is amended to read as follows:

(b) If the location of a polling place changes after notice of an election is given under Section 4.003, the county clerk shall give notice of the change not later than the earlier of:

(1) 24 hours after the location is changed; or

(2) 72 [~~24~~] hours before the polls open on election day.

(b) The change in law made by this section applies only to an election ordered on or after the effective date of this Act.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Hardcastle offered the following amendment to **CSSB 427**:

Amend **CSSB 427** (House Committee Printing) as follows:

(1) Between the enacting clause and SECTION 1 of the bill (page 1, between lines 5 and 6), insert:

ARTICLE 1. AMENDMENT OF ELECTION CODE

(2) Redesignate SECTION 1 of the bill as SECTION 1.01.

(3) Strike SECTION 2 of the bill (page 1, line 19), and substitute the following:

ARTICLE 2. AMENDMENT OF RED BLUFF WATER POWER CONTROL DISTRICT LOCAL LAW

SECTION 2.01. DEFINITIONS. In this article, "Red Bluff District" means the Red Bluff Water Power Control District.

SECTION 2.02. NATURE AND COMPOSITION OF DISTRICT. (a) The Red Bluff Water Power Control District is a water power control district in Loving, Pecos, Reeves, and Ward Counties:

(1) created under Section 59, Article XVI, Texas Constitution; and

(2) governed by:

(A) Chapter 76, General Laws, Acts of the 43rd Legislature, Regular Session, 1933 (Article 7807d, Vernon's Texas Civil Statutes);

(B) Chapter 19, General Laws, Acts of the 43rd Legislature, 1st Called Session, 1933 (Article 7807dd, Vernon's Texas Civil Statutes); and

(C) other provisions of general law.

(b) The Red Bluff District is composed of the seven following member districts regardless of whether a district is a water improvement district operating under Chapter 55, Water Code, or an irrigation district operating under Chapter 58, Water Code:

(1) Loving County Water Improvement District No. 1;

(2) Pecos County Water Improvement District No. 2;

(3) Pecos County Water Improvement District No. 3;

(4) Reeves County Water Improvement District No. 2;

(5) Ward County Irrigation District No. 1;

(6) Ward County Irrigation District No. 3; and

(7) Ward County Water Improvement District No. 2.

SECTION 2.03. RED BLUFF DISTRICT BOARD OF DIRECTORS. (a) The Red Bluff District is governed by a board of seven directors.

(b) The board of directors of each member district shall appoint one director to serve on the board of directors of the Red Bluff District. Each director represents the member district from which the director was appointed and serves at the pleasure of the directors of that member district.

(c) A person who is an elected director of a member district may be appointed to serve as a director of the Red Bluff District.

(d) If a vacancy occurs on the board of directors of the Red Bluff District, the member district that appointed the director to the vacated position shall appoint a person to fill the vacancy.

SECTION 2.04. TERRITORY OF RED BLUFF DISTRICT; COUNTY NOTIFICATION. (a) The territory of the Red Bluff District is only that territory included in the combined territory of the member districts listed under Section 2.02(b) of this article.

(b) The Red Bluff District shall notify the registrars of the counties named in Section 2.02(a) of this article of the change in district boundaries not later than the 30th day after the effective date of this article.

SECTION 2.05. EFFECTIVE DATE OF ARTICLE. This article takes effect on the later of the effective date of this Act or the date on which this article is precleared under Section 5, Voting Rights Act of 1965 (42 U.S.C. Section 1973c).

ARTICLE 3. EFFECTIVE DATE

SECTION 3.01. Except as otherwise provided by this Act, this Act takes effect September 1, 2005.

Amendment No. 2 was adopted.

CSSB 427, 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.)

CSSB 91 ON SECOND READING (Riddle - House Sponsor)

CSSB 91, A bill to be entitled An Act relating to the punishment imposed on certain defendants charged with the offense of assault.

Amendment No. 1

Representative Talton offered the following amendment to **CSSB 91**:

Amend **CSSB 91** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering existing SECTIONS of the bill accordingly:

SECTION __. Section 22.02(b), Penal Code, is amended to read as follows:

(b) An offense under this section is a felony of the second degree, except that the offense is a felony of the first degree if:

(1) the actor uses a deadly weapon during the commission of the assault and causes serious bodily injury to a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code; or

(2) regardless of whether the offense is committed under Subsection (a)(1) or (a)(2), the offense is committed:

(A) [~~(A)~~] by a public servant acting under color of the servant's office or employment;

(B) [~~(B)~~] against a person the actor knows is a public servant while the public servant is lawfully discharging an official duty, or in retaliation or on account of an exercise of official power or performance of an official duty as a public servant;

(C) [~~(C)~~] in retaliation against or on account of the service of another as a witness, prospective witness, informant, or person who has reported the occurrence of a crime; or

(D) [~~(4)~~] against a person the actor knows is a security officer while the officer is performing a duty as a security officer.

Amendment No. 1 was adopted. (Hope recorded voting no.)

