

# HOUSE JOURNAL

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SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SEVENTY-SEVENTH DAY — WEDNESDAY, MAY 25, 2005

The house met at 1:50 p.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 816).

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

Absent, Excused, Committee Meeting — Zedler.

## LEAVES OF ABSENCE GRANTED

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

## RULES SUSPENDED

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

The motion prevailed.

### MOTION FOR ONE RECORD VOTE

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

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

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

(Record 817): 144 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused, Committee Meeting — Zedler.

Absent — Gonzalez Toureilles; Jones, J.

**SB 658**

**SB 18**

**SB 30** (Talton - no) (143 - 1 - 2)

**SB 66**

**SB 183** (Flynn and Kolkhorst - no) (142 - 2 - 2)

**SB 188**

**SB 189** (Harper-Brown - no) (143 - 1 - 2)

**SB 254**

**SB 256** (Harper-Brown and Phillips - no) (142 - 2 - 2)

**SB 270**

**SB 296**

**SB 302**

**SB 307**

**SB 331**

**SB 387** (Harper-Brown and Phillips - no) (142 - 2 - 2)

**SB 428**

**SB 429**

**SB 444**

**SB 465**

**SB 471**

**SB 493**

**SB 511**

**SB 526** (Phillips - no) (143 - 1 - 2)

**SB 532**

**SB 702**

**SB 732**

**SB 737**

**SB 776**

**SB 829**

**SB 866**

**SB 920**

**SB 955**

**SB 967**

**SB 986**

**SB 993**

**SB 998**

**SB 1037** (Harper-Brown - no) (143 - 1 - 2)

**SB 1038** (Harper-Brown - no) (143 - 1 - 2)

**SB 1045**

**SB 1105**

**SB 1106**

**SB 1146**

**SB 1147**

**SB 1151**

**SB 1170**

**SB 1175**

**SB 1202** (Harper-Brown - no) (143 - 1 - 2)

**SB 1226**

**SB 1247**

**SB 1275**

**SB 1290**

**SB 1345**

**SB 1353**

**SB 1395**

**SB 1440** (Kolkhorst - no) (143 - 1 - 2)

**SB 1452**

**SB 1455**

**SB 1481**

**SB 1491** (Harper-Brown - no) (143 - 1 - 2)

**SB 1498**

**SB 1533**

**SB 1551** (Kolkhorst - no) (143 - 1 - 2)

**SB 1569**

**SB 1592**

**SB 1693**

**SB 1730** (Kolkhorst - no) (143 - 1 - 2)

**SB 1751**

**SB 1769**

**SB 1798**

**SB 1807**

**SB 1811**

**SB 1820**

**SB 1826**

**SB 1831**

**SB 1840**

**SB 1844**

**SB 1846**

**SB 1853**

**SB 1866**

**SB 1867**

**SB 1872**

**SB 1873**

**SB 1881**

**SB 1883**

**SB 1891**

**SB 1892**

**SB 1894**

**SB 1870**

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

**SB 39**

**SB 44** (Harper-Brown - no)

**SB 51**

**SB 213** (Harper-Brown - no)

**SB 269** (Anderson and Miller - no)

**SB 271**

**SB 291** (Harper-Brown - no)

**SB 308** (Herrero and Leibowitz - no)

**SB 314**

**SB 325**

**SB 338**

**SB 356**

**SB 369**

**SB 423**

**SB 425**

**SB 452**

**SB 483**

**SB 502**

**SB 521**

**SB 610**

**SB 621**

**SB 630**

**SB 691** (Harper-Brown - no)

**SB 727**

**SB 729** (Kolkhorst - no)

**SB 739**

**SB 742**

**SB 757**

**SB 760**

**SB 805**

**SB 815** (Harper-Brown - no)

**SB 826** (Harper-Brown - no)

**SB 827** (Harper-Brown - no)

**SB 921**

**SB 951**

**SB 988** (Harper-Brown and Phillips - no)

**SB 995**

**SB 1002**

**SB 1063**

**SB 1090**

**SB 1107**

**SB 1108**

**SB 1112**

**SB 1113**

**SB 1122**

**SB 1130**

**SB 1133**

**SB 1139**

**SB 1173**

**SB 1204**

**SB 1206**

**SB 1238**

**SB 1264** (Harper-Brown and Phillips - no)

**SB 1282**

**SB 1283**

**SB 1284**

**SB 1340** (Harper-Brown - no)

**SB 1351**

**SB 1370**

**SB 1377**

**SB 1413**

**SB 1448**

**SB 1450**

**SB 1461**

**SB 1479**

**SB 1524** (Harper-Brown and Phillips - no)

**SB 1525**

**SB 1564**

**SB 1579**

**SB 1589**

**SB 1591**

**SB 1604**

**SB 1652**

**SB 1673**

**SB 1692**

**SB 1707**

**SB 1795**

**SB 1809**

**SB 1821**

**SB 1823**

**SB 1871**

**SB 1875**

**SB 1888**

**SB 1889**

**MOTION TO CONFORM CAPTIONS**

Representative Reyna moved to amend the captions to conform to the body of the bills.

The motion prevailed.

**HR 2091 - READ**

(by **Hunter, Farabee, Dutton, Reyna, and Delisi**)

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

**HR 2091**, Honoring the staff of the House Research Organization.

**HR 2091 - MOTION TO ADD NAMES**

On motion of Representative Hunter, the names of all the members of the house were added to **HR 2091** as signers thereof.

**PROVIDING FOR A CONGRATULATORY  
AND MEMORIAL CALENDAR**

Representative Edwards moved to set a congratulatory and memorial calendar for 9 a.m. Friday, May 27.

The motion prevailed.

**MAJOR STATE CALENDAR  
SENATE BILLS  
THIRD READING**

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

**SB 890 ON THIRD READING  
(Nixon - House Sponsor)**

**SB 890**, A bill to be entitled An Act relating to the amount of recovery in a civil action.

A record vote was requested.

**SB 890** was passed by (Record 818): 142 Yeas, 0 Nays, 2 Present, not voting.

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



Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley.

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

Absent, Excused, Committee Meeting — Zedler.

Absent — Dukes; Flores; McClendon; Moreno, P.

**SB 837 ON THIRD READING**  
**(Keel - House Sponsor)**

**SB 837**, A bill to be entitled An Act relating to the insanity defense.

**SB 837** 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 60 ON THIRD READING**  
**(Goolsby, McClendon, Dutton, Keel, and Talton - House Sponsors)**

**SB 60**, A bill to be entitled An Act relating to the representation of certain defendants in capital cases and to the punishment for a capital felony or other felony punishable by a term of imprisonment exceeding 99 years.

**Amendment No. 1**

Representative Keel offered the following amendment to **SB 60**:

Amend **SB 60** on third reading by adding an appropriately numbered SECTION to read as follows and by renumbering existing SECTIONS accordingly:

SECTION \_\_\_\_\_. Subsections (a) and (f), Section 508.146, Government Code, are amended to read as follows:

(a) An inmate, other than an inmate who is serving a sentence of death or life without parole or an inmate who has a reportable conviction or adjudication under Chapter 62, Code of Criminal Procedure, may be released on medically recommended intensive supervision on a date designated by a parole panel described by Subsection (e), except that an inmate with an instant offense that is an offense described in Section 3g, Article 42.12, Code of Criminal Procedure, may only be considered if a medical condition of terminal illness or long-term care has been diagnosed, if:

(1) the Texas Correctional Office on Offenders with Medical or Mental Impairments, in cooperation with the Correctional Managed Health Care Committee, identifies the inmate as being elderly, physically disabled, mentally ill, terminally ill, or mentally retarded or having a condition requiring long-term care;

(2) the parole panel determines that, based on the inmate's condition and a medical evaluation, the inmate does not constitute a threat to public safety; and

(3) the Texas Correctional Office on Offenders with Medical or Mental Impairments, in cooperation with the pardons and paroles division, has prepared for the inmate a medically recommended intensive supervision plan that requires the inmate to submit to electronic monitoring, places the inmate on super-intensive supervision, or otherwise ensures appropriate supervision of the inmate.

(f) An inmate who is not a citizen of the United States, as defined by federal law, who is not under a sentence of death or life without parole, and who does not have a reportable conviction or adjudication under Chapter 62, Code of Criminal Procedure, or an instant offense described in Section 3g, Article 42.12, Code of Criminal Procedure, may be released to immigration authorities pending deportation on a date designated by a parole panel described by Subsection (e) if the parole panel determines that on release the inmate would be deported to another country and that the inmate does not constitute a threat to public safety in the other country or this country and is unlikely to reenter this country illegally.

Amendment No. 1 was adopted.

A record vote was requested.

**SB 60**, as amended, was passed by (Record 819): 121 Yeas, 22 Nays, 2 Present, not voting.

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

Nays — Allen, R.; Bonnen; Callegari; Crownover; Dawson; Geren; Haggerty; Hamilton; Harper-Brown; Hartnett; Hill; Hopson; Jackson; Keffer, B.; Kolkhorst; Laubenberg; Miller; Mowery; Paxton; Ritter; Smith, T.; Smithee.

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

Absent, Excused, Committee Meeting — Zedler.

Absent — Corte; Edwards; Hilderbran.

**STATEMENTS OF VOTE**

When Record No. 819 was taken, I was in the house but away from my desk. I would have voted yes.

Corte

When Record No. 819 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hilderbran

**SB 1188 ON THIRD READING  
(Delisi - House Sponsor)**

**SB 1188**, A bill to be entitled An Act relating to the medical assistance program and the provision of related services.

**Amendment No. 1**

Representative Delisi offered the following amendment to **SB 1188**:

Amend **SB 1188** on third reading as follows:

(1) Strike the recital to SECTION 6(b) of the bill, as amended by Floor Amendment No. 36 by Truitt on second reading, and substitute "Subchapter A, Chapter 533, Government Code, is amended by adding Sections 533.0071 and 533.0072 to read as follows:".

(2) Strike Section 533.0073, Government Code, as added by Floor Amendment No. 36 by Truitt on second reading.

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

SECTION \_\_\_\_\_. MEDICAID UPPER PAYMENT LIMIT. Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.00251 as follows:

Sec. 533.00251. PRESERVATION OF UPPER PAYMENT LIMIT PROVISIONS OF MEDICAID PROGRAM. (a) The commission may not expand any Medicaid managed care capitated model or arrangement if the expansion would eliminate federal matching payments made to public hospitals under the federal upper payment limit regulations of the Medicaid program.

(b) This section expires September 1, 2007.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Delisi offered the following amendment to **SB 1188**:

Amend **SB 1188** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. (a) Chapter 533, Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. INTEGRATED CARE MANAGEMENT MODEL

Sec. 533.061. INTEGRATED CARE MANAGEMENT MODEL. (a) The executive commissioner, by rule, shall develop an integrated care management model of Medicaid managed care. The "integrated care management model" is a noncapitated primary care case management model of Medicaid managed care with enhanced components to:

- (1) improve patient health and social outcomes;
- (2) improve access to care;
- (3) constrain health care costs; and
- (4) integrate the spectrum of acute care and long-term care services and

supports.

(b) In developing the integrated care management model, the executive commissioner shall ensure that the integrated care management model utilizes managed care principles and strategies to assure proper utilization of acute care and long-term care services and supports. The components of the model must include:

- (1) the assignment of recipients to a medical home;
- (2) utilization management to assure appropriate access and utilization of services, including prescription drugs;
- (3) health risk or functional needs assessment;
- (4) a method for reporting to medical homes and other appropriate health care providers on the utilization by recipients of health care services and the associated cost of utilization of those services;
- (5) mechanisms to reduce inappropriate emergency department utilization by recipients, including the provision of after-hours primary care;
- (6) mechanisms that ensure a robust system of care coordination for assessing, planning, coordinating, and monitoring recipients with complex, chronic, or high-cost health care or social support needs, including attendant care and other services needed to remain in the community;
- (7) implementation of a comprehensive, community-based initiative to educate recipients about effective use of the health care delivery system;
- (8) strategies to prevent or delay institutionalization of recipients through the effective utilization of home and community-based support services; and
- (9) any other components the executive commissioner determines will improve a recipient's health outcome and are cost-effective.

(c) For purposes of this chapter, the integrated care management model is a managed care plan.

Sec. 533.062. CONTRACTING FOR INTEGRATED CARE MANAGEMENT. (a) The commission may contract with one or more administrative services organizations to perform the coordination of care and other services and functions of the integrated care management model developed under Section 533.061.

(b) The commission may require that each administrative services organization contracting with the commission under this section assume responsibility for exceeding administrative costs and not meeting performance standards in connection with the provision of acute care and long-term care services and supports under the terms of the contract.

(c) The commission may include in a contract awarded under this section a written guarantee of state savings on Medicaid expenditures for recipients receiving services provided under the integrated care management model developed under Section 533.061.

(d) The commission may require that each administrative services organization contracting with the commission under this section establish pay-for-performance incentives for providers to improve patient outcomes.

(e) In this section, "administrative services organization" means an entity that performs administrative and management functions, such as the development of a physician and provider network, care coordination, service coordination, utilization review and management, quality management, and patient and provider education, for a noncapitated system of health care services, medical services, or long-term care services and supports.

Sec. 533.063. STATEWIDE INTEGRATED CARE MANAGEMENT ADVISORY COMMITTEE. (a) The executive commissioner may appoint an advisory committee to assist the executive commissioner in the development and implementation of the integrated care management model.

(b) The advisory committee is subject to Chapter 551.

(b) The Health and Human Services Commission shall require each administrative services organization contracting with the commission to perform services under Section 533.062, Government Code, as added by this section, to coordinate with, use, and otherwise interface with the fee-for-service claims payment contractor operating in this state on August 31, 2005, until the date the claims payment contract expires, subject to renewal of the contract.

(c) The commission may require each administrative services organization contracting with the commission to perform services under Section 533.062, Government Code, as added by this section, to incorporate disease management into the integrated care management model established under Section 533.061, Government Code, as added by this section, utilizing the Medicaid disease management contractor operating in this state on November 1, 2004, until the date the disease management contract expires, subject to renewal of the contract.

(d) If any provision of this section conflicts with a statute enacted by the 79th Legislature, Regular Session, 2005, the provision of this section controls.

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative Delisi offered the following amendment to **SB 1188**:

Amend **SB 1188** on third reading by striking Section 533.0071(4)(C), Government Code, as added by the bill, and substituting the following:

(C) promoting consistency and uniformity among managed care organization policies, including policies relating to the pressurization process, lengths of hospital stays, filing deadlines, levels of care, and case management services; and

Amendment No. 3 was adopted.

#### **Amendment No. 4**

Representative Delisi offered the following amendment to **SB 1188**:

Amend **SB 1188** on third reading by striking the changes made by items (1)-(4) of Amendment No. 7 by Miller on second reading.

Amendment No. 4 was adopted.

#### **Amendment No. 5**

Representative Chisum offered the following amendment to **SB 1188**:

Amend Amendment No. \_\_ by Luna to **SB 1188** on third reading on page 1 of the amendment by striking lines 24-25 and substituting "methods, emphasizing the health benefits of abstinence from sexual activity to recipients who are not married, except that the counseling and education may not including counseling and education regarding emergency contraception.".

Amendment No. 5 was withdrawn.

A record vote was requested.

**SB 1188**, as amended, was passed by (Record 820): 143 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused, Committee Meeting — Zedler.

Absent — Deshotel; Kolkhorst; Noriega, M.

**SB 1863 ON THIRD READING  
(Pitts - House Sponsor)**

**SB 1863**, A bill to be entitled An Act relating to certain fiscal matters affecting governmental entities.

**Amendment No. 1**

Representative Hegar offered the following amendment to **SB 1863**:

Amend **SB 1863** (House committee printing) as follows:

(1) Strike Section 13.01 of the bill (page 93, lines 3-24), and substitute:

SECTION 13.01. Section 522.021, Transportation Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) If the application is for a nonresident commercial driver's license and the applicant is a resident of a foreign jurisdiction, the applicant must present:

(1) a social security card issued to the applicant; or

(2) a passport issued to the applicant by the country of which the applicant is a resident and a visa, each containing an identification number and an expiration date.

(2) In SECTION 13.03 of the bill, proposed Subsection (f), Section 522.051, Transportation Code (page 94, lines 14 and 15), strike "522.021(a)(6)(B) who submitted a copy of" and substitute "Section 522.021(a-1) who submitted".

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

(Speaker in the chair)

**Amendment No. 2**

Representative Hegar offered the following amendment to **SB 1863**:

Amend **SB 1863** (on third reading) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES of the bill appropriately:

ARTICLE \_\_. TRANSFER OF DRIVER EDUCATION PROGRAMS FROM THE TEXAS EDUCATION AGENCY TO THE TEXAS DEPARTMENT OF LICENSING AND REGULATION

SECTION \_\_.01. Section 1001.001, Education Code, is amended by amending Subdivisions (2), (3), (4), and (5) and adding Subdivision (13-a) to read as follows:

(2) "Approved driving safety course" means a driving safety course approved by the department [~~commissioner~~].

(3) "Commission" [~~"Commissioner"~~] means the Texas Commission of Licensing and Regulation [~~commissioner of education~~].

(4) "Course provider" means an enterprise that:

(A) maintains a place of business or solicits business in this state;

(B) is operated by an individual, association, partnership, or corporation; and

(C) has received an approval for a driving safety course from the department ~~[commissioner]~~ or has been designated by a person who has received that approval to conduct business and represent the person in this state.

(5) "Department" means the Texas Department of Licensing and Regulation ~~[Public Safety]~~.

(13-a) "Executive director" means the executive director of the department.

SECTION \_\_.02. Section 1001.002(c), Education Code, is amended to read as follows:

(c) A driver education course is exempt from this chapter, other than Section 1001.055, if the course is:

(1) conducted by a vocational driver training school operated to train or prepare a person for a field of endeavor in a business, trade, technical, or industrial occupation;

(2) conducted by a school or training program that offers only instruction of purely avocational or recreational subjects as determined by the department ~~[commissioner]~~;

(3) sponsored by an employer to train its own employees without charging tuition;

(4) sponsored by a recognized trade, business, or professional organization with a closed membership to instruct the members of the organization; or

(5) conducted by a school regulated and approved under another law of this state.