Amendment No. 2

Representative Leibowitz offered the following amendment to **CSSB 91**:

Amend **CSSB 91** (House committee printing) as follows:

(1) In SECTION 1 of the bill, in proposed Subsection (b)(2), Section 22.01, Penal Code (page 1, line 21), between "chapter" and "against", insert "Chapter 19, or Section 20.03, 20.04, or 21.11".

(2) In SECTION 2 of the bill, in proposed Subsection (f)(1), Section 22.01, Penal Code (page 2, line 19), strike "under this chapter" and substitute "listed in Subsection (b)(2) committed".

(3) In SECTION 2 of the bill, in proposed Subsection (f)(2), Section 22.01, Penal Code (page 3, lines 4-5), strike "under this chapter is a conviction of an offense under this chapter" and substitute "listed in Subsection (b)(2) is a conviction of an offense listed in Subsection (b)(2)".

Amendment No. 2 was adopted. (Hope recorded voting no.)

CSSB 91, 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: Hope recorded voting no.)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Grusendorf requested permission for the conference committee on **HB 2** to meet while the house is in session for the remainder of the session.

Permission to meet was granted.

SB 945 ON SECOND READING

(Morrison - House Sponsor)

SB 945, A bill to be entitled An Act relating to the filing of a disclosure statement by a vendor or member of a governing body of a port authority or navigation district; imposing a penalty.

SB 945 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.)

SB 898 ON SECOND READING

(Hill - House Sponsor)

SB 898, A bill to be entitled An Act relating to tax liability for property omitted from an appraisal roll.

SB 898 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.)

SB 1131 ON SECOND READING
(Seaman - House Sponsor)

SB 1131, A bill to be entitled An Act relating to the conveyance of a ferry by the Texas Department of Transportation to certain counties and local government corporations.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Hamric, Representative Seaman offered the following committee amendment to **SB 1131**:

Amend **SB 1131** as follows:

(1) On page 3, line 1, strike "and".

(2) On page 3, line 6, strike the period and substitute:

; and

(3) a majority of the voters in the municipality in which the ferry is located, voting in an election held for that purpose, approve the conveyance.

(3) On page 4, between lines 21 and 22, insert the following:

(j) The governing body of the municipality in which the ferry is located shall order an election held on the approval of a conveyance under this section.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Seaman offered the following amendment to **SB 1131**:

Amend **SB 1131** (house committee report) by adding the following SECTIONS to the bill and renumbering subsequent SECTIONS as appropriate:

SECTION __. Subchapter B, Chapter 370, Transportation Code, is amended by adding Section 370.0311 to read as follows:

Sec. 370.0311. CERTAIN MUNICIPALITIES. (a) This section applies to a municipality:

(1) with a population of 5,000 or less; and

(2) in which a ferry system that is a part of the state highway system is located.

(b) A municipality has the same authority as a county under this chapter to create and participate in an authority.

(c) A municipality that creates or participates in an authority has the same powers and duties as a county that creates or participates in an authority under this chapter.

(d) The governing body of a municipality that creates or participates in an authority has the same powers and duties as a commissioners court of a county that creates or participates in an authority under this chapter.

(e) An elected member of the governing body of a municipality that creates or participates in an authority has the same powers and duties as a commissioner of a county that creates or participates in an authority under this chapter.

SECTION __. Section 370.037(h), Transportation Code, is amended to read as follows:

(h) An authority may permanently ~~temporarily~~ charge a toll for use of a ferry transferred under this section ~~[to pay the costs necessary for an expansion of the ferry. An authority may permanently charge a toll for use of ferry facilities that are an expansion of the ferry transferred under this section].~~ An authority may permanently charge a fee or toll for priority use of ferry facilities under Section 370.193.

SECTION __. Subchapter E, Chapter 370, Transportation Code, is amended by adding Section 370.193 to read as follows:

Sec. 370.193. PRIORITY BOARDING OF FERRY. An authority may establish a system under which an owner of a motor vehicle may pay an additional fee or toll that entitles the vehicle to have priority in boarding a ferry operated by the authority.

Amendment No. 2 was adopted.

SB 1131, 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.)

(Gonzalez Toureilles in the chair)

SB 224 ON SECOND READING (Wong - House Sponsor)

SB 224, A bill to be entitled An Act relating to the eminent domain power of certain municipal management districts.

SB 224 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.)

SB 554 ON SECOND READING (Gattis - House Sponsor)

SB 554, A bill to be entitled An Act relating to the liability of an ERISA-regulated employee benefit plan under certain state law.

SB 554 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.)

SB 611 ON SECOND READING
(P. King - House Sponsor)

SB 611, A bill to be entitled An Act relating to the electronic creation, transmission, and use of certain documents related to the prosecution of a criminal offense.

SB 611 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.)

SB 709 ON SECOND READING
(Guillen - House Sponsor)

SB 709, A bill to be entitled An Act relating to the amount of a late charge or reinstatement fee under a rental-purchase agreement.

SB 709 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero and Leibowitz recorded voting no.)