SECTION \_\_.03. Sections 1001.003 and 1001.004, Education Code, are amended to read as follows:

Sec. 1001.003. LEGISLATIVE INTENT REGARDING SMALL BUSINESSES. It is the intent of the legislature that commission ~~[agency]~~ rules that affect driver training schools that qualify as small businesses be adopted and administered so as to have the least possible adverse economic effect on the schools.

Sec. 1001.004. COST OF ADMINISTERING CHAPTER. The cost of administering this chapter shall be included in the state budget allowance for the department ~~[agency]~~.

SECTION \_\_.04. Sections 1001.051 and 1001.052, Education Code, are amended to read as follows:

Sec. 1001.051. JURISDICTION OVER SCHOOLS. The department ~~[agency]~~ has jurisdiction over and control of driver training schools regulated under this chapter.

Sec. 1001.052. RULES. The commission ~~[agency]~~ shall adopt ~~[and administer]~~ comprehensive rules governing driver training, including rules to ensure the integrity of approved driving safety courses and enhance program quality ~~[driving safety courses]~~.

SECTION \_\_.05. Sections 1001.053 and 1001.054, Education Code, are amended to read as follows:



Sec. 1001.053. POWERS AND DUTIES OF DEPARTMENT [~~COMMISSIONER~~]. [~~(a)~~] The department [~~commissioner~~] shall:

- (1) administer [~~the policies of~~] this chapter;
- (2) enforce minimum standards for driver training schools under this chapter;
- (3) [~~adopt and~~] enforce rules adopted by the commission necessary to administer this chapter; and
- (4) inspect [~~visit~~] a driver training school or course provider and reexamine the school or course provider for compliance with this chapter.

[~~(b)~~] ~~The commissioner may designate a person knowledgeable in the administration of regulating driver training schools to administer this chapter.~~

[~~(c)~~] ~~The commissioner may adopt rules to ensure the integrity of approved driving safety courses and to enhance program quality.~~

Sec. 1001.054. RULES RESTRICTING ADVERTISING [~~OR COMPETITIVE BIDDING~~]. [~~(a)~~] ~~The commissioner may not adopt a rule restricting advertising or competitive bidding by a driver training school except to prohibit a false, misleading, or deceptive practice.~~

[~~(b)~~] ~~The commissioner may not include in rules to prohibit false, misleading, or deceptive practices by a driver training school a rule that restricts:~~

- [~~(1)~~] ~~the use of an advertising medium;~~
- [~~(2)~~] ~~the outside dimensions of a printed advertisement or outdoor display;~~
- [~~(3)~~] ~~the duration of an advertisement; or~~
- [~~(4)~~] ~~advertisement under a trade name.~~

[~~(e)~~] The commission [~~commissioner~~] by rule may restrict advertising by a branch location of a driver training school so that the location adequately identifies the primary location of the school in a solicitation.

SECTION \_\_.06. Section 1001.055, Education Code, is amended to read as follows:

Sec. 1001.055. DRIVER EDUCATION CERTIFICATES. (a) The department [~~agency~~] shall print and supply to each licensed driver education school and the Texas Education Agency shall print and supply to each [~~or~~] exempt driver education school driver education certificates to be used for certifying completion of an approved driver education course to satisfy the requirements of Section 521.204(a)(2), Transportation Code. The certificates must be numbered serially.

(b) The commission and the Texas Education Agency [~~agency~~] by rule shall each provide for the design and distribution of the certificates in a manner that, to the greatest extent possible, prevents the unauthorized reproduction or misuse of the certificates.

(c) The department or the Texas Education Agency [~~agency~~] may charge a fee of not more than \$4 for each certificate.

SECTION \_\_.07. The heading to Section 1001.056, Education Code, is amended to read as follows:

Sec. 1001.056. UNIFORM CERTIFICATES OF DRIVING SAFETY COURSE COMPLETION.

SECTION \_\_.08. Section 1001.056, Education Code, is amended by amending Subsections (b), (c), (d), (e), (f), and (g) and adding Subsections (b-1), (c-1), and (h) to read as follows:

(b) The department [agency] shall provide [print and supply to] each licensed course provider with course completion certificate numbers to enable the provider to print and issue department-approved uniform certificates of course completion.

(b-1) Certificate numbering under Subsection (b) [The certificates] must be serial [numbered serially].

(c) The commission [agency] by rule shall provide for the design [and distribution] of the certificates and the distribution of certificate numbers in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates or certificate numbers.

(c-1) A course provider shall provide for the printing and issuance of original and duplicate certificates in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates.

(d) A certificate under this section must:

- (1) be in a form required by the department [agency]; and
- (2) include an identifying number by which the department [agency], a court, or the Department of Public Safety [department] may verify its authenticity with the course provider.

(e) The department [agency] may charge a fee of not more than \$4 for each course completion certificate number. A course provider that supplies a certificate for an operator shall collect from the [charge an] operator a fee equal to the amount of the fee paid to the department [agency] for the [a] certificate number.

(f) A course provider license entitles a course provider to purchase certificate numbers [certificates] for only one approved driving safety course.

(g) A course provider [The agency] shall issue a duplicate certificate by United States mail or through a commercial delivery service [certificates]. The commission [commissioner] by rule shall determine the amount of the fee collected by the course provider for issuance of a duplicate certificate under this subsection.

(h) If a duplicate certificate issued by a course provider contains information that is different from the original certificate, the course provider shall include on the duplicate certificate, in addition to the new information, the applicable information from the original certificate with the notation "changed to" indicating how the original information was changed.

SECTION \_\_.09. Section 1001.057, Education Code, is amended to read as follows:

Sec. 1001.057. ELECTRONIC TRANSMISSION OF DRIVING SAFETY COURSE INFORMATION. The department [agency] shall investigate options to develop and implement procedures to electronically transmit information relating to driving safety courses to municipal and justice courts.

SECTION \_\_.10. Subchapter B, Chapter 1001, Education Code, is amended by adding Section 1001.058 to read as follows:

Sec. 1001.058. DESIGNATION OF PERSON TO ADMINISTER CHAPTER. The executive director may designate a person knowledgeable in the administration of regulating driver training schools to administer this chapter for the department.

SECTION \_\_.11. Sections 1001.101 and 1001.102, Education Code, are amended to read as follows:

Sec. 1001.101. DRIVER EDUCATION COURSE CURRICULUM AND TEXTBOOKS. The commission [~~commissioner~~] by rule shall establish the curriculum and designate the textbooks to be used in a driver education course.

Sec. 1001.102. ALCOHOL AWARENESS INFORMATION. (a) The commission [~~agency~~] by rule shall require that information relating to alcohol awareness and the effect of alcohol on the effective operation of a motor vehicle be included in the curriculum of any driver education course or driving safety course.

(b) In developing rules under this section, the commission [~~agency~~] shall consult with the Department of Public Safety [~~department~~].

SECTION \_\_.12. Sections 1001.103(b), (d), and (e), Education Code, are amended to read as follows:

(b) The department [~~agency~~] shall develop standards for a separate school certification and approve curricula for drug and alcohol driving awareness programs that include one or more courses. Except as provided by commission [~~agency~~] rule, a program must be offered in the same manner as a driving safety course.

(d) In accordance with Section 461.013(b), Health and Safety Code, the department [~~agency~~] and the Texas Department of State Health Services [~~Commission on Alcohol and Drug Abuse~~] shall enter into a memorandum of understanding for the interagency approval of the required curricula.

(e) The commission [~~Notwithstanding Section 1001.056, Subchapter D, and Sections 1001.213 and 1001.303, the commissioner~~] may establish fees in connection with the programs under this section. The fees must be in amounts reasonable and necessary to administer the department's [~~agency's~~] duties under this section.

SECTION \_\_.13. Sections 1001.104 and 1001.105, Education Code, are amended to read as follows:

Sec. 1001.104. HOSPITAL AND REHABILITATION FACILITIES. (a) The department [~~agency~~] shall enter into a memorandum of understanding with the Department of Aging and Disability Services [~~Texas Rehabilitation Commission~~] and the Department of Public Safety [~~department~~] for the interagency development of curricula and licensing criteria for hospital and rehabilitation facilities that teach driver education.

(b) The department [~~agency~~] shall administer comprehensive rules governing driver education courses adopted by mutual agreement among the commission [~~agency~~], the Department of Aging and Disability Services [~~Texas Rehabilitation Commission~~], and the Department of Public Safety [~~department~~].

Sec. 1001.105. TEXAS DEPARTMENT OF INSURANCE. The commission [~~agency~~] shall enter into a memorandum of understanding with the Texas Department of Insurance for the interagency development of a curriculum for driving safety courses.

SECTION \_\_.14. Sections 1001.106(b), (c), and (d), Education Code, are amended to read as follows:

(b) The commission [~~commissioner~~] by rule shall provide minimum standards of curriculum relating to operation of vehicles at railroad and highway grade crossings.

(c) Subchapter F, Chapter 51, Occupations Code, Section 51.353, Occupations Code, and Section [Sections 1001.454,] 1001.456 of this code[ ~~and 1001.553~~] do not apply to a violation of this section or a rule adopted under this section.

(d) Section 51.352, Occupations Code, and Sections [1001.455(a)(6),] 1001.501[ ~~1001.551, 1001.552,~~] and 1001.554 of this code do not apply to a violation of this section.

SECTION \_\_.15. Section 1001.107, Education Code, is amended to read as follows:

Sec. 1001.107. INFORMATION RELATING TO LITTER PREVENTION.

(a) The commission [~~commissioner~~] by rule shall require that information relating to litter prevention be included in the curriculum of each driver education and driving safety course.

(b) In developing rules under this section, the commission [~~commissioner~~] shall consult the Department of Public Safety [~~department~~].

SECTION \_\_.16. Sections 1001.108(a) and (c), Education Code, are amended to read as follows:

(a) The commission [~~commissioner~~] by rule shall require that information relating to anatomical gifts be included in the curriculum of each driver education course and driving safety course.

(c) In developing rules under this section, the commission [~~commissioner~~] shall consult with the Department of Public Safety [~~department~~] and the [~~Texas~~] Department of State Health Services.

SECTION \_\_.17. Section 1001.151, Education Code, is amended to read as follows:

Sec. 1001.151. APPLICATION, LICENSE, AND REGISTRATION FEES.

(a) The commission [~~commissioner~~] shall establish [~~collect~~] application, license, and registration fees. The fees must be in amounts sufficient to cover administrative costs and are nonrefundable. The department shall collect the application, license, and registration fees.

(b) The commission shall establish a fee for:

(1) an initial driver education school license and [~~is \$1,000 plus \$850~~] for each branch location; [-]

(2) [~~(c) The fee for~~] an initial driving safety school license; [~~is an appropriate amount established by the commissioner not to exceed \$200.~~]

(3) ~~[(d) The fee for]~~ an initial course provider license ~~[is an appropriate amount established by the commissioner not to exceed \$2,000]~~, except that the commission ~~[agency]~~ may waive the fee if revenue received from the course provider is sufficient to cover the cost of licensing the course provider; [-]

(4) ~~the~~ ~~[(e) The]~~ annual renewal ~~[fee]~~ for a course provider, driving safety school, driver education school, or branch location ~~[is an appropriate amount established by the commissioner not to exceed \$200]~~, except that the commission ~~[agency]~~ may waive the fee if revenue generated by the issuance of ~~[uniform certificates of]~~ course completion certificate numbers and driver education certificates is sufficient to cover the cost of administering this chapter and Article 45.0511, Code of Criminal Procedure; [-]

(5) ~~[(f) The fee for]~~ a change of address of[-]

~~[(1) a driver education school, [is \$180; and~~

~~[(2) a driving safety school, or course provider; [is \$50.]~~

(6) ~~[(g) The fee for]~~ a change of name of:

(A) ~~[(1) a driver education school or course provider or an owner of a driver education school or course provider [is \$100]; or [and]~~

(B) ~~[(2) a driving safety school or owner of a driving safety school; [is \$50.]~~

(7) ~~[(h) The application fee for]~~ each additional driver education or driving safety course at a driver training school; ~~[is \$25.]~~

(8) an ~~[(i) The]~~ application of a ~~[fee for:~~

~~[(1) each] director, [is \$30; and~~

~~[(2) each] assistant director, or administrative staff member; [is \$15.]~~

(9) an ~~[(j) Each]~~ application for approval of a driving safety course that has not been evaluated by the department; and

(10) an application for approval to teach an approved driving safety course by an alternative method ~~[commissioner must be accompanied by a nonrefundable fee of \$9,000].~~

(c) ~~[(k)]~~ An application for an original driver education or driving safety instructor license must be accompanied by a processing fee ~~[of \$50]~~ and an annual license fee ~~[of \$25]~~, except that the department ~~[commissioner]~~ may not collect the processing fee from an applicant for a driver education instructor license who is currently teaching a driver education course in a public school in this state.

(d) ~~[(l)]~~ The commission ~~[commissioner]~~ shall establish the amount of the fee for a duplicate license.

SECTION \_\_.18. Section 1001.153, Education Code, is amended to read as follows:

Sec. 1001.153. COMPLAINT INVESTIGATION FEE. (a) The commission ~~[commissioner]~~ shall establish the amount of the fee to investigate a driver training school or course provider to resolve a complaint against the school or course provider.

(b) The fee may be charged only if:

(1) the complaint could not have been resolved solely by telephone or in writing;

(2) a representative of the department [~~agency~~] visited the school or course provider as a part of the complaint resolution process; and

(3) the school or course provider was found to be at fault.

SECTION \_\_.19. Section 1001.202(b), Education Code, is amended to read as follows:

(b) A driving safety school may use multiple classroom locations to teach a driving safety course if each location:

(1) is approved by the parent school and the department [~~agency~~];

(2) has the same name as the parent school; and

(3) has the same ownership as the parent school.

SECTION \_\_.20. Sections 1001.203, 1001.204, 1001.205, and 1001.206, Education Code, are amended to read as follows:

Sec. 1001.203. APPLICATION. To operate or do business in this state, a driver training school must apply to the department [~~commissioner~~] for the appropriate license. The application must:

(1) be in writing;

(2) be in the form prescribed by the department [~~commissioner~~];

(3) include all required information; and

(4) be verified.

Sec. 1001.204. REQUIREMENTS FOR DRIVER EDUCATION SCHOOL LICENSE. The department [~~commissioner~~] shall approve an application for a driver education school license if, on investigation of the premises of the school, it is determined that the school:

(1) has courses, curricula, and instruction of a quality, content, and length that reasonably and adequately achieve the stated objective for which the courses, curricula, and instruction are offered;

(2) has adequate space, equipment, instructional material, and instructors to provide training of good quality in the classroom and behind the wheel;

(3) has directors, instructors, and administrators who have adequate educational qualifications and experience;

(4) provides to each student before enrollment:

(A) a copy of:

(i) the refund policy;

(ii) the schedule of tuition, fees, and other charges; and

(iii) the regulations relating to absence, grading policy, and rules of operation and conduct; and

(B) the department's name, mailing address, [~~and~~] telephone number, and Internet website address [~~of the agency~~] for the purpose of directing complaints to the department [~~agency~~];

(5) maintains adequate records as prescribed by the department [~~commissioner~~] to show attendance and progress or grades and enforces satisfactory standards relating to attendance, progress, and conduct;

(6) on completion of training, issues each student a certificate indicating the course name and satisfactory completion;

(7) complies with all county, municipal, state, and federal regulations, including fire, building, and sanitation codes and assumed name registration;

(8) is financially sound and capable of fulfilling its commitments for training;

(9) has administrators, directors, owners, and instructors who are of good reputation and character;

(10) maintains and publishes as part of its student enrollment contract the proper policy for the refund of the unused portion of tuition, fees, and other charges if a student fails to take the course or withdraws or is discontinued from the school at any time before completion;

(11) does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the department [~~commissioner~~];

(12) does not use a name similar to the name of another [~~existing~~] school licensed in this state or of a tax-supported educational institution in this state, unless specifically approved in writing by the executive director [~~commissioner~~];

(13) submits to the department [~~agency~~] for approval the applicable course hour lengths and curriculum content for each course offered by the school;

(14) does not owe an administrative penalty for a violation of [~~under~~] this chapter; and

(15) meets any additional criteria required by the department [~~agency~~].

Sec. 1001.205. REQUIREMENTS FOR DRIVING SAFETY SCHOOL LICENSE. The department [~~commissioner~~] shall approve an application for a driving safety school license if on investigation the department [~~agency~~] determines that the school:

(1) has driving safety courses, curricula, and instruction of a quality, content, and length that reasonably and adequately achieve the stated objective for which the course, curricula, and instruction are developed by the course provider;

(2) has adequate space, equipment, instructional material, and instructors to provide training of good quality;

(3) has instructors and administrators who have adequate educational qualifications and experience;

(4) maintains adequate records as prescribed by the department [~~commissioner~~] to show attendance and progress or grades and enforces satisfactory standards relating to attendance, progress, and conduct;

(5) complies with all county, municipal, state, and federal laws, including fire, building, and sanitation codes and assumed name registration;

(6) has administrators, owners, and instructors who are of good reputation and character;

(7) does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the department [~~commissioner~~];

(8) does not use a name similar to the name of another ~~[existing]~~ school licensed in this state or of a tax-supported educational establishment in this state, unless specifically approved in writing by the executive director ~~[commissioner]~~;

(9) maintains and uses the approved contract and policies developed by the course provider;

(10) does not owe an administrative penalty for a violation of ~~[under]~~ this chapter;

(11) will not provide a driving safety course to a person for less than \$25; and

(12) meets additional criteria required by the department ~~[commissioner]~~.