SB 812 ON SECOND READING
(Farabee - House Sponsor)

SB 812, A bill to be entitled An Act relating to the powers of a community center.

SB 812 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.)

SB 1052 ON SECOND READING
(Talton - House Sponsor)

SB 1052, A bill to be entitled An Act relating to the disclosure of certain information from an early voting roster; providing a penalty.

Amendment No. 1

Representative Gallego offered the following amendment to **SB 1052**:

Amend **SB 1052** (House Committee Printing) on page 1, lines 16-17, between "the day of" and "any resulting" by inserting "the completion of the local canvass for".

Amendment No. 1 was adopted.

SB 1052, 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.)

(Strama in the chair)

SB 1660 ON SECOND READING
(Hilderbran - House Sponsor)

SB 1660, A bill to be entitled An Act relating to the assumption of road district powers and duties by certain municipal utility districts; authorizing bonds.

Representative Corte moved to postpone consideration of **SB 1660** until 9 a.m. May 23.

The motion prevailed.

SB 1421 ON SECOND READING
(Bailey - House Sponsor)

SB 1421, A bill to be entitled An Act relating to eligibility for beginning positions in certain police and fire departments.

Amendment No. 1

Representative Gonzales offered the following amendment to **SB 1421**:

Amend **SB 1421** (House Committee Printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION _____. Section 143.023(c), Local Government Code, is amended to read as follows:

(c) A person who is 45 years of age or older may not be certified for a beginning position in a police department. ~~[A person who is 36 years of age or older and under 45 may not be certified as eligible for a beginning position in a police department unless the person has at least five years' experience as a peace officer or at least five years of military experience.]~~

Amendment No. 1 was adopted.

SB 1421, 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.)

SB 1494 ON SECOND READING
(P. King - House Sponsor)

SB 1494, A bill to be entitled An Act relating to the unbundling of electric utilities in the transition to competitive retail electric markets.

Representative P. King moved to postpone consideration of **SB 1494** until 3 p.m. May 22.

The motion prevailed.

SB 1469 ON SECOND READING
(Keel - House Sponsor)

SB 1469, A bill to be entitled An Act relating to reporting the deaths of certain individuals.

SB 1469 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.)

SB 1203 ON SECOND READING
(Homer - House Sponsor)

SB 1203, A bill to be entitled An Act relating to the payment of certain ad valorem tax refunds.

SB 1203 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.)

SB 1495 ON SECOND READING
(P. King - House Sponsor)

SB 1495, A bill to be entitled An Act relating to the securitization of the nonbypassable delivery rates of transmission and distribution utilities.

Representative P. King moved to postpone consideration of **SB 1495** until 3 p.m. May 22.

The motion prevailed.

HB 773 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 773, A bill to be entitled An Act relating to certain purchases by the Railroad Commission of Texas.

Representative West moved to concur in the senate amendments to **HB 773**.

The motion to concur in senate amendments prevailed. (In accordance with House Rule 5, 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.)

Senate Committee Substitute

CSHB 773, A bill to be entitled An Act relating to certain purchases by the Railroad Commission of Texas.

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

SECTION 1. Subchapter C, Chapter 2155, Government Code, is amended by adding Section 2155.149 to read as follows:

Sec. 2155.149. CERTAIN PURCHASES BY RAILROAD COMMISSION OF TEXAS. (a) The Railroad Commission of Texas is delegated all purchasing functions relating to purchases under:

(1) Chapter 89, Natural Resources Code; or

(2) Sections 91.111 and 91.112, Natural Resources Code.

(b) The Railroad Commission of Texas shall acquire goods and services, under Subsection (a), by any procurement method that provides the best value to the railroad commission. The railroad commission shall consider the best value standards listed in Section 2155.074.

(c) The commission shall procure goods and services, under Subsection (a), for the Railroad Commission of Texas at the request of the railroad commission, and the railroad commission may use the services of the commission in procuring goods and services.

SECTION 2. Section 81.057, Natural Resources Code, is amended to read as follows:

Sec. 81.057. EXEMPTION FROM CERTAIN PURCHASING RULES. The commission is not required to follow any purchasing procedures prescribed by or under the following laws when the commission makes a purchase in connection with the remediation of surface locations or well plugging:

- (1) Subchapter E, Chapter 2155, Government Code; and
- (2) ~~[Section 2161.003 or 2161.004, Government Code;~~
- ~~[(3) Subchapters D and F, Chapter 2161, Government Code; and~~
- ~~[(4)] Subchapters B and C, Chapter 2177, Government Code.~~

SECTION 3. Section 81.021, Natural Resources Code, is repealed.

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

MESSAGE FROM THE SENATE

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

HB 7 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 7, 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.

Representative Solomons 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 7**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 7**: Solomons, chair; Giddings; Zedler; Taylor; and Rose.

**HB 214 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 214, A bill to be entitled An Act relating to the authority of certain counties to impose a hotel occupancy tax.

Representative Casteel moved to concur in the senate amendments to **HB 214**.

A record vote was requested.

The motion prevailed by (Record 724): 140 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; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Noriega, M.; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Hodge; Nixon; Oliveira.

Absent, Excused, Committee Meeting — Kolkhorst; Luna; Pitts.

Absent — Villarreal.

Senate Committee Substitute

CSHB 214, A bill to be entitled An Act relating to the authority of certain counties to impose a hotel occupancy tax.

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

SECTION 1. Section 352.002(a), Tax Code, as amended by Chapters 64, 637, 741, 1097, and 1108, Acts of the 78th Legislature, Regular Session, 2003, is reenacted and amended to read as follows:

(a) The commissioners courts of the following counties by the adoption of an order or resolution may impose a tax on a person who, under a lease, concession, permit, right of access, license, contract, or agreement, pays for the use or possession or for the right to the use or possession of a room that is in a hotel, costs \$2 or more each day, and is ordinarily used for sleeping:

- (1) a county that has a population of more than 3.3 million;
- (2) a county that has a population of 90,000 or more, borders the United Mexican States, and does not have three or more cities that each have a population of more than 17,500;
- (3) a county in which there is no municipality;
- (4) a county in which there is located an Indian reservation under the jurisdiction of the United States government;
- (5) a county that has a population of 30,000 or less, that has no more than one municipality with a population of less than 2,500, and that borders two counties located wholly in the Edwards Aquifer Authority established by Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993;
- (6) a county that borders the Gulf of Mexico;
- (7) a county that has a population of less than 5,000, that borders the United Mexican States, and in which there is located a major observatory;
- (8) a county that has a population of 12,000 or less and borders the Toledo Bend Reservoir;
- (9) a county that has a population of less than 12,000 and an area of less than 275 square miles;
- (10) a county that has a population of 30,000 or less and borders Possum Kingdom Lake;
- (11) a county that borders the United Mexican States and has a population of more than 300,000 and less than 600,000;
- (12) a county that has a population of 35,000 or more and borders or contains a portion of Lake Fork Reservoir;
- (13) a county that borders the United Mexican States and in which there is located a national recreation area;
- (14) a county that borders the United Mexican States and in which there is located a national park of more than 400,000 acres;
- (15) a county that has a population of 28,000 or less, that has no more than four municipalities, and that is located wholly in the Edwards Aquifer Authority established by Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993;
- (16) a county that has a population of 25,000 or less, whose territory is less than 750 square miles, and that has two incorporated municipalities, each with a population of 800 or less, located on the Frio River; ~~and~~
- (17) a county that has a population of 34,000 or more and borders Lake Buchanan; [-]
- (18) ~~(17)~~ a county that has a population of more than 45,000 and less than 75,000, that borders the United Mexican States, and that borders or contains a portion of Falcon Lake; [-]

(19) [(47)] a county with a population of 21,000 or less that borders the Neches River and in which there is located a national preserve; [-]

(20) [(47)] a county that has a population of 22,500 or less and that borders or contains a portion of Lake Livingston; and

(21) a county that has a population of less than 22,000 and in which the birthplace of a president of the United States is located.

SECTION 2. Section 352.002(d), Tax Code, as amended by Chapters 64, 1097, and 1108, Acts of the 78th Legislature, Regular Session, 2003, is reenacted and amended to read as follows:

(d) The tax imposed by a county authorized by Subsection (a)(4), (6), (8), (10), (11), (12), ~~or~~ (17), (19), (20), or (21) to impose the tax does not apply to a hotel located in a municipality that imposes a tax under Chapter 351 applicable to the hotel. This subsection does not apply to a county authorized by Subsection (a)(6) to impose the tax that:

(1) has a population of less than 40,000 and adjoins the most populous county in this state; or

(2) has a population of more than 200,000 and borders the Neches River.

SECTION 3. Section 352.002, Tax Code, is amended by adding Subsection (e) to read as follows:

(e) In addition to the prohibition provided by Subsection (d), the tax imposed by a county authorized by Subsection (a)(17) to impose the tax does not apply to a hotel located in the extraterritorial jurisdiction of a municipality that imposes a tax under Chapter 351 applicable to that hotel. If, after the date the county begins to impose a tax under this chapter, a municipality in the county adopts an ordinance under Section 351.0025 authorizing the imposition of the municipal tax in the municipality's extraterritorial jurisdiction, the county may not impose a tax applicable to a hotel located in that territory on or after the date the municipality begins to impose that tax.

SECTION 4. 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.

HB 1544 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1544. A bill to be entitled An Act relating to removal of corneal tissue from a decedent.

Representative Dawson moved to concur in the senate amendments to **HB 1544.**

The motion to concur in senate amendments prevailed. (In accordance with House Rule 5, 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.)

Senate Committee Substitute

CSHB 1544, A bill to be entitled An Act, relating to removal of corneal tissue from a decedent; providing penalties.

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

SECTION 1. Chapter 692, Health and Safety Code, is amended by adding Sections 692.017 to read as follows:

Sec. 692.017. CIVIL PENALTY. (a) A person who removes corneal tissue from a decedent knowing that a gift authorizing the removal has not been made in accordance with Section 692.003 or 692.004 is liable to the state for a civil penalty.