Sec. 1001.206. REQUIREMENTS FOR COURSE PROVIDER LICENSE. The department ~~[commissioner]~~ shall approve an application for a course provider license if on investigation the department ~~[agency]~~ determines that:

(1) the course provider has an approved course that at least one licensed driving safety school is willing to offer;

(2) the course provider has adequate educational qualifications and experience;

(3) the course provider will:

(A) develop and provide to each driving safety school that offers the approved course a copy of:

(i) the refund policy; and

(ii) the regulations relating to absence, grading policy, and rules of operation and conduct; and

(B) provide to the driving safety school the department's name, mailing address, ~~[and]~~ telephone number, and Internet website address ~~[of the agency]~~ for the purpose of directing complaints to the department ~~[agency]~~;

(4) a copy of the information provided to each driving safety school under Subdivision (3) will be provided to each student by the school before enrollment;

(5) not later than the 15th working day after the date the person successfully completes the course, the course provider will mail a uniform certificate of course completion to the person indicating the course name and successful completion;

(6) the course provider maintains adequate records as prescribed by the department ~~[commissioner]~~ to show attendance and progress or grades and enforces satisfactory standards relating to attendance, progress, and conduct;

(7) the course provider complies with all county, municipal, state, and federal laws, including assumed name registration and other applicable requirements;

(8) the course provider is financially sound and capable of fulfilling its commitments for training;

(9) the course provider is of good reputation and character;



(10) the course provider maintains and publishes as a part of its student enrollment contract the proper policy for the refund of the unused portion of tuition, fees, and other charges if a student fails to take the course or withdraws or is discontinued from the school at any time before completion;

(11) the course provider does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the department [commissioner];

(12) the course provider does not use a name similar to the name of another ~~[existing]~~ school licensed in this state or of a tax-supported educational institution in this state, unless specifically approved in writing by the executive director [commissioner];

(13) the course provider does not owe an administrative penalty for a violation of [under] this chapter; and

(14) the course provider meets additional criteria required by the department [commissioner].

SECTION \_\_.21. Sections 1001.207(a) and (b), Education Code, are amended to read as follows:

(a) Before a driver education school may be issued a license, the school must file a corporate surety bond with the department [commissioner] in the amount of:

- (1) \$10,000 for the primary location of the school; and
- (2) \$5,000 for each branch location.

(b) A bond issued under Subsection (a) must be:

- (1) issued in a form approved by the department [commissioner];
- (2) issued by a company authorized to do business in this state;
- (3) payable to the state to be used only for payment of a refund due to a student or potential student;
- (4) conditioned on the compliance of the school and its officers, agents, and employees with this chapter and rules adopted under this chapter; and
- (5) issued for a period corresponding to the term of the license.

SECTION \_\_.22. Section 1001.209(b), Education Code, is amended to read as follows:

(b) A bond issued under Subsection (a) must be:

- (1) issued by a company authorized to do business in this state;
- (2) payable to the state to be used:
  - (A) for payment of a refund due a student of the course provider's approved course;
  - (B) to cover the payment of unpaid fees or penalties assessed by the department [agency]; or
  - (C) to recover any [the] cost associated with providing [of uniform certificates of] course completion certificate numbers, including the cancellation of certificate numbers [the agency demands be returned or any cost associated with the certificates];
- (3) conditioned on the compliance of the course provider and its officers, agents, and employees with this chapter and rules adopted under this chapter; and

(4) issued for a period corresponding to the term of the license.

SECTION \_\_.23. Section 1001.210, Education Code, is amended to read as follows:

Sec. 1001.210. ALTERNATE FORM OF SECURITY. Instead of the bond required by Section 1001.207 or 1001.209, a driver education school or course provider may provide another form of security that is:

- (1) ~~(A)~~ approved by the department ~~[commissioner]~~; and
- (2) ~~(B)~~ in the amount required for a comparable bond under Section 1001.207 or 1001.209.

SECTION \_\_.24. Sections 1001.211(a) and (b), Education Code, are amended to read as follows:

(a) The department ~~[commissioner]~~ shall issue a license to an applicant for a license under this subchapter if:

- (1) the application is submitted in accordance with this subchapter; and
- (2) the applicant meets the requirements of this chapter.

(b) A license must be in a form determined by the department ~~[commissioner]~~ and must show in a clear and conspicuous manner:

- (1) the date of issuance, effective date, and term of the license;
- (2) the name and address of the driver training school or course provider;
- (3) the authority for and conditions of approval;
- (4) the executive director's ~~[commissioner's]~~ signature; and
- (5) any other fair and reasonable representation that is consistent with this chapter and that the department ~~[commissioner]~~ considers necessary.

SECTION \_\_.25. Section 1001.212, Education Code, is amended to read as follows:

Sec. 1001.212. NOTICE OF DENIAL OF LICENSE. The department ~~[commissioner]~~ shall provide a person whose application for a license under this subchapter is denied a written statement of the reasons for the denial.

SECTION \_\_.26. Sections 1001.213(c) and (d), Education Code, are amended to read as follows:

(c) The commission may establish ~~[Instead of the]~~ fees ~~[required by Section 1001.151, the fee]~~ for a new driver education school or course provider license under Subsection (b) and ~~[is \$500, plus \$200]~~ for each branch location that are different from the amounts established under Section 1001.151[-] if:

- (1) the new owner is substantially similar to the previous owner; and
- (2) there is no significant change in the management or control of the driver education school or course provider.

(d) The department ~~[commissioner]~~ is not required to reinspect a school or a branch location after a change of ownership.

SECTION \_\_.27. Section 1001.214, Education Code, is amended to read as follows:

Sec. 1001.214. DUPLICATE LICENSE. A duplicate license may be issued to a driver training school or course provider if:

- (1) the original license is lost or destroyed; and
- (2) an affidavit of that fact is filed with the department ~~[agency]~~.

SECTION \_\_.28. Sections 1001.251, 1001.252, and 1001.253, Education Code, are amended to read as follows:

Sec. 1001.251. LICENSE REQUIRED FOR INSTRUCTOR. (a) A person may not teach or provide driver education, either as an individual or in a driver education school, or conduct any phase of driver education, unless the person holds a driver education instructor license issued by the department [~~agency~~].

(b) A person may not teach or provide driving safety training, either as an individual or in a driving safety school, or conduct any phase of driving safety education, unless the person holds a driving safety instructor license issued by the department [~~agency~~]. This subsection does not apply to an instructor of a driving safety course that does not provide a uniform certificate of course completion to its graduates.

Sec. 1001.252. SIGNATURE AND SEAL ON LICENSE REQUIRED. A license under this subchapter must be signed by the executive director [~~commissioner~~].

Sec. 1001.253. DRIVER EDUCATION INSTRUCTOR TRAINING. (a) The department [~~commissioner~~] shall establish standards for certification of professional and paraprofessional personnel who conduct driver education programs in driver education schools.

(b) A driver education instructor license authorizing a person to teach or provide behind-the-wheel training may not be issued unless the person has successfully completed six semester hours of driver and traffic safety education or a program of study in driver education approved by the department [~~commissioner~~] from an approved driver education school.

(c) A person who holds a driver education instructor license authorizing behind-the-wheel training may not be approved to assist a classroom instructor in the classroom phase of driver education unless the person has successfully completed the three additional semester hours of training required for a classroom instructor or a program of study in driver education approved by the department [~~commissioner~~].

(d) Except as provided by Section 1001.254, a driver education instructor license authorizing a person to teach or provide classroom training may not be issued unless the person:

(1) has completed nine semester hours of driver and traffic safety education or a program of study in driver education approved by the department [~~commissioner~~] from an approved driver education school; and

(2) holds a teaching certificate and any additional certification required to teach driver education.

(e) A driver education instructor who has completed the educational requirements prescribed by Subsection (d)(1) may not teach instructor training classes unless the instructor has successfully completed a supervising instructor development program consisting of at least six additional semester hours or a program of study in driver education approved by the department [~~commissioner~~] that includes administering driver education programs and supervising and administering traffic safety education.

(f) A driver education school may submit for department [~~agency~~] approval a curriculum for an instructor development program for driver education instructors. The program must:

- (1) be taught by a person who has completed a supervising instructor development program under Subsection (e); and
- (2) satisfy the requirements of this section for the particular program or type of training to be provided.

SECTION \_\_.29. Section 1001.254(a), Education Code, is amended to read as follows:

(a) A temporary driver education instructor license may be issued authorizing a person to teach or provide classroom driver education training if the person:

- (1) has completed the educational requirements prescribed by Section 1001.253(d)(1);
- (2) holds a Texas teaching certificate with an effective date before February 1, 1986;
- (3) meets all license requirements, other than successful completion of the examination required under rules adopted by the State Board for Educator Certification to revalidate the teaching certificate; and
- (4) demonstrates, in a manner prescribed by the department [~~commissioner~~], the intention to comply with the examination requirement at the first available opportunity.

SECTION \_\_.30. Sections 1001.255(a), (b), and (c), Education Code, are amended to read as follows:

(a) The department [~~agency~~] shall regulate as a driver education school a driver education instructor who:

- (1) teaches driver education courses in a county having a population of 50,000 or less; and
- (2) does not teach more than 200 students annually.

(b) An instructor described by Subsection (a) must submit to the department [~~agency~~] an application for an initial or renewal driver education school license, together with all required documentation and information.

(c) The department [~~commissioner~~] may waive initial or renewal driver education school license fees or the fee for a director or administrative staff member.

SECTION \_\_.31. Section 1001.256, Education Code, is amended to read as follows:

Sec. 1001.256. DUPLICATE LICENSE. A duplicate license may be issued to a driver education instructor or driving safety instructor if:

- (1) the original license is lost or destroyed; and
- (2) an affidavit of that fact is filed with the department [~~agency~~].

SECTION \_\_.32. The heading to Subchapter G, Chapter 1001, Education Code, is amended to read as follows:

SUBCHAPTER G. LICENSE EXPIRATION [~~AND RENEWAL~~]

SECTION \_\_.33. Sections 1001.351(a) and (b), Education Code, are amended to read as follows:

(a) Not later than the 15th working day after the course completion date, a course provider or a person at the course provider's facilities shall issue and send ~~mail~~ a uniform certificate of course completion by United States mail or through a commercial delivery service to a person who successfully completes an approved driving safety course.

(b) A course provider shall electronically submit to the department ~~[agency]~~ in the manner established by the department ~~[agency]~~ data identified by the department ~~[agency]~~ relating to uniform certificates of course completion issued by the course provider.

SECTION \_\_.34. Sections 1001.354(a) and (b), Education Code, are amended to read as follows:

(a) A driving safety course may be taught at a driving safety school if the school is approved by the department ~~[agency]~~.

(b) A driving safety school may teach an approved driving safety course by an alternative method ~~[that does not require students to be present in a classroom]~~ if the department ~~[commissioner]~~ approves the alternative method. The department ~~[commissioner]~~ may approve the alternative method if:

(1) the department ~~[commissioner]~~ determines that the approved driving safety course can be taught by the alternative method; and

(2) the alternative method includes testing and security measures that are at least as secure as the measures available in the usual classroom setting.

SECTION \_\_.35. Sections 1001.404(b) and (c), Education Code, are amended to read as follows:

(b) The department ~~[commissioner]~~ shall establish annually the rate of interest for a refund at a rate sufficient to provide a deterrent to the retention of student money.

(c) The department ~~[agency]~~ may except a driver education school or course provider from the payment of interest if the school or course provider makes a good-faith effort to refund tuition, fees, and other charges but is unable to locate the student to whom the refund is owed. On request of the department ~~[agency]~~, the school or course provider shall document the effort to locate a student.

SECTION \_\_.36. Sections 1001.451 and 1001.452, Education Code, are amended to read as follows:

Sec. 1001.451. PROHIBITED PRACTICES. A person may not:

(1) use advertising designed to mislead or deceive a prospective student;

(2) fail to notify the department ~~[commissioner]~~ of the discontinuance of the operation of a driver training school before the fourth working day after the date of cessation of classes and make available accurate records as required by this chapter;

(3) issue, sell, trade, or transfer:

(A) a uniform certificate of course completion or driver education certificate to a person or driver training school not authorized to possess the certificate;

(B) a uniform certificate of course completion to a person who has not successfully completed an approved, six-hour driving safety course; or

(C) a driver education certificate to a person who has not successfully completed a department-approved [~~commissioner-approved~~] driver education course;

(4) negotiate a promissory instrument received as payment of tuition or another charge before the student completes 75 percent of the course, except that before that time the instrument may be assigned to a purchaser who becomes subject to any defense available against the school named as payee; or

(5) conduct any part of an approved driver education course or driving safety course without having an instructor physically present in appropriate proximity to the student for the type of instruction being given.

Sec. 1001.452. COURSE OF INSTRUCTION. A driver training school may not maintain, advertise, solicit for, or conduct a course of instruction in this state before the later of:

(1) the 30th day after the date the school applies for a driver training school license; or

(2) the date the school receives a driver training school license from the department [~~commissioner~~].

SECTION \_\_.37. Sections 1001.453(d) and (e), Education Code, are amended to read as follows:

(d) Subchapter F, Chapter 51, Occupations Code, Section 51.353, Occupations Code, and Section [~~Sections 1001.454,~~] 1001.456(a) of this code [~~;~~ ~~and 1001.553~~] do not apply to a violation of this section or a rule adopted under this section.

(e) Section 51.352, Occupations Code, and Sections [~~1001.455(a)(6),~~] 1001.501 [~~1001.551, 1001.552,~~] and 1001.554 of this code do not apply to a violation of this section.

SECTION \_\_.38. Section 1001.456, Education Code, is amended to read as follows:

Sec. 1001.456. OTHER DISCIPLINARY ACTIONS. (a) If the department [~~agency~~] believes that a driver education school or instructor has violated this chapter or a rule or order of the commission or executive director [~~adopted under this chapter~~], the department [~~agency~~] may, without notice:

(1) order a peer review;

(2) suspend the enrollment of students in the school or the offering of instruction by the instructor; or

(3) suspend the right to purchase driver education certificates.

(b) If the department [~~agency~~] believes that a course provider, driving safety school, or driving safety instructor has violated this chapter or a rule or order of the commission or executive director [~~adopted under this chapter~~], the department [~~agency~~] may, without notice:

(1) order a peer review of the course provider, driving safety school, or driving safety instructor;

(2) suspend the enrollment of students in the school or the offering of instruction by the instructor; or

(3) suspend the right to purchase [~~uniform certificates of~~] course completion certificate numbers.

(c) A peer review ordered under this section must be conducted by a team of knowledgeable persons selected by the department [~~agency~~]. The team shall provide the department [~~agency~~] with an objective assessment of the content of the school's or course provider's curriculum and its application. The school or course provider shall pay the costs of the peer review.

(d) A suspension of enrollment under Subsection (a)(2) or (b)(2) means a ruling by the executive director [~~commissioner~~] that restricts a school from:

- (1) accepting enrollments or reenrollments;
- (2) advertising;
- (3) soliciting; or
- (4) directly or indirectly advising prospective students of its program or course offerings.

SECTION \_\_.39. The heading to Subchapter L, Chapter 1001, Education Code, is amended to read as follows:

SUBCHAPTER L. PENALTIES [~~AND ENFORCEMENT PROVISIONS~~]

SECTION \_\_.40. Sections 1001.555(a), (b), and (c), Education Code, are amended to read as follows:

(a) A person commits an offense if the person knowingly sells, trades, issues, or otherwise transfers, or possesses with intent to sell, trade, issue, or otherwise transfer, a uniform certificate of course completion, including a duplicate certificate, a course completion certificate number, including a duplicate number, or a driver education certificate to an individual, firm, or corporation not authorized to possess the certificate or number.

(b) The department [~~agency~~] shall contract with the Department of Public Safety [~~department~~] to provide undercover and investigative assistance in the enforcement of Subsection (a).

(c) A person commits an offense if the person knowingly possesses a uniform certificate of course completion, including a duplicate certificate, a course completion certificate number, including a duplicate number, or a driver education certificate and is not authorized to possess the certificate or number.

SECTION \_\_.41. Article 45.0511(b), Code of Criminal Procedure, is amended to read as follows:

(b) The judge shall require the defendant to successfully complete a driving safety course approved by the Texas Department of Licensing and Regulation [~~Education Agency~~] or a course under the motorcycle operator training and safety program approved by the designated state agency under Chapter 662, Transportation Code, if:

(1) the defendant elects driving safety course or motorcycle operator training course dismissal under this article;

(2) the defendant has not completed an approved driving safety course or motorcycle operator training course, as appropriate, within the 12 months preceding the date of the offense;

(3) the defendant enters a plea under Article 45.021 in person or in writing of no contest or guilty on or before the answer date on the notice to appear and:

(A) presents in person or by counsel to the court a request to take a course; or

(B) sends to the court by certified mail, return receipt requested, postmarked on or before the answer date on the notice to appear, a written request to take a course;

(4) the defendant has a valid Texas driver's license or permit;

(5) the defendant is charged with an offense to which this article applies, other than speeding 25 miles per hour or more over the posted speed limit; and

(6) the defendant provides evidence of financial responsibility as required by Chapter 601, Transportation Code.

SECTION \_\_.42. Section 51.308, Education Code, is amended to read as follows:

Sec. 51.308. DRIVER EDUCATION. A driver education course for the purpose of preparing students to obtain a driver's license may be offered by an institution of higher education, as defined by Section 61.003, with the approval of the Texas [Central] Education Agency.

SECTION \_\_.43. Section 521.1655(a), Transportation Code, is amended to read as follows:

(a) A driver education school licensed under Chapter 1001, Education Code, [~~the Texas Driver and Traffic Safety Education Act (Article 4413(29e), Vernon's Texas Civil Statutes)~~] may administer to a student of that school the vision, highway sign, and traffic law parts of the examination required by Section 521.161.

SECTION \_\_.44. Section 521.203, Transportation Code, is amended to read as follows:

Sec. 521.203. RESTRICTIONS ON CLASS A AND B LICENSES. The department may not issue a Class A or Class B driver's license to a person who:

(1) is under 17 years of age;

(2) is under 18 years of age unless the person has completed a driver training course approved by the Texas Department of Licensing and Regulation or the Texas [Central] Education Agency; or

(3) has not provided the department with an affidavit, on a form prescribed by the department, that states that no vehicle that the person will drive that requires a Class A or Class B license is a commercial motor vehicle as defined by Section 522.003.

SECTION \_\_.45. Section 521.204(a), Transportation Code, is amended to read as follows:

(a) The department may issue a Class C driver's license to an applicant under 18 years of age only if the applicant:

(1) is 16 years of age or older;

(2) has submitted to the department a driver education certificate issued under Chapter 1001, Education Code [~~Section 9A, Texas Driver and Traffic Safety Education Act (Article 4413(29e), Vernon's Texas Civil Statutes)~~], that



states that the person has completed and passed a driver education course approved by the department under Section 521.205 or by the Texas Education Agency or the Texas Department of Licensing and Regulation;

(3) has obtained a high school diploma or its equivalent or is a student:

(A) currently enrolled in a public school, home school, or private school who attended school and, for each class in which the student was enrolled [for at least 80 days] in the fall or spring semester preceding the date of the driver's license application, met the minimum attendance required for class credit under Section 25.092, Education Code; or

(B) who has been enrolled for at least 45 days, and is enrolled as of the date of the application, in a program to prepare persons to pass the high school equivalency exam and during that period of enrollment has met all attendance requirements for the program; and

(4) has passed the examination required by Section 521.161.

SECTION \_\_.46. Sections 521.205(b) and (d), Transportation Code, are amended to read as follows:

(b) The department may not approve a course unless it determines that the course materials are at least equal to those required in a course approved by the Texas Department of Licensing and Regulation or the Texas Education Agency, except that the department may not require that:

(1) the classroom instruction be provided in a room with particular characteristics or equipment; or

(2) the vehicle used for the behind-the-wheel instruction have equipment other than the equipment otherwise required by law for operation of the vehicle on a highway while the vehicle is not being used for driver training.

(d) Completion of a driver education course approved under this section has the same effect under this chapter as completion of a driver education course approved by the Texas Department of Licensing and Regulation or the Texas Education Agency.

SECTION \_\_.47. Sections 521.222(a) and (c), Transportation Code, are amended to read as follows:

(a) The department or a driver education school licensed under Chapter 1001, Education Code, or a driver education school approved under Section 29.902 or 51.308, Education Code, [the Texas Driver and Traffic Safety Education Act (Article 4413(29e), Vernon's Texas Civil Statutes)] may issue an instruction permit, including a Class A or Class B driver's license instruction permit, to a person who:

(1) is 15 years of age or older but under 18 years of age;

(2) has satisfactorily completed and passed the classroom phase of an approved driver education course, which may be a course approved under Section 521.205;

(3) meets the requirements imposed under Section 521.204(3); and

(4) has passed each examination required under Section 521.161 other than the driving test.

(c) A driver education school licensed under Chapter 1001, Education Code, may issue an instruction permit to a person 18 years of age or older who has successfully passed:

(1) a six-hour adult classroom driver education course approved by the Texas Department of Licensing and Regulation [~~Education Agency~~]; and

(2) each part of the driver's examination required by Section 521.161 other than the driving test.

SECTION \_\_.48. Sections 1001.001(1), 1001.152, 1001.303, 1001.304, 1001.454, 1001.455, 1001.457, 1001.458, 1001.459, 1001.460, 1001.461, 1001.551, 1001.552, and 1001.553, Education Code, Section 542.202(b)(3), Transportation Code, and Subchapter B, Chapter 543, Transportation Code, are repealed.

SECTION \_\_.49. (a) As soon as practicable after the effective date of this Act, the Texas Education Agency and the Texas Department of Licensing and Regulation shall develop a transition plan for transferring the functions performed by the Texas Education Agency under Chapter 1001, Education Code, to the Texas Department of Licensing and Regulation. The transition plan must include a timetable with specific steps and deadlines needed to complete the transfer.

(b) In accordance with the transition plan developed by the Texas Education Agency and the Texas Department of Licensing and Regulation under Subsection (a) of this section, on September 1, 2005:

(1) all functions and activities relating to Chapter 1001, Education Code, performed by the Texas Education Agency immediately before that date are transferred to the Texas Department of Licensing and Regulation;

(2) a rule or form adopted by the commissioner of education that relates to Chapter 1001, Education Code, is a rule or form of the Texas Commission of Licensing and Regulation or the Texas Department of Licensing and Regulation, as applicable, and remains in effect until amended or replaced by that commission or department;

(3) a reference to the Texas Education Agency in a law or administrative rule that relates to Chapter 1001, Education Code, means the Texas Commission of Licensing and Regulation or the Texas Department of Licensing and Regulation, as applicable;

(4) a complaint, investigation, or other proceeding before the Texas Education Agency that is related to Chapter 1001, Education Code, is transferred without change in status to the Texas Department of Licensing and Regulation, and the Texas Department of Licensing and Regulation assumes, as appropriate and without a change in status, the position of the Texas Education Agency in an action or proceeding to which the Texas Education Agency is a party;

(5) all money, contracts, leases, property, and obligations of the Texas Education Agency related to Chapter 1001, Education Code, are transferred to the Texas Department of Licensing and Regulation;

(6) all property in the custody of the Texas Education Agency related to Chapter 1001, Education Code, is transferred to the Texas Department of Licensing and Regulation; and

(7) the unexpended and unobligated balance of any money appropriated by the legislature for the Texas Education Agency related to Chapter 1001, Education Code, is transferred to the Texas Department of Licensing and Regulation.

(c) In accordance with the transition plan developed by the Texas Education Agency and the Texas Department of Licensing and Regulation under Subsection (a) of this section, on September 1, 2005, all full-time equivalent employee positions at the Texas Education Agency that primarily concern the administration of Chapter 1001, Education Code, become positions at the Texas Department of Licensing and Regulation. When filling the positions, the Texas Department of Licensing and Regulation shall give first consideration to an applicant who, as of August 31, 2005, was a full-time employee at the Texas Education Agency primarily involved in administering Chapter 1001, Education Code.

(d) Before September 1, 2005, the Texas Education Agency may agree with the Texas Department of Licensing and Regulation to transfer any property of the Texas Education Agency to the Texas Department of Licensing and Regulation to implement the transfer required by this article.

(e) In the period beginning with the effective date of this Act and ending on September 1, 2005, the Texas Education Agency shall continue to perform functions and activities under Chapter 1001, Education Code, as if that chapter had not been amended by this article, and the former law is continued in effect for that purpose.

SECTION \_\_.50. The changes in law made by this article apply only to a fee charged on or after September 1, 2005. A fee charged before September 1, 2005, is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

SECTION \_\_.51. The changes in law made by this article apply only to a license issued or renewed on or after September 1, 2005. An issuance or renewal that occurs before September 1, 2005, is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

Amendment No. 2 was withdrawn.

#### **Amendment No. 1 - Vote Reconsidered**

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

The motion to reconsider prevailed.

Amendment No. 1 was withdrawn.

#### **SB 1863 - MOTION FOR PREVIOUS QUESTION**

Representative Hartnett moved the previous question on final passage of **SB 1863**.

The motion was seconded.

A record vote was requested.

The motion prevailed by (Record 821): 117 Yeas, 23 Nays, 1 Present, not voting.

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

Nays — Burnam; Castro; Coleman; Davis, Y.; Dunnam; Farrar; Gallego; Herrero; Hochberg; King, T.; Laney; Leibowitz; Martinez; Martinez Fischer; Naishtat; Olivo; Paxton; Rodriguez; Seaman; Thompson; Van Arsdale; Veasey; Villarreal.

Present, not voting — Mr. Speaker(C).

Absent, Excused, Committee Meeting — Zedler.

Absent — Allen, A.; Dutton; Haggerty; Hodge; Keel; Moreno, P.; Truitt.

A record vote was requested.

**SB 1863** was passed by (Record 822): 79 Yeas, 61 Nays, 1 Present, not voting.

Yeas — Allen, R.; Alonzo; Anderson; Bailey; Baxter; Berman; Blake; Branch; Brown, B.; Brown, F.; Campbell; Casteel; Chavez; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Dawson; Delisi; Denny; Driver; Eiland; Eissler; Elkins; Escobar; Flynn; Frost; Gattis; Geren; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Hamilton; Hamric; Hardcastle; Hegar; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Keel; Keffer, J.; Kolkhorst; Krusee; Kuempel; Laney; Luna; Madden; McCall; McClendon; Mowery; Nixon; Oliveira; Orr; Otto; Pickett; Pitts; Puente; Quintanilla; Ritter; Seaman; Smith, T.; Smith, W.; Smithee; Strama; Swinford; Turner; Uresti; West; Wong; Woolley.

Nays — Allen, A.; Anchia; Bohac; Bonnen; Burnam; Callegari; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Farabee; Flores; Gallego; Gonzales; Hartnett; Herrero; Hochberg; Hodge; Homer; Hopson; Hughes; Jackson; Jones, D.; Jones, J.; Keffer, B.; King, P.; King, T.; Laubenberg; Leibowitz; Martinez; Martinez Fischer; McReynolds; Menendez; Merritt; Miller;

Moreno, P.; Morrison; Naishtat; Noriega, M.; Olivo; Paxton; Peña; Phillips; Raymond; Reyna; Riddle; Rodriguez; Rose; Solis; Solomons; Talton; Thompson; Truitt; Van Arsdale; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused, Committee Meeting — Zedler.

Absent — Crossover; Farrar; Giddings; Haggerty; Harper-Brown; Straus; Taylor.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 822. I intended to vote no.

Baxter

I was shown voting yes on Record No. 822. I intended to vote no.

R. Cook

When Record No. 822 was taken, I was in the house but away from my desk. I would have voted yes.

Crossover

I was shown voting yes on Record No. 822. I intended to vote no.

Dawson

I was shown voting yes on Record No. 822. I intended to vote no.

Eiland

When Record No. 822 was taken, my vote failed to register. I would have voted no.

Farrar

I was shown voting yes on Record No. 822. I intended to vote no.

Gonzalez Toureilles

I was shown voting yes on Record No. 822. I intended to vote no.

Goolsby

When Record No. 822 was taken, my vote failed to register. I would have voted no.

Harper-Brown

I was shown voting yes on Record No. 822. I intended to vote no.

Hilderbran

I was shown voting yes on Record No. 822. I intended to vote no.

Kuempel

I was shown voting yes on Record No. 822. I intended to vote no.

McCall

I was shown voting no on Record No. 822. I intended to vote yes.

Rose

When Record No. 822 was taken, I was in the house but away from my desk. I would have voted no.

Straus

When Record No. 822 was taken, I was in the house but away from my desk. I would have voted no.

Taylor

I was shown voting no on Record No. 822. I intended to vote yes.

Truitt

**SB 867 ON THIRD READING**  
**(Otto - House Sponsor)**

**SB 867**, A bill to be entitled An Act relating to the application of the motor vehicle sales tax emissions reduction surcharge on certain recreational vehicles.

**SB 867** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero, Leibowitz, and Martinez recorded voting no.)

(Laubenberg in the chair)

**SB 984 ON THIRD READING**  
**(Uresti - House Sponsor)**

**SB 984**, A bill to be entitled An Act relating to a feasibility study regarding the provision of financial incentives to individuals who undergo training for child protective services.

**SB 984** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Edwards requested permission for the Committee on Rules and Resolutions to meet while the house is in session in 2W.25 for a formal meeting.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Rules and Resolutions, 3:30 p.m. today, 2W.25, for a formal meeting.

**SB 1255 ON THIRD READING  
(Geren - House Sponsor)**

**SB 1255**, A bill to be entitled An Act relating to the number of certain alcoholic beverage permits and licenses that may be issued for a single location.

A record vote was requested.

**SB 1255** was passed by (Record 823): 138 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Miller.

Present, not voting — Mr. Speaker.

Absent, Excused, Committee Meeting — Zedler.

Absent — Burnam; Castro; Crabb; Grusendorf; Haggerty; Hardcastle; Howard; Talton.

**STATEMENT OF VOTE**

When Record No. 823 was taken, I was in the house but away from my desk. I would have voted yes.

Castro

**SB 1704 ON THIRD READING  
(Hartnett, Gonzales, Solis, and Alonzo - House Sponsors)**

**SB 1704**, A bill to be entitled An Act relating to jury service.

A record vote was requested.

**SB 1704** was passed by (Record 824): 137 Yeas, 2 Nays, 4 Present, not voting.

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

Nays — Callegari; Miller.

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

Absent, Excused, Committee Meeting — Zedler.

Absent — Burnam; Castro; Chavez; Flores; Reyna.

#### STATEMENTS OF VOTE

When Record No. 824 was taken, I was in the house but away from my desk. I would have voted yes.

Castro

I was shown voting yes on Record No. 824. I intended to vote present, not voting.

Laney

#### SB 1570 ON THIRD READING (Isett - House Sponsor)

**SB 1570**, A bill to be entitled An Act relating to the rate of interest on certain tax refunds.

**SB 1570** 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 1408 ON THIRD READING (B. Cook - House Sponsor)

**SB 1408**, A bill to be entitled An Act relating to wage claim disputes.



**SB 1408** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero, Leibowitz, and Martinez recorded voting no.)

**SB 1189 ON THIRD READING**

**(Hartnett, Gonzales, Alonzo, Casteel, and Dawson - House Sponsors)**

**SB 1189**, A bill to be entitled An Act relating to the creation, composition, jurisdiction, and procedure of certain judicial districts, to the selection of a local administrative district judge for certain counties, to the juvenile board in certain counties, and to the district courts in certain counties.

**Amendment No. 1**

Representative Solis offered the following amendment to **SB 1189**:

Amend **SB 1189** on third reading by striking the SECTION of the bill that amends Sections 24.205, 24.209, 24.240, 24.503, and 24.549, Government Code, and substituting the following appropriately numbered SECTION:

SECTION \_\_. Section 24.205, Government Code, is amended to read as follows:

Sec. 24.205. 103RD JUDICIAL DISTRICT (CAMERON COUNTY [~~AND WILLACY COUNTIES~~]). (a) The 103rd Judicial District is composed of Cameron County [~~and Willacy counties~~]. The court shall give preference to civil cases.

(b) The 103rd, 107th, and 138th district courts have concurrent jurisdiction in Cameron County.

(c) The terms of the 103rd District Court begin[~~:~~

(1) ~~in Cameron County~~] on the first Mondays in February and July[~~:~~

~~and~~

(2) ~~in Willacy County on the first Mondays in January and June~~].

(d) The judge [judges] of the 103rd District Court [~~and 107th district courts~~] need not impanel grand juries except in cases of emergency.

(b) The heading to Section 24.209, Government Code, is amended to read as follows:

Sec. 24.209. 107TH JUDICIAL DISTRICT (CAMERON COUNTY [~~AND WILLACY COUNTIES~~]).

(c) Section 24.209, Government Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a) The 107th Judicial District is composed of Cameron County [~~and Willacy counties~~]. The court shall give preference to criminal cases.

(c) The judge of [Section 24.205, relating to the 103rd District Court, contains provisions applicable to both that court and] the 107th District Court need not impanel grand juries except in cases of emergency.

(d) The 103rd, 107th, and 138th district courts have concurrent jurisdiction in Cameron County.

(d) Section 24.240(d), Government Code, is amended to read as follows:

(d) The 103rd, 107th, and 138th district courts have concurrent jurisdiction in Cameron County [~~Section 24.205, relating to the 103rd District Court, contains provisions applicable to both that court and the 138th District Court~~].

(e) Section 24.503, Government Code, is amended to read as follows:

Sec. 24.503. 357TH JUDICIAL DISTRICT (CAMERON COUNTY [~~AND WILLACY COUNTIES~~]). The 357th Judicial District is composed of Cameron County [~~and Willacy counties~~].

(f) Section 24.549, Government Code, is amended to read as follows:

Sec. 24.549. 404TH JUDICIAL DISTRICT (CAMERON COUNTY [~~AND WILLACY COUNTIES~~]). The 404th Judicial District is composed of Cameron County [~~and Willacy counties~~].

(g) The local administrative district judge shall transfer all cases from Willacy County that are pending in the 103rd, 107th, 357th, and 404th district courts on September 1, 2005, to the 138th and 197th district courts.

(h) When a case is transferred as provided by Subsection (g) of this section, all processes, writs, bonds, recognizances, or other obligations issued from the 103rd, 107th, 357th, and 404th district courts are returnable to the 138th or 197th district court as if originally issued by that court. The obligees on all bonds and recognizances taken in and for the 103rd, 107th, 357th, and 404th district courts and all witnesses summoned to appear in those courts are required to appear before the 138th or 197th district court as if originally required to appear before that court.

Amendment No. 1 was adopted.

## **Amendment No. 2**

Representatives Alonzo, Geren, Goodman, and Veasey offered the following amendment to **SB 1189**:

Amend **SB 1189** on third reading by striking Section 152.2264, Human Resources Code, as added by the bill, and substituting the following:

Sec. 152.2264. TARRANT COUNTY CRIMINAL COURT ADMINISTRATOR AND COURT SERVICES DEPARTMENT. (a) Subject to the approval of the commissioners court, the judges of the district and county courts in Tarrant County that give preference to criminal matters may use the services of a criminal courts administrator.

(b) A judge may not be subjected to a suit for, and is immune from liability for damages arising from, an act or omission committed while performing a duty under this section unless the act or omission is:

(1) committed intentionally, wilfully, or wantonly; or

(2) committed with:

(A) gross negligence; or

(B) conscious indifference or reckless disregard for the safety of

others.

Amendment No. 2 was adopted.