(b) A person authorized to accept a gift under Section 692.005 or the agent or employee of a person authorized to accept a gift under Section 692.005 who accepts corneal tissue removed from a decedent knowing that a gift authorizing the removal has not been made in accordance with Section 692.003 or 692.004 is liable to the state for a civil penalty.

(c) A civil penalty under this section may not exceed \$500 for each violation. In assessing a penalty under this section, the court shall consider the seriousness of the violation.

(d) The attorney general may sue to collect the penalty.

SECTION 2. Subchapter A, Chapter 693, Health and Safety Code, is amended by adding Section 693.006 to read as follows:

Sec. 693.006. REMOVAL OF CORNEAL TISSUE. On a request from an eye bank, as defined in Section 692.002, the medical examiner, justice of the peace, county judge, or physician designated by the justice of the peace or county judge may permit the removal of corneal tissue subject to the same provisions that apply to removal of a visceral organ on the request of an organ procurement organization under this subchapter. The provisions of this subchapter relating to immunity and consent apply to the removal of the corneal tissue.

SECTION 3. Subchapter B, Chapter 693, Health and Safety Code, and Subchapter B, Section 521.405, Transportation Code, are repealed.

SECTION 4. This Act applies only to removal of corneal tissue on or after September 1, 2005. Removal of corneal tissue before September 1, 2005, is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2005.

HB 202 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 202, A bill to be entitled An Act relating to certain marital property agreements.

Representative Goodman moved to concur in the senate amendments to **HB 202**.

The motion to concur in senate amendments prevailed. (In accordance with House Rule 5, 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.)

Senate Committee Substitute

CSHB 202, A bill to be entitled An Act relating to certain marital property agreements.

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

SECTION 1. Section 4.102, Family Code, is amended to read as follows:

Sec. 4.102. PARTITION OR EXCHANGE OF COMMUNITY PROPERTY. At any time, the spouses may partition or exchange between themselves all or part of their community property, then existing or to be acquired, as the spouses may desire. Property or a property interest transferred to a spouse by a partition or exchange agreement becomes that spouse's separate property. The partition or exchange of property may also provide that [includes] future earnings and income arising from the transferred property shall be [as] the separate property of the owning spouse ~~[unless the spouses agree in a record that the future earnings and income will be community property after the partition or exchange].~~

SECTION 2. Section 4.104, Family Code, is amended to read as follows:

Sec. 4.104. FORMALITIES. A partition or exchange agreement under Section 4.102 or an agreement under Section 4.103 must be in writing and signed by both parties. Either agreement is enforceable without consideration.

SECTION 3. Subchapter G, Chapter 6, Family Code, is amended by adding Section 6.604 to read as follows:

Sec. 6.604. INFORMAL SETTLEMENT CONFERENCE. (a) The parties to a suit for dissolution of a marriage may agree to one or more informal settlement conferences and may agree that the settlement conferences may be conducted with or without the presence of the parties' attorneys, if any.

(b) A written settlement agreement reached at an informal settlement conference is binding on the parties if the agreement:

(1) provides, in a prominently displayed statement that is in boldfaced type or in capital letters or underlined, that the agreement is not subject to revocation;

(2) is signed by each party to the agreement; and

(3) is signed by the party's attorney, if any, who is present at the time the agreement is signed.

(c) If a written settlement agreement meets the requirements of Subsection (b), a party is entitled to judgment on the settlement agreement notwithstanding Rule 11, Texas Rules of Civil Procedure, or another rule of law.

(d) If the court finds that the terms of the written informal settlement agreement are just and right, those terms are binding on the court. If the court approves the agreement, the court may set forth the agreement in full or incorporate the agreement by reference in the final decree.

(e) If the court finds that the terms of the written informal settlement agreement are not just and right, the court may request the parties to submit a revised agreement or set the case for a contested hearing.

SECTION 4. The changes in law made by this Act to Sections 4.102 and 4.104, Family Code, apply only to agreements made on or after the effective date of this Act. An agreement made before the effective date of this Act is governed by the law in effect on the date the agreement was made, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2005.

(Van Arsdale in the chair)

**HB 261 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 261, A bill to be entitled An Act relating to possession of or access to a grandchild and designation of other relatives as managing conservators.

Representative Goodman 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 261**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 261**: Goodman, chair; Dutton; Strama; Castro; and Nixon.

**HB 976 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 976, A bill to be entitled An Act relating to allowing the Texas Building and Procurement Commission to deliberate in a closed meeting regarding business and financial considerations of a contract being negotiated.

Representative Madden moved to concur in the senate amendments to **HB 976**.

A record vote was requested.

The motion prevailed by (Record 725): 139 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Hodge; Nixon; Oliveira.

Absent, Excused, Committee Meeting — Kolkhorst; Luna; Pitts.

Absent — Isett; Seaman.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 725. I intended to vote no.

Herrero

I was shown voting yes on Record No. 725. I intended to vote no.