**SB 1189**, as amended, was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero recorded voting no.)

**SB 40 ON THIRD READING**  
**(Dukes and Naishtat - House Sponsors)**

**SB 40**, A bill to be entitled An Act relating to permanency planning procedures for children residing in state institutions.

**SB 40** 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 52 ON THIRD READING**  
**(Hupp - House Sponsor)**

**SB 52**, A bill to be entitled An Act relating to a competitive grant program for aging and disability services.

**SB 52** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero and Leibowitz recorded voting no.)

**SB 1668 ON THIRD READING**  
**(Baxter - House Sponsor)**

**SB 1668**, A bill to be entitled An Act relating to the consideration of payments to an affiliate in computing rates for electric utilities.

**Amendment No. 1**

Representative Hardcastle offered the following amendment to **SB 1668**:

Amend **SB 1668** on third reading by adding the following new appropriately numbered SECTION and renumbering the remaining SECTIONS:

SECTION \_\_. Subsection (c), Section 39.051, Utilities Code, is amended as follows:

(c) An electric utility may accomplish the separation required by Subsection (b) either through the creation of separate nonaffiliated companies or separate affiliated companies owned by a common holding company or through the sale of assets to a third party. An electric utility may create separate transmission and distribution utilities. Notwithstanding any other provision of this Chapter, an electric utility that does not have stranded costs described by Section 39.254 and that on September 1, 2005 has not finalized unbundling pursuant to a commission order approving an unbundling plan may also meet the requirements of Subsection (b) for generation facilities existing on September 1, 2005 in the Electric Reliability Council of Texas if it meets and maintains compliance with the following requirements:

(1) the electric utility has no more than 400 megawatts of Texas jurisdictional capacity from generating units within the Electric Reliability Council of Texas that have not been mothballed or retired;

(2) the electric utility has a contract or contracts with separate nonaffiliated companies or separate affiliated companies for the sale of all of the output from its generating units that have not been mothballed or retired with a contract term that is no shorter than twenty years or the life of the generating units, whichever is shorter; and

(3) the electric utility has a separate division within the electric utility for its generation business activities.

(c-1) A separate division described by Subsection (c)(3) is subject to subsection (d) and, for the purposes of this Chapter, is considered a separate affiliated power generation company and a competitive affiliate.

Amendment No. 1 was adopted.

## **Amendment No. 2**

Representative Turner offered the following amendment to **SB 1668**:

Amend **SB 1668** as follows:

(1) in SECTION 1 of the bill (Engrossed version, page 1, lines 5-23), by inserting the following after line 23 and renumbering all subsequent sections accordingly:

SECTION 2. Chapter 11, Utilities Code, is amended by adding Section 11.0042 to read as follows:

Sec. 11.0042. DEFINITION OF AFFILIATE. (a) The term "person" or "corporation" as used in the definition of "affiliate" provided by Section 11.003(2) does not include:

(1) a broker or dealer registered under the Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.), as amended;

(2) a bank or insurance company as defined under the Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.), as amended;

(3) an investment adviser registered under state law or the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-20 et seq.);

(4) an investment company registered under the Investment Company Act of 1940 (15 U.S.C. Section 80a-51 et seq.); or

(5) an employee benefit plan, pension fund, endowment fund, or other similar entity that may, directly or indirectly, own, hold, or control five percent or more of the voting securities of a public utility or the parent corporation of a public utility if the entity did not acquire the voting securities:

(A) for the purpose of or with the effect of changing or influencing the control of the issuer of the securities; or

(B) in connection with or as a participant in any transaction that changes or influences the control of the issuer of the securities.

(b) For the purpose of determining whether a person is an affiliate under Section 11.006(a)(3), the term "person" does not include an entity that may, directly or indirectly, own, hold, or control the voting securities of a public utility or the parent corporation of a public utility if the entity did not acquire the voting securities:

(1) for the purpose of or with the effect of changing or influencing the control of the issuer of the securities; or

(2) in connection with or as a participant in any transaction that changes or influences the control of the issuer of the securities.

(c) A report filed by an entity described by Subsection (a)(5) or (b) with the Securities and Exchange Commission is conclusive evidence of the entity's intent if the report confirms that the voting securities were not acquired:

(1) for the purpose of or with the effect of changing or influencing the control of the issuer of the securities; or

(2) in connection with or as a participant in any transaction that changes or influences the control of the issuer of the securities.

Amendment No. 2 was adopted.

A record vote was requested.

**SB 1668**, as amended, was passed by (Record 825): 145 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused, Committee Meeting — Zedler.

Absent — Edwards.

**SB 327 ON THIRD READING**  
**(McCall - House Sponsor)**

**SB 327**, A bill to be entitled An Act relating to the installation, copying, or use of computer software for unauthorized purposes; providing a penalty.

**SB 327** 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 882 ON THIRD READING**  
**(A. Allen and Naishtat - House Sponsors)**

**SB 882**, A bill to be entitled An Act relating to the Texas Council on Autism and Pervasive Developmental Disorders.

**Amendment No. 1**

Representative Grusendorf offered the following amendment to **SB 882**:

Amend **SB 882** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION \_\_. Section 29.005, Education Code, is amended by adding Subsection (e) to read as follows:

(e) The commissioner by rule may require a school district to include in the individualized education program of a student with autism or another pervasive developmental disorder any information or requirement authorized under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

SECTION \_\_. Subchapter A, Chapter 29, Education Code, is amended by adding Section 29.0051 to read as follows:

Sec. 29.0051. STUDY OF RULE CONCERNING CONTENT OF INDIVIDUALIZED EDUCATION PROGRAM FOR STUDENT WITH PERVASIVE DEVELOPMENTAL DISORDER. (a) The agency shall establish a committee composed of parents of students with autism or other pervasive developmental disorders, teachers, school administrators, and other interested persons to study the rule concerning the content of an individualized education program for a student with autism or another pervasive developmental disorder (19 T.A.C. Section 89.1055(e)). School district employees or educational consultants or contractors who receive or are employed by entities that receive compensation from a school district may not constitute more than 50 percent of the committee.

(b) In studying the rule, the committee shall consider whether any other considerations, such as applied behavior analysis, communication training, or the use of inclusive settings, should be included in the rule.

(c) Not later than July 1, 2006, the committee shall recommend to the commissioner any necessary changes to the rule.

(d) This section expires August 1, 2006.

Amendment No. 1 was adopted.

**SB 882**, as amended, was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Harper-Brown recorded voting no.)

(Talton in the chair)

**SB 450 ON THIRD READING**  
**(Baxter - House Sponsor)**

**SB 450**, A bill to be entitled An Act relating to the confidentiality of certain personal information regarding the employees of a prosecutor's office or of an office with jurisdiction over child protective services.

A record vote was requested.

**SB 450** was passed by (Record 826): 143 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused, Committee Meeting — Zedler.

Absent — Chavez; Flores; Homer.

**SB 23 ON THIRD READING**  
**(Kolkhorst and Naishtat - House Sponsors)**

**SB 23**, A bill to be entitled An Act relating to subsidized child-care services and early childhood care and education program coordination.

**SB 23** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Harper-Brown recorded voting no.)

**SB 34 ON THIRD READING**  
**(Morrison - House Sponsor)**

**SB 34**, A bill to be entitled An Act relating to the tuition rebate program for certain undergraduates at certain public institutions of higher education.

A record vote was requested.

**SB 34** was passed by (Record 827): 143 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused, Committee Meeting — Zedler.

Absent — Castro; Laney; Seaman.

**STATEMENT OF VOTE**

When Record No. 827 was taken, I was in the house but away from my desk. I would have voted yes.

Castro

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence temporarily for today to attend a meeting of the conference committee on **SB 6**:

Uresti on motion of Solis.

(Keel in the chair)

**SB 96 ON THIRD READING**  
**(Solomons - House Sponsor)**

**SB 96**, A bill to be entitled An Act relating to the provision on the Internet of forms and permit or license information by state agencies.



**SB 96** 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 111 ON THIRD READING**  
**(T. Smith - House Sponsor)**

**SB 111**, A bill to be entitled An Act relating to undergraduate course credit granted by public institutions of higher education for the completion of certain postsecondary-level programs by high school students.

**SB 111** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Phillips and Talton recorded voting no.)

**SB 263 ON THIRD READING**  
**(Otto - House Sponsor)**

**SB 263**, A bill to be entitled An Act relating to use of certain information relating to tax audits; providing penalties.

**SB 263** 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 265 ON THIRD READING**  
**(B. Keffer - House Sponsor)**

**SB 265**, A bill to be entitled An Act relating to certain continuing education requirements for insurance agents.

Representative B. Keffer moved to postpone consideration of **SB 265** until 4 p.m. today.

The motion prevailed.

(Geren in the chair)

**SB 442 ON THIRD READING**  
**(Rose - House Sponsor)**

**SB 442**, A bill to be entitled An Act relating to immunity from liability for certain civil actions and civil actions against sales agents.

A record vote was requested.

**SB 442** was passed by (Record 828): 143 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent, Excused, Committee Meeting — Uresti; Zedler.

Absent — Blake; Davis, J.

(Speaker in the chair)

**SB 451 ON THIRD READING**  
**(Hartnett - House Sponsor)**

**SB 451**, A bill to be entitled An Act relating to the qualifications for service as a grand or petit juror and challenges for cause.

**Amendment No. 1**

Representative McReynolds offered the following amendment to **SB 451**:

Amend **SB 451** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Article 19.06, Code of Criminal Procedure, is amended to read as follows:

Art. 19.06. SHALL SELECT GRAND JURORS. The jury commissioners shall select not less than 15 nor more than 40 persons from the citizens of the county to be summoned as grand jurors for the next term of court, or the term of court for which said commissioners were selected to serve, as directed in the order of the court selecting the commissioners. The commissioners shall, to the extent possible, select grand jurors who the commissioners determine represent a broad cross-section of the population of the county, considering the factors of race, sex, and age. A commissioner is not qualified to be selected for or to serve as a grand juror during the term of court for which the commissioner is serving as a commissioner.

Amendment No. 1 was adopted.

**SB 451**, as amended, was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 573 ON THIRD READING**  
**(Casteel - House Sponsor)**

**SB 573**, A bill to be entitled An Act relating to the award of certain highway maintenance contracts by the Texas Department of Transportation.

**SB 573** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: A. Allen and Leibowitz recorded voting no.)

**SB 593 ON THIRD READING**  
**(Anchia - House Sponsor)**

**SB 593**, A bill to be entitled An Act relating to the governor's study of emerging technology and economic development.

A record vote was requested.

**SB 593** was passed by (Record 829): 146 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused, Committee Meeting — Uresti; Zedler.

**SB 623 ON THIRD READING**  
**(Peña - House Sponsor)**

**SB 623**, A bill to be entitled An Act relating to the authorized charges for providing a copy of public information requested under the public information law.

**SB 623** 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 626 ON THIRD READING**  
**(J. Davis - House Sponsor)**

**SB 626**, A bill to be entitled An Act relating to medical assistance in certain alternative community-based care settings.

**SB 626** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Harper-Brown recorded voting no.)

**SB 712 ON THIRD READING**  
**(R. Cook - House Sponsor)**

**SB 712**, A bill to be entitled An Act relating to the legislature's goal for energy efficiency and related energy efficiency programs.

**Amendment No. 1**

On behalf of Representative Turner, Representative R. Cook offered the following amendment to **SB 712**:

Amend **SB 712** on page 1, line 15, between the semicolon and "and", by inserting a new Subsection (3) as follows and renumbering the subsequent sections accordingly:

(3) each electric utility will provide funding for targeted low-income energy efficiency programs as described in Section 39.903(f)(2), in an amount equal to or greater than funding for those programs in FY 2003.

Amendment No. 1 was withdrawn.

**Amendment No. 2**

Representative P. King offered the following amendment to **SB 712**:

Amend **SB 712** on third reading in Section 35.004(f), Utilities Code, as added by Amendment No. 1 by Bonnen, Hamric, by:

- (1) Striking "an appropriate share of" on line 12.
- (2) Striking line 13.
- (3) Striking "generation company's" and "and use of" on line 14.
- (4) Adding a period after "system" and striking the remained of the line on line 15.
- (5) Striking "competitive renewable energy zone" on line 16.

(Zedler now present)

(Woolley in the chair)

A record vote was requested.

Amendment No. 2 was adopted by (Record 830): 96 Yeas, 43 Nays, 4 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Blake; Brown, B.; Burnam; Callegari; Campbell; Castro; Chavez; Coleman; Cook, B.; Corte; Crabb; Davis, Y.; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Gattis; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keffer, B.; Keffer, J.; King, P.; Laubenberg; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Pitts; Puente; Quintanilla; Raymond; Rodriguez; Smith, T.; Smithee; Solis; Strama; Straus; Swinford; Taylor; Van Arsdale; Veasey; Vo.

Nays — Berman; Bohac; Bonnen; Brown, F.; Casteel; Cook, R.; Crownover; Davis, J.; Dawson; Denny; Deshotel; Flynn; Geren; Giddings; Guillen; Hamilton; Hamric; Homer; Howard; Keel; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Madden; McCall; Menendez; Phillips; Pickett; Reyna; Riddle; Ritter; Rose; Seaman; Smith, W.; Solomons; Talton; Truitt; Turner; West; Wong; Zedler.

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

Absent, Excused, Committee Meeting — Uresti.

Absent — Delisi; Driver; Nixon; Thompson; Villarreal.

**STATEMENTS OF VOTE**

I was shown voting no on Record No. 830. I intended to vote yes.

Homer

I was shown voting yes on Record No. 830. I intended to vote no.

Hopson

I was shown voting no on Record No. 830. I intended to vote yes.

Menendez

**Amendment No. 3**

Representative Hartnett offered the following amendment to **SB 712**:

Amend **SB 712** on third reading in Section 35.004(f), Utilities Code, as added by Amendment No. 1 by Bonnen, as follows:

(1) On line 9, strike "shall develop and implement rules" and insert "may develop and implement rules".

Amendment No. 3 was withdrawn.

**MESSAGE FROM THE SENATE**

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

**SB 712 - (consideration continued)****Amendment No. 4**

Representative Turner offered the following amendment to **SB 712**:

Amend **SB 712** on page 1, line 15, between the semicolon and "and", by inserting a new Subsection (3) as follows and renumbering the subsequent sections accordingly:

(3) each electric utility will provide funding for targeted low-income energy efficiency programs as described in Section 39.903(f)(2), in an amount equal to or greater than funding for those programs in FY 2003.

A record vote was requested.

Amendment No. 4 was adopted by (Record 831): 98 Yeas, 39 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Baxter; Berman; Bohac; Bonnen; Branch; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, R.; Crownover; 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; Griggs; Guillen; Haggerty; Hamilton; Harper-Brown; Hegar; Herrero; Hochberg; Hodge; Homer; Hupp; Jones, J.; Keel; Keffer, J.; King, T.; Kolkhorst; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Miller; Moreno, P.; Morrison; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Peña; Pickett; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Seaman; Solis; Strama; Swinford; Thompson; Turner; Van Arsdale; Veasey; Villarreal; Vo; West.

Nays — Blake; Brown, B.; Brown, F.; Cook, B.; Corte; Crabb; Davis, J.; Elkins; Goolsby; Grusendorf; Hamric; Hardcastle; Hartnett; Hope; Hopson; Howard; Hunter; Isett; Jackson; Jones, D.; Keffer, B.; King, P.; Kuempel; Laubenberg; Madden; McCall; Merritt; Paxton; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Talton; Truitt; Wong; Zedler.

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

Absent, Excused, Committee Meeting — Uresti.

Absent — Bailey; Delisi; Hilderbran; Hill; Hughes; Krusee; Mowery; Phillips; Taylor.

**STATEMENTS OF VOTE**

When Record No. 831 was taken, my vote failed to register. I would have voted no.

Hilderbran

When Record No. 831 was taken, I was in the house but away from my desk. I would have voted no.

Taylor

(Uresti now present)

**SB 712**, as amended, was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 155 ON THIRD READING**  
**(Eiland - House Sponsor)**

**SB 155**, A bill to be entitled An Act relating to the quality assurance accreditation process for certain entities that offer health benefit plans.

**Amendment No. 1**

Representative Eiland offered the following amendment to **SB 155**:

Amend **SB 155** on third reading as follows:

(1) In Chapter 1457, Insurance Code, as added by second reading floor amendment No. 2 (page 1, lines 22-24, of floor amendment), strike Section 1457.002, Insurance Code, and renumber Chapter 1457 accordingly.

(2) In Subsection (b), Section 1457.003, Insurance Code, as added by second reading floor amendment No. 2 (page 1, line 29, of floor amendment), strike "shall grant" and substitute "may grant".

Amendment No. 1 was adopted.

A record vote was requested.

**SB 155**, as amended, was passed by (Record 832): 145 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent — Hegar; Taylor.

**SB 771 ON THIRD READING**  
**(Hartnett - House Sponsor)**

**SB 771**, A bill to be entitled An Act relating to tax increment financing.

**Amendment No. 1**

Representative Hartnett offered the following amendment to **SB 771**:

Amend **SB 771** on third reading in SECTION 1 of the bill by striking proposed Section 311.005(a)(1)(I), Tax Code, and substituting the following:

(I) structures, other than single-family residential structures, less than 10 percent of the square footage of which has been used for commercial, industrial, or residential purposes during the preceding 12 years, if the municipality has a population of 100,000 or more;

Amendment No. 1 was adopted.

**Amendment No. 2**

On behalf of Representative Menendez, Representative Hartnett offered the following amendment to **SB 771**:

Amend **SB 771** amendment by Menendez as follows;

Sec. 311.0087 (1)(C) by replacing the word as with the word has before the word created on line 16 page 1.

Amendment No. 2 was adopted.

**Amendment No. 3**

Representative Puente offered the following amendment to **SB 771**:

Amend **SB 771** on third reading in SECTION 1 of the bill, in Section 311.005(a)(2), Tax Code, by striking "be predominantly open and," and substituting "[~~be predominantly open and,~~]"

Amendment No. 3 was adopted.

A record vote was requested.

**SB 771**, as amended, was passed by (Record 833): 147 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings;



Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Zedler.

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

**SB 806 ON THIRD READING**  
**(Swinford - House Sponsor)**

**SB 806**, A bill to be entitled An Act relating to appointed members of the State Soil and Water Conservation Board.

A record vote was requested.

**SB 806** was passed by (Record 834): 147 Yeas, 0 Nays, 2 Present, not voting.

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

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

**SB 874 ON THIRD READING**  
**(Hupp - House Sponsor)**

**SB 874**, A bill to be entitled An Act relating to quality-of-care monitoring visits to long-term care facilities.

**SB 874** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero and Leibowitz recorded voting no.)

**SB 1044 ON THIRD READING**  
**(Eiland - House Sponsor)**

**SB 1044**, A bill to be entitled An Act relating to efforts by coastal counties to mitigate coastal erosion and improve public access to public beaches; authorizing the issuance of bonds by coastal counties.

(Goodman in the chair)

**Amendment No. 1**

Representative Seaman offered the following amendment to **SB 1044**:

Amend **SB 1044** on third reading as follows:

(1) Between SECTIONS 1 and 2 of the bill (house committee printing, page 2, between lines 6 and 7), insert the following appropriately numbered SECTIONS and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_. Section 33.605(a), Natural Resources Code, is amended to read as follows:

(a) Money in the account may be used for any action authorized by this subchapter, except for a restoration project authorized by Section 33.613.

SECTION \_\_. Subchapter H, Chapter 33, Natural Resources Code, is amended by adding Section 33.613 to read as follows:

Sec. 33.613. PROPERTY RIGHTS: RESTORATION BY BEACHFRONT OWNER OF PRIVATE PROPERTY AFFECTED BY COASTAL EROSION. (a) This section applies to land that:

(1) on December 31, 1955, was privately owned and not submerged or owned by the School Land Board; and

(2) fronts on a bay and not the Gulf of Mexico.

(b) In accordance with land office rules, the owner of property immediately landward of a public beach or submerged land, including state mineral lands, that has been affected by coastal erosion shall restore the affected land to its original boundaries as evidenced in a residential subdivision plat for residential lots of one acre or less filed in the real property records of each county in which the affected land is located. The owner shall use only private resources and money for restoration authorized by this section. After restoration the owner owns the restored land in fee simple, subject to:

(1) the common law rights of the public in public beaches as affirmed by Subchapter B, Chapter 61; and

(2) the rights of a public school land lessee holding a lease on the property on September 1, 2005.

(c) In accordance with land office rules, the owner shall build bulkheads on the restored land to prevent further erosion of the restored land.

(d) The land office shall adopt reasonable rules to govern the restoration of land under this section, including rules that:

(1) prescribe the type and quality of materials that may be used to backfill or build a bulkhead;

(2) require maintenance of backfill and bulkheads;

(3) authorize land office maintenance or removal of abandoned or dilapidated structures;

(4) require consideration of any adverse effects on adjacent property owners; and

(5) establish penalties for the violation of this section or rules adopted under this section.

(e) State money may not be used to restore land under this section.

(2) In SECTION 2 of the bill, in added Subdivision (4), Section 33.651, Natural Resource Code (house committee printing, page 2, lines 22-26), strike Paragraphs (A) and (B) and substitute the following:

(A) acquiring fee title to property or a right of public access to a public beach;

(B) constructing or maintaining public roads, parking, or other facilities in aid of public access to or use of a public beach; or

(C) requiring a landowner, as prescribed by land office rules, to restore land affected by coastal erosion to its original boundaries.

(3) Immediately before the last SECTION of the bill, insert the following appropriately numbered SECTION and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_. Not later than December 1, 2005, the General Land Office shall adopt rules for the administration and regulation of the restoration of land affected by coastal erosion as authorized by Section 33.613, Natural Resources Code, as added by this Act.

Amendment No. 1 was adopted.

A record vote was requested.

**SB 1044**, as amended, was passed by (Record 835): 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.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Griggs; Grusendorf; Guillen; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond;

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

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

Absent — Dawson; Escobar; Haggerty; Moreno, P.; Phillips; Truitt.

**SB 1055 ON THIRD READING**  
**(J. Davis - House Sponsor)**

**SB 1055**, A bill to be entitled An Act relating to an alternative method of satisfying certain licensing requirements for assisted living facilities.

**SB 1055** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero and Leibowitz recorded voting no.)

**SB 1074 ON THIRD READING**  
**(Callegari - House Sponsor)**

**SB 1074**, A bill to be entitled An Act relating to the authority of the Department of Public Safety of the State of Texas or the public safety director to adopt rules in connection with commercial motor vehicles.

**SB 1074** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 1149 ON THIRD READING**  
**(Eiland - House Sponsor)**

**SB 1149**, A bill to be entitled An Act relating to the electronic transmission of health benefit information between a health benefit plan issuer and a physician or health care provider.

**Amendment No. 1**

Representative Eiland offered the following amendment to **SB 1149**:

Amend **SB 1149**, as amended on second reading, in SECTION 1 of the bill as follows:

(1) On page 3, line 14, after "in the ordinary course of business" add "and sufficient for the provider to determine at the time of the enrollee's visit information".

(2) On page 3, line 11, between "shall" and "make" insert ", upon the participating provider's submission of the patient's name, relationship to the primary enrollee, and birth date,".

Amendment No. 1 was adopted.

**SB 1149**, as amended, was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 1271 ON THIRD READING**  
**(Eiland - House Sponsor)**

**SB 1271**, A bill to be entitled An Act relating to fees for licenses issued by the Parks and Wildlife Department.

**SB 1271** 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 1297 ON THIRD READING**  
**(Talton - House Sponsor)**

**SB 1297**, A bill to be entitled An Act relating to the elements of the criminal offense of discharging used oil into water in the state.

**SB 1297** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero and Leibowitz recorded voting no.)

**SB 1426 ON THIRD READING**  
**(Riddle and Solis - House Sponsors)**

**SB 1426**, A bill to be entitled An Act relating to fees charged to persons applying for the expunction of certain offenses committed by minors.

**SB 1426** 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 1433 ON THIRD READING**  
**(Rodriguez - House Sponsor)**

**SB 1433**, A bill to be entitled An Act relating to the conditions of employment for firefighters employed by certain districts and entities; providing penalties.

**Amendment No. 1**

Representative Rodriguez offered the following amendment to **SB 1433**:

Amend **SB 1433** on third reading by striking the text added by second reading floor amendment No. 1 by Martinez.

Amendment No. 1 was adopted.

**SB 1433**, as amended, was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 1507 ON THIRD READING**  
**(Peña - House Sponsor)**

**SB 1507**, A bill to be entitled An Act relating to the introduction of certain evidence in the sentencing phase of a capital felony case.

**SB 1507** 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 1686 ON THIRD READING**  
**(Hardcastle - House Sponsor)**

**SB 1686**, A bill to be entitled An Act relating to the interagency work group on rural issues.

**SB 1686** 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 747 ON THIRD READING**  
**(Luna - House Sponsor)**

**SB 747**, A bill to be entitled An Act relating to establishing a demonstration project for women's health care services.

**SB 747** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Phillips recorded voting no.)

**SB 1772 ON THIRD READING**  
**(Reyna - House Sponsor)**

**SB 1772**, A bill to be entitled An Act relating to the validation and confirmation of the boundaries and acts of Dallas County Water Control and Improvement District No. 6.

A record vote was requested.

**SB 1772** was passed by (Record 836): 146 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent — Hope.

**SB 1710 ON THIRD READING**  
**(Bonnen - House Sponsor)**

**SB 1710**, A bill to be entitled An Act relating to outdoor burning under the Texas Clean Air Act.

**SB 1710** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Burnam, Herrero, and Leibowitz recorded voting no.)

**SB 1740 ON THIRD READING**  
**(Bonnen - House Sponsor)**

**SB 1740**, A bill to be entitled An Act relating to construction activities allowed while an application is pending with the Texas Commission on Environmental Quality.

**Amendment No. 1**

Representative Bonnen offered the following amendment to **SB 1740**:

Amend **SB 1740** (House Committee Printing) by inserting the following appropriately numbered new SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 382.05195, Health and Safety Code, is amended by adding subsection (j) to read as follows:

(j) If a standard permit for a facility requires a distance, setback or buffer from other property or structures as a condition of the permit, the determination of whether the distance, setback or buffer is satisfied shall be made on the basis of conditions existing at the earlier of:

(1) the date of new construction, expansion or modification of a facility begins; or

(2) the date any application or notice of intent is first filed with the commission to obtain approval for the construction or operation of the facility.

Amendment No. 1 was adopted.

**SB 1740**, as amended, was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero and Leibowitz recorded voting no.)

**SB 9 ON THIRD READING**  
**(Corte - House Sponsor)**

**SB 9**, A bill to be entitled An Act relating to homeland security; providing a penalty.

**Amendment No. 1**

Representative Corte offered the following amendment to **SB 9**:

Amend **SB 9** (on 3rd Reading) as follows:

(1) In the section of the bill that amends Section 791.006, Government Code, in amended Section 791.006(a), strike "or ambulance services" and substitute "fire fighting, ambulance services, hazardous materials response services, fire and rescue services, or paramedic services".

(2) Strike the section of the bill that amends Section 421.026, Government Code, as added on 2nd Reading by Amendment No. 2 by Corte, and renumber subsequent sections of the bill accordingly.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Anderson offered the following amendment to **SB 9**:

Amend **SB 9** on third reading by adding the following section to the bill, appropriately numbered, and renumbering existing sections accordingly:

SECTION \_\_\_\_\_. Article 2.122, Code of Criminal Procedure, is amended by adding Subsection (g) to read as follows:

(g) In addition to the powers of arrest, search, and seizure under Subsection (a), a Special Agent of the Secret Service protecting a person described by 18 U.S.C. Section 3056(a) or investigating a threat against a person described by 18 U.S.C. Section 3056(a) has the powers of arrest, search, and seizure as to:

- (1) misdemeanor offenses under the laws of this state; and
- (2) any criminal offense under federal law.

Amendment No. 2 was adopted.

**Amendment No. 3**

Representative Alonzo offered the following amendment to **SB 9**:

Amend **SB 9** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter H, Chapter 418, Government Code, is amended by adding Section 418.184 to read as follows:



Sec. 418.184. NOTICE OF DRIVER'S LICENSE APPLICATION IDENTIFICATION. The director of the governor's office of homeland security shall develop a list of approved forms of foreign identification that may be used to establish identity for the purpose of application for a driver's license issued by this state.

(Keel in the chair)

A record vote was requested.

Amendment No. 3 failed of adoption by (Record 837): 57 Yeas, 89 Nays, 2 Present, not voting.

Yeas — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Herrero; Hochberg; Hodge; Jones, J.; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Rodriguez; Rose; Solis; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

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

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

Absent — Swinford.

A record vote was requested.

**SB 9**, as amended, was passed by (Record 838): 144 Yeas, 1 Nays, 2 Present, not voting.

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

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

Nays — Burnam.

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

Absent — Escobar; Moreno, P.

(Speaker in the chair)

**SCR 41 - ADOPTED**  
**(Swinford - House Sponsor)**

The following privileged resolution was laid before the house:

**SCR 41**

WHEREAS, **SB 1708** has passed the Texas Senate and the Texas House of Representatives and is now in the office of the governor; and

WHEREAS, Further consideration of the bill by the senate and the house of representatives is necessary; now, therefore, be it

RESOLVED by the 79th Legislature of the State of Texas, That the governor be hereby requested to return **SB 1708** to the senate for further consideration; and, be it further

RESOLVED, That the action of the president of the senate and the speaker of the house of representatives in signing **SB 1708** be declared null and void and that the two presiding officers be authorized to remove their signatures from the enrolled bill.

**SCR 41** was adopted.

**SB 343 ON THIRD READING**  
**(Geren - House Sponsor)**

**SB 343**, A bill to be entitled An Act relating to the regulation of the placement of water wells and the installation and maintenance of well pumps and equipment; providing a penalty.

**SB 343** 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 89 ON THIRD READING**  
**(Denny - House Sponsor)**

**SB 89**, A bill to be entitled An Act relating to electronically readable information on a driver's license, commercial driver's license, or personal identification certificate.

**Amendment No. 1**

Representative Chavez offered the following amendment to **SB 89**:

Amend **SB 89** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering existing SECTIONS of the bill accordingly:

SECTION \_\_. (a) The manual provided to each election judge at each polling place during each election shall include a description of:

(1) all acceptable forms of identification required to vote in the election; and

(2) the availability of provisional ballots and the rules for obtaining those ballots.

(b) The election judge shall make a record of each voter who is not permitted to vote in the election and the reasons for precluding the voter from participating in the election.

(c) The election judge shall submit the list of voters for whom a record is made under Subsection (b) of this section and any other required documents to the secretary of state.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative West offered the following amendment to **SB 89**:

Amend **SB 89** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_. Section 521.126(e), Transportation Code, is amended to read as follows:

(e) For the purpose of preventing fraud and other violations of law, the [The] prohibition provided by Subsection (b)(1) does not apply to a financial institution or a business if the information is accessed and used only for purposes of identification verification of an individual or check verification at the point of sale for a purchase of a good or service by check. The prohibition provided by Subsection (b)(2) does not apply to a financial institution if each license or certificate holder whose information is included in the compilation or database consents to the inclusion of the person's information in the compilation or database. Consent under this subsection must be on a separate document, signed by the license or certificate holder, that explains in at least 14-point bold type the information that will be included in the compilation or database. For the purposes of this subsection, "financial institution" has the meaning assigned by 31 U.S.C. Section 5312(a)(2), as amended.

Amendment No. 2 was adopted.

**Amendment No. 3**

Representative Gallego offered the following amendment to **SB 89**:

Amend **SB 89** by adding the appropriately numbered SECTION to read as follows and by renumbering the following SECTIONS as appropriate:

SECTION \_\_. The changes in law made by this Act do not apply to a county with a population of 100,000 or less.

(Bohac in the chair)

A record vote was requested.

Amendment No. 3 failed of adoption by (Record 839): 61 Yeas, 84 Nays, 2 Present, not voting.

Yeas — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Campbell; Castro; Chavez; Chisum; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Herrero; Hodge; Homer; Hopson; Jones, J.; King, T.; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

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

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

Absent — Cook, R.; Laney.

#### **Amendment No. 4**

Representative Veasey offered the following amendment to **SB 89**:

Amend **SB 89** on 3rd Reading by adding the following appropriately numbered sections to the bill and renumbering the remaining sections appropriately:

SECTION \_\_. Subchapter C, Chapter 32, Election Code, is amended by adding Section 32.0511 to read as follows:

Sec. 32.0511. TRAINING REQUIRED. A person must complete the training required by Section 32.116 to be eligible to serve as an election judge or clerk.

SECTION \_\_. Section 32.115, Election Code, is amended to read as follows:

Sec. 32.115. SECRETARY OF STATE TO ASSIST IN TRAINING. On request of a county executive committee or a county clerk, as appropriate, the secretary of state shall schedule and provide assistance for the training of election judges and clerks under Section 32.113, ~~[or]~~ 32.114, or 32.116. The secretary may provide similar training assistance to other political subdivisions.

SECTION \_\_. Subchapter F, Chapter 32, Election Code, is amended by adding Section 32.116 to read as follows:

Sec. 32.116. REQUIRED TRAINING FOR ELECTION OFFICERS. The governing body of a political subdivision and the county executive committee of a political party shall provide the election officers serving the polling places on election day with the instruction and training necessary for following the proper procedure for accepting a voter under Chapter 63.

#### AMENDMENT NO. 4 - DEBATE

REPRESENTATIVE VEASEY: Ms. Denny, you do realize that you are about to make a major change in the election law, correct?

REPRESENTATIVE DENNY: I do.

VEASEY: Okay, now since you are about to make such a major change, and in light of the document that I presented the last time, you had this bill on second reading that says that by having these IDs be required—when folks go to vote that it is going to have an adverse impact on African American voters and also minority voters and rural voters. Don't you feel like the training should be at least the minimum thing that we should do to make sure that everyone who wants to vote can vote?

DENNY: I certainly believe that everyone who wants to vote can vote, and under federal law and state law currently, no voter is turned away from voting, everyone is allowed to vote although some people have to use a provisional ballot, that is correct, Mr. Veasey.

VEASEY: And if they vote that provisional ballot, their ballot is going to be thrown out, correct?

DENNY: No, not in all cases. It is very dependent upon the situation in which they vote.

VEASEY: Okay, so if I have a bus pass and I get up on election day to go up and vote, and I go vote, and all I have is my voter ID card, and I have no other form of identification, and I go to vote, or if I just have my bus pass, and it doesn't have a picture on it, and I go to vote, isn't that ballot going to be put in a stack separated from other voters, and if I don't come back within five days, my vote is going to be tossed out, right?

DENNY: Now you are talking about under the new law?

VEASEY: Under your law.

DENNY: That would be correct.

VEASEY: Okay, well aren't we just putting hindrances on democracy? Aren't we supposed to be trying to make it easier for people to vote? And by having election trainers—by having these folks do required training to make sure that every individual who comes into the polling place knows what the law is, and to make sure these election workers aren't turning people away wrongly, and to make sure that democracy is being followed through appropriately—I just, don't you think just training should be the bare minimum?

DENNY: Well, Mr. Veasey, the training, I agree with you, the training is a very important part, but right now the training is handled at the county and political subdivision level. And, this would be an unfunded mandate on the counties, because it is up to them to fund that, because we put into law that they have to pay more for the workers that go through this extra training. They already train their workers, but for the workers to receive more money they go through additional training, and this would be an unfunded mandate on the counties, and I don't know that this body wants to pass on that extra unfunded mandate to their counties, and that's why I had to oppose your amendment. So, I am asking the body to vote no on your amendment.