Leibowitz

Senate Committee Substitute

HB 976, A bill to be entitled An Act relating to allowing the Texas Building and Procurement Commission to deliberate in a closed meeting regarding business and financial considerations of a contract being negotiated.

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

SECTION 1. Subchapter D, Chapter 551, Government Code, is amended by adding Section 551.0726 to read as follows:

Sec. 551.0726. TEXAS BUILDING AND PROCUREMENT COMMISSION: DELIBERATION REGARDING CONTRACT BEING NEGOTIATED; CLOSED MEETING. (a) The Texas Building and Procurement Commission may conduct a closed meeting to deliberate business and financial issues relating to a contract being negotiated if, before conducting the closed meeting:

(1) the commission votes unanimously that deliberation in an open meeting would have a detrimental effect on the position of the state in negotiations with a third person; and

(2) the attorney advising the commission issues a written determination finding that deliberation in an open meeting would have a detrimental effect on the position of the state in negotiations with a third person and setting forth that finding therein.

(b) Notwithstanding Section 551.103(a), the commission must make a tape recording of the proceedings of a closed meeting held under this section.

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.

SB 5 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Solomons, the house granted the request of the senate for the appointment of a conference committee on **SB 5**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 5**: Solomons, chair; Giddings; Zedler; Taylor; and Rose.

**SB 122 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Giddings, the house granted the request of the senate for the appointment of a conference committee on **SB 122**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 122**: Giddings, chair; McCall; Turner; Dutton; and Keel.

**SB 1050 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Bailey, the house granted the request of the senate for the appointment of a conference committee on **SB 1050**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1050**: Bailey, chair; Harper-Brown; Talton; Menendez; and Martinez.

**SB 1273 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Goodman, the house granted the request of the senate for the appointment of a conference committee on **SB 1273**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1273**: Geren, chair; Mowery; Orr; R. Cook; and Puente.

**SB 1641 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Goodman, the house granted the request of the senate for the appointment of a conference committee on **SB 1641**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1641**: Oliveira, chair; Solis; Hill; Flores; and Griggs.

(Speaker in the chair)

FIVE DAY POSTING RULE SUSPENDED

Representative Madden moved to suspend the five day posting rule to allow the Committee on Corrections to consider **SJR 20** upon final recess today in E2.016.

The motion prevailed.

Representative Morrison moved to suspend the five day posting rule to allow the Committee on Higher Education to consider **SB 302, SB 448, SB 927, SB 1037, SB 1452, SB 1809, SB 1844, SB 1852, SB 1883, SCR 17, SCR 19,** and **SCR 27** upon final recess today in JHR 120.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

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

Ways and Means, upon final recess today, Desk 108, for a formal meeting, to consider pending business.

Criminal Jurisprudence, upon final recess today, Desk 59, for a formal meeting, to consider **SB 309** and pending business.

Business and Industry, upon final recess today, E1.018, for a formal meeting, to consider senate bills and pending business.

Urban Affairs, upon final recess today, Desk 48, for a formal meeting, to consider **SB 723, SB 1061, SB 1814, SB 1843,** and **SB 1860.**

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

Higher Education, upon final recess today, JHR 120, for a public hearing, to consider **SB 302, SB 448, SB 927, SB 1037, SB 1452, SB 1809, SB 1844, SB 1852, SB 1883, SCR 17, SCR 19,** and **SCR 27.**

PROVIDING FOR RECESS

Representative R. Allen moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 9 a.m. tomorrow in memory of Howard Sinclair Sloan of Magnolia.

The motion prevailed.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

RECESS

In accordance with a previous motion, the house, at 2:45 p.m., recessed until 9 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

SB 559 to Ways and Means.

SB 1651 to State Affairs.

SB 1877 to Natural Resources.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 46

HB 282, HB 951, HB 2565

Senate List No. 24

SB 46, SB 1281, SB 1473, SB 1787

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 19, 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 132 Hilderbran SPONSOR: Fraser
Relating to the rate of the county health services sales and use tax.

- HB 150** Reyna SPONSOR: Deuell
Relating to the eligibility of a person to be appointed to serve on certain civil service commissions.
- HB 233** Martinez SPONSOR: Lucio
Relating to the securing by municipal police officers of a scene to which the municipality's emergency ambulance service responds.
- HB 322** Hupp SPONSOR: Estes
Relating to concealed handgun licenses for members and veterans of the United States armed forces.
- HB 525** Rodriguez SPONSOR: Barrientos
Relating to the creation of homestead preservation districts, reinvestment zones, and other programs to increase home ownership and provide affordable housing.
- HB 526** Berman SPONSOR: Deuell
Relating to limits placed on coverage amounts of certain group life insurance policies or certificates.
- HB 540** Bohac SPONSOR: Lindsay
Relating to the designation of a portion of U.S. Highway 290 inside Harris County as the Ronald Reagan Memorial Highway.
- HB 571** Hegar SPONSOR: Janek
Relating to the establishment of auxiliary county facilities in the unincorporated area of a county.
- HB 633** Kuempel SPONSOR: Armbrister
Relating to participation and credit in, contributions to, and benefits and administration of the Texas County and District Retirement System.
- HB 639** Bailey SPONSOR: Barrientos
Relating to complaints against certain peace officers, fire fighters, detention officers, and county jailers.
- HB 805** Martinez SPONSOR: Carona
Relating to allowing certain emergency and hospital personnel to take the thumbprint of certain people who receive emergency prehospital care.
- HB 808** Driver SPONSOR: Brimer
Relating to exempting an accountant from regulation as a private investigator.
- HB 874** Kuempel SPONSOR: Wentworth
Relating to designating a portion of State Highway 123 as the Senator John Traeger Memorial Highway.
- HB 941** Geren SPONSOR: Eltife
Relating to restrictions on the use of claims history for certain water damage.
- HB 950** Casteel SPONSOR: Madla
Relating to fees for filing certain documents with a county clerk.
- HB 952** Delisi SPONSOR: Barrientos
Relating to a pilot program to provide health services to state employees in state office complexes.