VEASEY: But aren't you afraid that if you don't take every step necessary to make sure that American citizens' right to vote aren't followed through, then this law won't be clear?

DENNY: Well, I think we will be taking every measure available to us to inform voters through a tremendous process of voter education through our secretary of state's office, through voter registrar's offices throughout the state, and I think our voters will be informed. Thank you.

A record vote was requested.

Amendment No. 4 failed of adoption by (Record 840): 58 Yeas, 86 Nays, 2 Present, not voting.

Yeas — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Gonzales; Gonzalez Toureilles; Guillen; Herrero; Hochberg; Hodge; Homer; Hopson; Jones, J.; King, T.; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Uresti; Veasey; Villarreal; Vo.

Nays — Allen, R.; Anderson; Baxter; Berman; Blake; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Goodman; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Puente; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Wong; Woolley.

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

Absent — Giddings; Goolsby; Zedler.

**Amendment No. 5**

Representative Coleman offered the following amendment to **SB 89**:

Amend **SB 89** on third reading as follows:

(1) Strike amended Subsection (b), Section 63.001, Election Code, as added by Floor Amendment No. 2 by Denny and substitute the following:

(b) On offering to vote, a voter must present to an election officer at the polling place the voter's voter registration certificate. If the person is not a registered voter and chooses to register to vote under Section 63.0013, the person must present either:

(1) one form of identification listed in Section 63.0101(a); or

(2) two different forms of identification listed in Section 63.0101(b) [~~to~~ an election officer at the polling place].

(2) In Subsection (b) of Floor Amendment No. 2 by Denny, in added Subsection (g), Section 63.001, Election Code, strike "Subsection (b)(1) or (2)" and substitute "Subsection (b)".

(3) Add the following appropriately numbered SECTIONS to the bill and renumber the remaining sections of the bill appropriately:

SECTION \_\_. Chapter 63, Election Code, is amended by adding Section 63.0013 to read as follows:

Sec. 63.0013. IDENTIFICATION REQUIRED FOR REGISTRATION AT POLLING PLACE. A person who would be eligible to vote in an election under Section 11.001, but for the requirement to be a registered voter, shall be accepted for voting in the precinct of the person's residence if, on the day the person offers to vote, the person:

(1) submits a voter registration application that complies with Section 13.002; and

(2) presents proof of identification as required by Section 63.001(b) that also establishes the person's residence.

A record vote was requested.

Amendment No. 5 failed of adoption by (Record 841): 58 Yeas, 81 Nays, 2 Present, not voting.

Yeas — Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Corte; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Jones, J.; King, T.; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Solis; Strama; Swinford; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Nays — Allen, R.; Anderson; Baxter; Berman; Blake; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Edwards; Eiland; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hope; Howard;

Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley.

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

Absent — Allen, A.; Crabb; Grusendorf; Hill; Laney; Oliveira; Rose; Zedler.

### STATEMENT OF VOTE

When Record No. 841 was taken, I was in the house but away from my desk. I would have voted yes.

Rose

### SB 89 - REMARKS

REPRESENTATIVE STRAMA: We have talked about this bill a lot. I am not going to take up a lot of time. When this bill was before us, before I told you the practical reason, from an election administrator's perspective, why this would be a problematic bill for them to implement. I think we all kind of know where this is going to end up, but I just wanted to share again that I, after talking to a lot of my republican colleagues who support the bill, I am convinced that y'all believe deeply that there is voter fraud, and that this bill is necessary to combat the voter fraud. And I want to emphasize to all of you that we democrats who oppose this bill are as concerned about the possibility of voter fraud as you are, and we do not necessarily believe that you want to shut people out of the voting process, and you have to take us at our word that we don't want to enable people to defraud elections. I think what we need to find is a balance that protects the integrity of the elections and also protects the accessibility of the elections.

REPRESENTATIVE HODGE: Representative Strama, you mentioned that these bills attend to—appear that someone thinks there is voter fraud.

STRAMA: Yes.

HODGE: Since, in most elections, democrats vote for democrats and republicans vote for republicans, and since we can't seem to get our republican colleagues to understand what we are talking about when we are talking about these bills, why would you think they would concern themselves with voter fraud in a democratic election?

STRAMA: I'm not sure I understand. You mean in the democratic primary or in—

HODGE: I think what these bills do, and would you not agree, these bills are more designed to eliminate a person from voting? It has nothing to do with voter fraud. No democrat in my district is going to cross over and steal a vote from Mary Denny.



STRAMA: Ms. Hodge, let me say this, the point I want to make is that democrats are as concerned about voter fraud—the real risks of voter fraud—as republicans. You and I supported Representative Keel's two bills to address fraud in vote by mail. You and I supported, I believe, Representative Denny's bill to address the problem of tampering with the direct record electronic voter device. The real vulnerability in an election is in those two areas, and it is not in the area of somebody showing up in a polling place and telling a bold-faced lie and signing in with a bold-faced lie, saying that they are somebody they are not. What my point here is, is that if you want to address voter fraud, address voter fraud where it is really at risk of occurring, and not in an area where it isn't happening, and where it has never been substantiated to happen. Am I answering your question?

HODGE: Right, that is my whole point. We do not want voter fraud in our elections either, but all we are trying to obtain in any of these bills, that we don't seem to get people to understand, and that is fairness in the voting process. That is to allow people the opportunity to vote. But, when you are requiring senior citizens to have two IDs, would you not agree with me, sir, most senior citizens have no reason to have two IDs?

STRAMA: And I believe that does have the affect of cutting people out whether that is the intention or not. It does cut people out. May I share with you a quote from James Madison in *The Federalist*? He said, "Who are to be the electors of the representatives? Not the rich more than the poor. Not the learned more than the ignorant. Not the haughty heirs of distinguished names more than the humble sons of obscure and unpropitious fortunes. The electors are to be the great body of the people of the United States." And this bill threatens to leave some of those people out. It does so maybe in the spirit of trying to address voter fraud, but I have asked repeatedly for a modicum, a scrap of evidence, that the type of voter fraud that this purports to address would be addressed by this bill. People do not commit wide-scale voter fraud by appearing in person at a polling place and lying about who they are. They do not do it that way because it does not scale.

HODGE: Have you really found that it is difficult to get people out to vote that have a voter registration card and appropriate ID? Do you find it's hard to get them to vote in great numbers?

STRAMA: I know that you and I have spent a good portion of our professional lives trying to get people to participate in the political process. And I have found it is hard to get people to vote under any circumstances, and every layer of burden and complexity we add to that process diminishes participation. You have worked on that in your community and I worked on it when I worked at Rock the Vote to get young people to register to vote, and look, we know who the people are who are less likely to have two forms of ID and they are the people we already have the hardest time motivating to participate in our elections because they are already the people who are the most alienated and disenfranchised from their government.

HODGE: Are you aware of any kind of—anywhere in this state where there has been any kind of voter fraud allegation that has ever been proven, and anyone has been convicted?

STRAMA: In fact, I distributed to the members' desks a piece of paper—the answer is I am not aware of one but let me go further—it is common to allege the types of voter fraud that are being alleged to justify this bill and it is almost never an allegation that bears scrutiny. So, I distributed a piece of paper from the Georgia secretary of state's analysis from their 2000 election, and if members would take the time to read the footnote on that piece of paper and see the exhaustive analysis that took, that undermined the allegations of over 5,000 cases of dead people voting—that when each of those cases was analyzed on its merit, none of them turned out to be substantial. And, I mentioned this when I spoke on this subject before, the most scrutinized election we have ever had in this country was the Florida election in 2000. When they looked at that election with a microscope, they found zero examples of the types of fraud that Representative Denny justifies this bill with, but they found hundreds of examples—and I have in my hand the document from the U.S. Commission on Civil Rights which documents specific names and cases of people who were turned away from the polling place. This bill makes that problem, the documented substantiated problem of people being turned away when they should be allowed to vote, this bill makes that problem worse and addresses a problem that has not been documented or substantiated one time despite repeated requests.

HODGE: This is my last question, does it not concern you that within this body we continue to make law to address an issue that does not exist?

STRAMA: It does, and I will close, members, by reading one more quote if you will indulge me. This is from *The Making of the President 1960*, and T. H. White wrote, "An American election is the most awesome transfer of power in the world; the power to marshal and mobilize; the power to send men to kill or be killed; the power to tax and destroy; the power to create and the responsibility to do so; the power to guide and the responsibility to heal all committed into the hands of one man. Heroes and philosophers, brave men and vile, since Rome and Athens have tried to make this particular manner of transfer of power effective, and no people have succeeded at it better or over a longer period of time than the Americans. Yet, as this transfer of power takes place, there is nothing to be seen except an occasional line outside a church or school, or a file of people fidgeting in the rain, waiting to enter the booths. No bands play on election day; no troops march; no guns are readied; no conspirators gather in secret headquarters, the noise and the glare, the bands and the screaming; the pageantry and the oratory of the long fought campaign fade on election day." Members, the problem in this state is that fewer than 50 percent of the people participate in our elections. The problem of this state is not being addressed by this bill. Thank you, members.

REPRESENTATIVE BURNAM: For those of you who would prefer to vote, unfortunately, what we are talking about is the denial to the vote. Since I was in high school, I was an enthusiast about the American Revolution, and about the expansion of the opportunity for people to vote. And today we have seen again,

for the third time in this chamber this session, a steady and constant support in denial of the information that is available for the erosion of the right to vote. What greater disappointment could any elected official have than to see such little commitment to the right to vote. Yes, Mark Strama, I want to confirm your assertion that democrats are every bit as concerned about fraud in elections. I, maybe more so than anybody here, because votes were stolen first in Florida in the year 2000, and then Ohio in the year 2004, and so I am really concerned about fraud. There are facts, and figures, and examples of that fraud. But the fact of the matter is, there has been honest dialogue about this issue. Going back to the copy of the House Journal that was placed on your desk today, there has been nothing but dishonesty in the dialogue about this issue and this concern. I am disappointed that we would misdirect our efforts to minimize voter participation. That we would make a decision that is already the trend. I mean we're excited in Fort Worth when we had 10 percent voter turnout in the municipal elections—that's sad, that is very disappointing.

REPRESENTATIVE ANCHIA: Lon, didn't we just have a wonderful case study on voter fraud with respect to one of the elections that took place in for this chamber, didn't we just have one?

BURNAM: We did.

ANCHIA: We didn't just have one with wild allegations of voter fraud, rampant voter fraud, stealing of elections, all kinds of irregularities—and when a republican fact finder from this chamber looked at the evidence, what was the outcome?

BURNAM: Well, I think everyone here knows that when you bother to take the time to do a close examination, and step back from the heat of the moment and seek out the facts, the facts are there was no fraud in that election.

ANCHIA: Absolutely none. Zero. Nothing. Nada. Just like the evidence that we have heard about the voter fraud in other places, isn't that true?

BURNAM: That's true, and Representative Anchia, and while you are the one to be asking the question, don't you think it is appropriate to observe that people aren't really interested in the facts? Because they have been presented on this chamber over these three days that we have been talking about this very important issue. But consistently they vote with their bias and not with the facts.

ANCHIA: I'll answer your question with a question because that is what I can do from the back mic. And I will ask you, if it is really not about voter fraud, what is it about?

BURNAM: Well, I think it is about voter intimidation. I was raised in the great State of Texas, multi-generations and we have observed throughout the 20th century and again in the 21st century that there is a tendency by those that are in power to try to make sure that their power is kept by intimidating those who are not in power. Frequently that is minorities; people of color, people who are

elderly, people that are poor. The fact of the matter is, the dialogue last night revealed last night that, in fact, all we are talking about is a different type of poll tax.

ANCHIA: And weren't there amendments in place yesterday?

BURNAM: There have been dozens of amendments offered throughout this debate process that could have made this bill acceptable and reasonable and not an infringement on our right to vote, but as it is, we were unwilling to do that. We are so committed to pass this bill added to a bill, that the chair ruled twice yesterday that it was acceptable to break the rules of this house. So, we are going to look to fraud, we should look in the speck in our own eye, because the fraud that is being committed is being committed on this house floor. Thank you.

REPRESENTATIVE DENNY: I am not going to take a lot of time here. You all know what I think by now. We have spent over eight hours of debate on not just this bill, but on the text of the amendment that was added to **SB 89**. Voter fraud is an important issue in this state, and this simple concept is, all we are asking, is that a voter indeed be the person who they state that they are, and I just wanted to state that I do not have a companion bill to **SB 89**, and I would ask your support for **SB 89**, thank you.

A record vote was requested.

**SB 89**, as amended, was passed by (Record 842): 85 Yeas, 60 Nays, 2 Present, not voting.

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

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Herrero; Hochberg; Hodge; Homer; Hopson; Jones, J.; King, T.; Laney; Leibowitz; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

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

Absent — Crabb; Oliveira.

**STATEMENT OF VOTE**

I was shown voting yes on Record No. 842. I intended to vote no.

Luna

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence temporarily for today to attend a meeting of the conference committee on **HB 7** and **SB 5**:

Solomons on motion of Homer.

**SB 132 ON THIRD READING**  
**(Morrison - House Sponsor)**

**SB 132**, A bill to be entitled An Act relating to goals and strategies concerning the number of graduates from professional nursing education programs.

**Amendment No. 1**

Representative Eiland offered the following amendment to **SB 132**:

Amend **SB 132** in Section \_\_ of the bill, in proposed Subsection (a)(8) Section 824.602, Government Code, (page 11, line 11), between "Code" and the period, by inserting "and if the retiree has been separated from service with all public schools for at least 12 months"

Amendment No. 1 was adopted.

A record vote was requested.

**SB 132**, as amended, was passed by (Record 843): 144 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused, Committee Meeting — Solomons.

Absent — Naishtat; Swinford.

### **REMARKS ORDERED PRINTED**

Representative Veasey moved to print closing remarks on **SB 89** and remarks between Representative Denny and Representative Veasey.

The motion prevailed.

### **SB 851 ON THIRD READING (Woolley - House Sponsor)**

**SB 851**, A bill to be entitled An Act relating to a financial literacy pilot program in public schools.

A record vote was requested.

**SB 851** was passed by (Record 844): 143 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused, Committee Meeting — Solomons.

Absent — Haggerty; Luna; Truitt.

### **STATEMENT OF VOTE**

When Record No. 844 was taken, I was in the house but away from my desk. I would have voted yes.

Truitt

**SB 151 ON THIRD READING**  
**(Morrison - House Sponsor)**

**SB 151**, A bill to be entitled An Act relating to students enrolled in junior college courses for which students may receive both high school and higher education academic credit.

A record vote was requested.

**SB 151** was passed by (Record 845): 146 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused, Committee Meeting — Solomons.

**SB 567 ON THIRD READING**  
**(J. Keffer - House Sponsor)**

**SB 567**, A bill to be entitled An Act relating to requiring a taxing unit to include in the public notice of a hearing on the adoption of an ad valorem tax rate certain information relating to the taxing unit's budget and appraisal roll.

**Amendment No. 1**

Representative Riddle offered the following amendment to **SB 567**:

Amend **SB 567** on third reading as follows by striking Subsection (c), Section 26.06, Tax Code, as amended by second reading amendment No. 2 by Riddle (page 1, lines 11-15 of the second reading amendment), and substitute the following:

(c) Except as provided by this subsection, the ~~[The]~~ notice may be delivered by mail to each property owner in the unit, or it may be published in a newspaper. If the notice is published in a newspaper, it may not be in the part of the paper in

which legal notices and classified advertisements appear. In a county with a population of three million or more, the notice must be delivered by mail to each property owner in the unit and published in a newspaper, and the notice published in a newspaper may not be in the part of the paper in which legal notices and classified advertisements appear.

Amendment No. 1 was withdrawn.

(Nixon in the chair)

(Solomons now present)

### **Amendment No. 2**

Representatives Casteel, Chisum, Hill, Geren, and Talton offered the following amendment to **SB 567**:

Amend **SB 567** on third reading by striking adopted Floor Amendment No. 2 to the bill, by Riddle.

A record vote was requested.

Amendment No. 2 was adopted by (Record 846): 132 Yeas, 2 Nays, 11 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anderson; Bailey; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; 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; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Kuempel; Laney; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Pickett; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Harper-Brown; Riddle.

Present, not voting — Mr. Speaker; Anchia; Baxter; Campbell; Driver; Escobar; Krusee; Nixon(C); Peña; Phillips; Smithee.

Absent — Corte; Laubenberg; Reyna; Smith, W.

### **Amendment No. 3**

Representative Howard offered the following amendment to **SB 567**:

Amend **SB 567** on third reading as follows:



(1) In Section 1 of the bill, amended Section 26.06(b)(2), Tax Code, immediately following added Paragraph (B), add the following paragraph and redesignate subsequent paragraphs accordingly:

(C) the total amount of the outstanding and unpaid bonded indebtedness of the taxing unit;

(2) In Section 2 of the bill, amended Section 44.004(c), Education Code, immediately following added Subdivision (3), add the following subdivision and renumber subsequent subdivisions accordingly:

(4) contain a statement of the total amount of the outstanding and unpaid bonded indebtedness of the school district;

Amendment No. 3 was adopted.

A record vote was requested.

**SB 567**, as amended, was passed by (Record 847): 145 Yeas, 0 Nays, 2 Present, not voting.

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

Absent — Laney; Seaman.

### **SB 568 ON THIRD READING (Truitt - House Sponsor)**

**SB 568**, A bill to be entitled An Act relating to personal emergency response system providers; providing penalties.

**SB 568** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Harper-Brown recorded voting no.)

**SB 330 ON THIRD READING**  
**(McReynolds - House Sponsor)**

**SB 330**, A bill to be entitled An Act relating to the creation of a stroke committee and the development of a statewide stroke emergency transport plan.