- HB 961** Smith, Wayne SPONSOR: Jackson, Mike
Relating to the location of a sale of real property under a contract lien.
- HB 962** Krusee SPONSOR: Staples
Relating to requiring the Texas Department of Transportation to include in the unified transportation program a list of transportation projects that the department considers to be eligible for tolling or feasible for tolling.
- HB 1045** Goolsby SPONSOR: Wentworth
Relating to amendments to the Texas Timeshare Act.
- HB 1136** Smith, Wayne SPONSOR: Whitmire
Relating to the designation of the portion of Spur 330 inside Harris County as the Veterans Memorial Highway.
- HB 1339** Strama SPONSOR: Barrientos
Relating to the appointment of a voting proxy by a legislative policy board member of a metropolitan planning organization.
- HB 1350** Denny SPONSOR: Staples
Relating to the definition of a salvage motor vehicle.
- HB 1455** King, Tracy SPONSOR: Madla
Relating to hospital and medical care required to be provided by the Maverick County Hospital District.
- HB 1471** Hegar SPONSOR: Deuell
Relating to the collection and administration of an occupation tax owed to a county.
- HB 1705** Bonnen SPONSOR: Armbrister
Relating to the release of hazardous waste in connection with dredging and placement or storage of dredged materials by a port authority or navigation district.
- HB 1734** Krusee SPONSOR: Ogden
Relating to the use of municipal hotel occupancy taxes for the enhancement and upgrading of sports facilities and fields by certain municipalities.
- HB 1735** Krusee SPONSOR: Wentworth
Relating to souvenir license plates.
- HB 1745** Seaman SPONSOR: Carona
Relating to the disqualification of certain temporary employees for unemployment compensation benefits.
- HB 1814** Casteel SPONSOR: Barrientos
Relating to employment positions with the Texas Department of Transportation.
- HB 1893** Eiland SPONSOR: Averitt
Relating to authorizing a consumer credit reporting agency to provide certain information if the information is needed to avoid a violation of federal law.
- HB 1937** Ritter SPONSOR: Seliger
Relating to the authority of certain counties to create county assistance districts for certain purposes.

HB 1938 Ritter SPONSOR: Brimer
Relating to the award of a grant and reporting requirements under the Texas Enterprise Fund.

HB 2179 Cook, Byron SPONSOR: Wentworth
Relating to the practice of professional surveying.

HB 2196 Madden SPONSOR: Whitmire
Relating to the transfer of surplus data processing equipment to the Texas Department of Criminal Justice.

HB 2331 Morrison SPONSOR: Nelson
Relating to the emergency possession of certain abandoned children; providing a penalty.

HB 2340 Corte SPONSOR: Shapleigh
Relating to grants and loans for certain economic development projects to assist defense communities affected by the federal military base realignment and closure process.

HB 2457 Talton SPONSOR: Whitmire
Relating to the entrance requirements, base pay, and longevity pay in certain municipalities for a police officer who has previous experience as a police officer.

HB 2584 Hilderbran SPONSOR: Fraser
Relating to the Kimble County Hospital District of Kimble County, Texas.

HB 2659 Krusee SPONSOR: Lindsay
Relating to bond requirements for privatized maintenance contracts.

HB 2921 Pitts SPONSOR: Averitt
Relating to the condemnation of certain property for railroad purposes.

HB 2930 Deshotel SPONSOR: Van de Putte
Relating to an age limitation on children engaged in the performance of duties related to a paper route.

HB 3475 Haggerty SPONSOR: Shapleigh
Relating to the statutory probate courts of El Paso County.

SB 559 Brimer
Relating to the continuation of the Texas Economic Development Act.

SB 1651 Staples
Relating to an office of inspector general at certain state agencies.

SB 1877 Whitmire
Relating to the creation of Harris County Municipal Utility District No. 406; providing authority to impose taxes and standby fees and issue bonds; granting the power of eminent domain.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 19, 2005 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 56 Denny SPONSOR: Ellis
Relating to the offense of tampering with a direct recording electronic voting machine; providing criminal penalties.
(COMMITTEE SUBSTITUTE)

HB 468 Hegar SPONSOR: Jackson, Mike
Relating to driver and traffic safety education.
(COMMITTEE SUBSTITUTE/AMENDED)

HB 481 Hochberg SPONSOR: Zaffirini
Relating to the eligibility for unemployment benefits of certain persons with disabilities.
(COMMITTEE SUBSTITUTE/AMENDED)

HB 544 Naishtat SPONSOR: Zaffirini
Relating to the right of certain sexual assault victims to a forensic medical examination.
(COMMITTEE SUBSTITUTE)

HB 872 West, George "Buddy" SPONSOR: Armbrister
Relating to the imposition of the pipeline safety annual inspection fee by the Railroad Commission of Texas.
(AMENDED)

HB 969 Keel SPONSOR: Hinojosa
Relating to court orders for discovery in a criminal case.
(AMENDED)

HB 1098 McCall SPONSOR: Zaffirini
Relating to using the Internet to obtain identifying information of another person for a fraudulent purpose; providing a penalty.
(COMMITTEE SUBSTITUTE)

HB 1225 Puente SPONSOR: Duncan
Relating to the grounds for an exemption from cancellation of a water right for nonuse.
(AMENDED)

HB 1316 Zedler SPONSOR: Deuell
Relating to immunization requirements for children in regulated child-care facilities.

HB 1833 Chisum SPONSOR: Seliger
Relating to disclosures required for the creation of certain consumer contracts solicited by mail; providing a civil penalty.
(COMMITTEE SUBSTITUTE)

SB 542 West, Royce
Relating to the authority of the attorney general to bring suit on behalf of individuals injured by unlawful practices in restraint of trade.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 415 (29 Yeas, 0 Nays)

SB 1447 (29 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 18

Agriculture and Livestock - **SB 806, SB 1669, SB 1686, SCR 16, SCR 18**

County Affairs - **SB 951, SB 1013, SB 1106, SB 1107, SB 1108, SB 1264, SB 1433, SB 1742, SB 1769, SB 1826**

Criminal Jurisprudence - **SB 395, SB 615, SB 837, SB 905, SB 925, SB 1426, SB 1507**

Culture, Recreation, and Tourism - **HCR 154, HCR 172, HCR 187, HCR 188, SB 1204, SB 1271**

Defense Affairs and State-Federal Relations - **HCR 121, HR 1431, SB 11, SB 955, SB 1090, SB 1345, SB 1481**

Energy Resources - **SB 712**

Government Reform - **SB 1002, SB 1533, SB 1569**

Higher Education - **SB 30, SB 34, SB 39, SB 111, SB 254, SB 502, SB 1146, SB 1247**

Insurance - **SB 14, SB 265, SB 1149, SB 1282, SB 1283, SB 1323, SB 1448, SB 1738, SB 1829**

Judiciary - **SB 438, SB 729, SB 1003, SB 1147, SB 1189, SB 1491, SB 1597, SB 1704, SB 1832, SB 1875**

Licensing and Administrative Procedures - **SB 918, SB 1596, SB 1692, SCR 36**

Local Government Ways and Means - **SB 724, SB 760, SB 1020, SB 1440, SB 1730, SB 1856**

Natural Resources - **SB 428, SB 429, SB 547, SB 967, SB 1017, SB 1045, SB 1063, SB 1065, SB 1799, SB 1847, SB 1848, SB 1849, SB 1851, SB 1853, SB 1870**

Public Health - **SB 271, SB 563, SB 626, SB 726, SB 995, SB 1378, SB 1524**

Regulated Industries - **SB 743, SB 1668**

State Affairs - **SB 452, SB 623, SB 727, SB 1038, SCR 15**

Urban Affairs - **SB 993**

ENROLLED

May 18 - **HB 70, HB 282, HB 340, HB 373, HB 404, HB 417, HB 654, HB 655, HB 720, HB 755, HB 775, HB 828, HB 894, HB 912, HB 943, HB 951, HB 982, HB 1009, HB 1011, HB 1088, HB 1174, HB 1182, HB 1229, HB 1501, HB 1562, HB 1686, HB 1935, HB 2231, HB 2313, HB 2565, HB 2892, HB 2961, HB 2962, HB 3227, HCR 13, HCR 71, HCR 111, HCR 124, HCR 168**

SENT TO THE GOVERNOR

May 18 - **HB 25, HB 70, HB 102, HB 162, HB 340, HB 364, HB 373, HB 404, HB 417, HB 595, HB 654, HB 655, HB 749, HB 755, HB 828, HB 894, HB 912, HB 937, HB 982, HB 1007, HB 1009, HB 1011, HB 1018, HB 1088, HB 1130, HB 1174, HB 1182, HB 1229, HB 1326, HB 1501, HB 1562, HB 1686, HB 1817, HB 1935, HB 2231, HB 2892, HB 2961, HB 2962, HCR 13, HCR 71, HCR 111, HCR 124, HCR 168**