**SB 330** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Harper-Brown recorded voting no.)

**SB 809 ON THIRD READING**  
**(Taylor - House Sponsor)**

**SB 809**, A bill to be entitled An Act relating to the Texas Health Insurance Risk Pool.

**SB 809** was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero and Leibowitz recorded voting no.)

**SB 1227 ON THIRD READING**  
**(Morrison - House Sponsor)**

**SB 1227**, A bill to be entitled An Act relating to enrollment in public and private postsecondary educational institutions, to payment of the costs of attending those educational institutions, and to financial aid and other measures to assist students to pay those costs.

**Amendment No. 1**

Representative Morrison offered the following amendment to **SB 1227**:

Amend **SB 1227** (House committee printing) by adding the following numbered section to the bill and renumber the remaining sections appropriately:

(1) "SECTION \_\_\_\_ . Section 56.203, Education Code, as amended by Chapter 365, Acts of the 78th Legislature, Regular Session, 2003 is repealed."

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Morrison offered the following amendment to **SB 1227**:

Amend **SB 1227** on third reading by adding the following appropriately numbered SECTION to the bill and by renumbering existing SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . Subchapter G, Chapter 504, Transportation Code, is amended by adding Section 504.657 to read as follows:

Sec. 504.657. HIGHER EDUCATION COORDINATING BOARD LICENSE PLATES. (a) The department shall issue specialty license plates for the Texas Higher Education Coordinating Board. The department shall design the license plates in consultation with the coordinating board.

(b) After deduction of the department's administrative costs, the remainder of the fee shall be deposited to the credit of the "College For Texans" campaign account in the general revenue fund for use only by the Texas Higher Education Coordinating Board for purposes of the campaign.

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative Morrison offered the following amendment to **SB 1227**:

Amend **SB 1227** on third reading, as amended by FA No. 5 by Turner and FA No. 6 by Rose, in the SECTION of the bill adding Section 61.2251, Education Code, by striking added Subsection (c), Section 61.2251, Education Code, and substituting the following:

(c) After qualifying for a tuition equalization grant under Subsection (b), a person may receive a tuition equalization grant in a subsequent academic year in which the person is enrolled at an approved institution only if the person:

(1) meets the requirements of Subsection (b); and

(2) if the person is enrolled in an undergraduate degree or certificate program:

(A) completed at least 24 semester credit hours in the person's most recent academic year; and

(B) has earned an overall grade point average of at least 2.0 on a four-point scale or the equivalent on coursework previously attempted at public or private institutions of higher education.

Amendment No. 3 was withdrawn.

### **Amendment No. 4**

Representative Branch offered the following amendment to **SB 1227**:

Amend **SB 1227** on third reading by adding the following appropriately numbered SECTIONS to the bill and by renumbering existing SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . Section 51.009(c), Education Code, is amended to read as follows:

(c) Each of the following shall be accounted for as educational and general funds:

(1) net tuition, special course fees charged under Sections 54.051(e) and (l), [~~Education Code,~~] lab fees, student teaching fees, [~~hospital and clinic fees,~~] organized activity fees, proceeds from the sale of educational and general equipment, and indirect cost recovery fees; and

(2) hospital and clinic fees received by a state-owned clinical care facility that is operated using general revenue fund appropriations for patient care.

SECTION \_\_\_\_ . Section 51.009, Education Code, as amended by this Act, applies to fees collected on or after the effective date of this Act. A fee collected before that date is governed by the law in effect when the fee is collected, and that law is continued in effect for that purpose.

Amendment No. 4 was withdrawn.

**Amendment No. 5**

Representative F. Brown offered the following amendment to **SB 1227**:

Amend **SB 1227** by adding a new Sections \_\_, \_\_, and \_\_ to read as follows and renumbering the subsequent sections accordingly:

SECTION \_\_. Section 56.310, Education Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The coordinating board may solicit and accept gifts, ~~and~~ grants, and donations from any public or private source for the purposes of this subchapter.

(c) In performing its duties under Subsection (a), the coordinating board may develop and implement an appropriate process for the naming and sponsoring of the program created under this subchapter, an individual grant awarded under this subchapter, or any item received by the coordinating board under Subsection (a).

SECTION \_\_. Subsection (a), Section 56.302, Education Code, is amended to read as follows:

(a) Except as provided under Section 56.310(c), the ~~The~~ student financial assistance program authorized by this subchapter is known as the Toward EXcellence, Access, & Success (TEXAS) grant program, and an individual grant awarded under this subchapter is known as a TEXAS grant.

SECTION \_\_. The Texas Higher Education Coordinating Board shall:

(1) study alternative methods of funding the Toward EXcellence, Access, & Success (TEXAS) grant program created under Subchapter M, Chapter 56, Education Code; and

(2) not later than September 1, 2006, report to the Legislative Oversight Committee on the TEXAS grant program and Teach for Texas grant program concerning the results of the study.

Amendment No. 5 was adopted.

**Amendment No. 6**

Representative Branch offered the following amendment to **SB 1227**:

Amend **SB 1227** on third reading by adding the following appropriately numbered SECTIONS to the bill and by renumbering existing SECTIONS of the bill accordingly:

SECTION \_\_. Section 51.009(c), Education Code, is amended to read as follows:

(c) Each of the following shall be accounted for as educational and general funds:

(1) net tuition, special course fees charged under Sections 54.051(e) and (l), ~~Education Code,~~ lab fees, student teaching fees, ~~hospital and clinic fees,~~ organized activity fees, proceeds from the sale of educational and general equipment, and indirect cost recovery fees; and

(2) hospital and clinic fees received by a state-owned clinical care facility that is operated using general revenue fund appropriations for patient care.

SECTION \_\_. Section 51.009, Education Code, as amended by this Act, applies to fees collected on or after the effective date of this Act. A fee collected before that date is governed by the law in effect when the fee is collected, and that law is continued in effect for that purpose.

Amendment No. 6 was adopted.

(Speaker in the chair)

Representative Morrison moved to postpone consideration of **SB 1227** until 7:15 p.m. today.

The motion prevailed.

**SB 42 ON THIRD READING**  
**(Delisi - House Sponsor)**

**SB 42**, A bill to be entitled An Act relating to health education and physical activity in public primary and secondary schools.

A record vote was requested.

**SB 42** was passed by (Record 848): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; 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; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; 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 — Allen, R.; Farabee; Homer; Kolkhorst; Puente.

**STATEMENT OF VOTE**

When Record No. 848 was taken, I was in the house but away from my desk. I would have voted yes.

Farabee

**SB 1195 ON THIRD READING**  
**(Dutton - House Sponsor)**

**SB 1195**, A bill to be entitled An Act relating to the authority of peace officers to conduct certain searches.

**Amendment No. 1**

Representative Hupp offered the following amendment to **SB 1195**:

Amend **SB 1195** on third reading, as amended by Floor Amendment No. 1 by Dutton, in added Subdivision (2), Subsection (b), Article 1.06, Code of Criminal Procedure, between "based on" and "a reasonable fear", by inserting "an articulation of".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Chisum offered the following amendment to **SB 1195**:

Amend **SB 1195** on third reading as follows:

(1) In Section 2 of the bill in added Subdivision (1), Subsection (c), Section 411.0207, Government Code, strike "fully".

(2) In Section 2 of the bill in added Subdivision (2), Subsection (c), Section 411.0207, Government Code, strike "freely and".

Amendment No. 2 was adopted.

(Nixon in the chair)

A record vote was requested.

**SB 1195**, as amended, was passed by (Record 849): 83 Yeas, 63 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Bailey; Branch; Brown, F.; Burnam; Callegari; Casteel; Castro; Chavez; Coleman; Cook, B.; Cook, R.; Crabb; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Elkins; Escobar; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hegar; Herrero; Hochberg; Hodge; Hopson; Hughes; Hupp; Jones, D.; Jones, J.; Keffer, B.; King, T.; Kuempel; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; Menendez; Merritt; Miller; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Seaman; Solis; Strama; Straus; Swinford; Thompson; Turner; Uresti; Veasey; Vo.

Nays — Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Brown, B.; Campbell; Chisum; Corte; Crownover; Dawson; Delisi; Denny; Driver; Eiland; Eissler; Farabee; Flynn; Gattis; Geren; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Hill; Homer; Hope; Howard; Hunter; Jackson; Keel; Keffer, J.; King, P.; Kolkhorst; Krusee; Laubenberg; Madden; McCall; McReynolds; Morrison; Mowery; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Smith, T.; Smith, W.; Smithee; Solomons; Talton; Taylor; Truitt; Van Arsdale; Villarreal; West; Wong; Woolley; Zedler.

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

Absent — Isett.

**STATEMENTS OF VOTE**

I was shown voting no on Record No. 849. I intended to vote yes.

Campbell

I was shown voting no on Record No. 849. I intended to vote yes.

Howard

I was shown voting no on Record No. 849. I intended to vote yes.

Kolkhorst

**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. 30).

**POSTPONED BUSINESS**

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

**SB 1227 ON THIRD READING  
(Morrison - House Sponsor)**

**SB 1227**, A bill to be entitled An Act relating to enrollment in public and private postsecondary educational institutions, to payment of the costs of attending those educational institutions, and to financial aid and other measures to assist students to pay those costs.

**SB 1227** was read third time earlier today, amended, and was postponed until this time.

**Amendment No. 7**

Representative Kolkhorst offered the following amendment to **SB 1227**:

Amend **SB 1227** on third reading as follows:

(1) Add the following appropriately numbered SECTIONS to the bill:

SECTION \_\_. Section 56.301, Education Code, is amended to read as follows:

Sec. 56.301. DEFINITIONS. In this subchapter:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

(2) "Eligible institution" means[+  
~~[(A)] an institution of higher education that offers one or more undergraduate degree or certification programs[+ or~~  
~~[(B) a private or independent institution of higher education].~~

(3) "Public junior college" [~~"Private or independent institution of higher education," "public junior college,"~~] and "public technical institute" have the meanings assigned by Section 61.003.

SECTION \_\_\_\_\_. Subsection (b), Section 56.302, Education Code, is amended to read as follows:

(b) The purpose of this subchapter is to provide a grant of money to enable eligible students to attend public [~~and private~~] institutions of higher education in this state.

SECTION \_\_\_. Subchapter M, Chapter 56, Education Code, is amended by adding Section 56.3021 to read as follows:

Sec. 56.3021. STUDENTS ENROLLED IN PRIVATE OR INDEPENDENT INSTITUTIONS: LIMITED ELIGIBILITY FOR GRANT. (a) Notwithstanding any other provision of this subchapter, a student who was initially awarded a TEXAS grant under this subchapter to pay the costs of enrollment in a private or independent institution of higher education for the 2005 fall semester or an earlier academic period may continue to receive grants under this subchapter while enrolled in a private or independent institution of higher education if the student is otherwise eligible to receive a grant under this subchapter.

(b) For purposes of determining the eligibility of a student to continue to receive a grant under this section, a reference in this subchapter to an eligible institution includes a private or independent institution of higher education.

(c) The amount of a TEXAS grant under this section for a student enrolled full-time at a private or independent institution of higher education is the amount determined by the coordinating board as the average statewide amount of tuition and required fees that a resident student enrolled full-time in a baccalaureate degree program would be charged for that semester or term at general academic teaching institutions.

(d) Notwithstanding Subsection (c) or other law, the total amount of financial aid that a student enrolled in a private or independent institution of higher education is eligible to receive in a state fiscal year from TEXAS grants awarded under this section may not exceed the maximum amount the student may receive in tuition equalization grants in that fiscal year as determined under Subchapter F, Chapter 61.

(e) Notwithstanding Subsection (c) or other law, a student enrolled in a private or independent institution of higher education may not receive a TEXAS grant under this section and a tuition equalization grant under Subchapter F, Chapter 61, for the same semester or other term, regardless of whether the student is otherwise eligible for both grants during that semester or term. A student who but for this subsection would be awarded both a TEXAS grant and a tuition equalization grant for the same semester or other term is entitled to receive only the grant of the greater amount.

(f) This section expires September 1, 2015.

(2) In the SECTION of the bill that amends Section 56.304, Education Code, strike amended Subsection (a), Section 56.304, Education Code, and substitute the following:

(a) To be eligible initially for a TEXAS grant, a person must:

- (1) be a resident of this state as determined by coordinating board rules;
- (2) meet either of the following academic requirements:



(A) be a graduate of a public or ~~accredited~~ private high school, including a home school, in this state who graduated not earlier than the 1998-1999 school year and who completed the recommended or advanced high school curriculum established under Section 28.002 or 28.025 or its equivalent; or

(B) have received an associate degree from a public or private ~~an eligible~~ institution of higher education not earlier than May 1, 2001;

(3) meet financial need requirements as defined by the coordinating board;

(4) be enrolled in an undergraduate degree or certificate program at an eligible institution;

(5) be enrolled as:

(A) an entering undergraduate student for at least three-fourths of a full course load for an entering undergraduate student, as determined by the coordinating board, not later than the 16th month after the date of the person's graduation from high school; or

(B) an entering student for at least three-fourths of a full course load for an undergraduate student as determined by the coordinating board, not later than the 12th month after the month the person receives an associate degree from a public or private ~~an eligible~~ institution of higher education;

(6) have applied for any available financial aid or assistance; and

(7) comply with any additional nonacademic requirement adopted by the coordinating board under this subchapter.

(3) In the SECTION of the bill that amends Section 56.305, Education Code, in Paragraph (B), Subdivision (2), of amended Subsection (e), Section 56.305, Education Code, between "attempted at" and "institutions", insert "public or private".

(4) In the SECTION of the bill that amends Section 56.305, Education Code, in proposed Paragraph (B), Subdivision (2), Subsection (e-1), Section 56.305, Education Code, between "attempted at" and "institutions", insert "public or private".

(5) In the recital to the SECTION of the bill that amends Section 56.307, Education Code, strike "Subsections (b)" and substitute "Subsections (a)".

(6) In SECTION of the bill that amends Section 56.307, Education Code, strike amended Subsection (b), Section 56.307, Education Code, and substitute the following:

(a) The amount of a TEXAS grant for a semester or term for a person enrolled full-time at an eligible institution other than an institution covered by Subsection ~~[(b)]~~ (c) or (d) is the amount determined by the coordinating board as the average statewide amount of tuition and required fees that a resident student enrolled full-time in a baccalaureate degree program would be charged for that semester or term at general academic teaching institutions.

(7) Strike the SECTION of the bill that adds Section 56.3071, Education Code.

(8) In the SECTION of the bill that adds Section 61.2251, Education Code, following proposed Subsection (e), Section 61.2251, Education Code, insert the following:

(f) If a person fails to meet any of the requirements of Subsection (c) after the completion of any semester or term, the person may not receive a tuition equalization grant during the next semester or term in which the person enrolls. A person may become eligible to receive a tuition equalization grant in a subsequent semester or term if the person:

(1) completes a semester or term during which the student is not eligible for a tuition equalization grant; and

(2) meets all the requirements of Subsection (c).

(9) In the SECTION of the bill that adds Subsection (d), Section 61.227, Education Code, strike proposed Subsection (d), Section 61.227, Education Code, and substitute the following:

(d) Notwithstanding any restrictions provided by Subsection (c) on the amount of a grant, a tuition equalization grant for an academic period for a student who establishes exceptional financial need in accordance with the procedures and rules of the coordinating board may be certified by the coordinating board in an amount not to exceed 150 percent of the amount of the grant that the student would otherwise have been awarded for that period under the other provisions of this section.

(10) Add the following appropriately numbered SECTION to the bill:

SECTION \_\_. Subsection (b), Section 56.307, Education Code, is repealed.

(11) Renumber other SECTIONS of the bill accordingly.

Amendment No. 7 was adopted.

### **Amendment No. 8**

Representative J. Jones offered the following amendment to **SB 1227**:

Amend **SB 1227** on third reading as follows:

(1) In the SECTION of the bill adding Section 56.3071, Education Code, strike added Subsection (b), Section 56.3071, and substitute the following:

(b) Notwithstanding any other law, a student enrolled in a private or independent institution of higher education may not receive a TEXAS grant under this subchapter and a tuition equalization grant under Subchapter F, Chapter 61, for the same semester or other term, regardless of whether the student is otherwise eligible for both grants during that semester or term. A student who but for this subsection would be awarded both a TEXAS grant and a tuition equalization grant for the same semester or other term is entitled to receive only the grant of the greater amount. This subsection does not apply to a grant recipient who is enrolled in an eligible institution at which 40 percent or more of the total number of the institution's students are members of ethnic or racial groups that are underrepresented among undergraduate students at public or private institutions of higher education in this state.

(1) In the SECTION of the bill adding Section 61.227, Education Code, strike added Subsection (d), Section 61.227, and substitute the following:

(d) Notwithstanding any other law, a student enrolled in a private or independent institution of higher education may not receive a tuition equalization grant under this subchapter and a TEXAS grant under Subchapter M, Chapter 56, for the same semester or other term, regardless of whether the student is otherwise eligible for both grants during that semester or term. A student who but for this subsection would be awarded both a tuition equalization grant and a TEXAS grant for the same semester or other term is entitled to receive only the grant of the greater amount. This subsection does not apply to a grant recipient who is enrolled in an approved institution at which 40 percent or more of the total number of the institution's students are members of ethnic or racial groups that are underrepresented among undergraduate students at public or private institutions of higher education in this state.

Amendment No. 8 was adopted.

A record vote was requested.

**SB 1227**, as amended, was passed by (Record 850): 147 Yeas, 0 Nays, 2 Present, not voting.

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

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

**MAJOR STATE CALENDAR**  
(consideration continued)

**SB 1528 ON THIRD READING**  
(Morrison - House Sponsor)

**SB 1528**, A bill to be entitled An Act relating to the payment of tuition and fees at public institutions of higher education and the determination of Texas residency for that purpose.

**SB 1528** 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 1142 ON THIRD READING**  
**(Hamric - House Sponsor)**

**SB 1142**, A bill to be entitled An Act relating to the creation of a film industry incentive program.

**Amendment No. 1**

Representative Hodge offered the following amendment to **SB 1142**:

Amend **SB 1142** on third reading by adding the following appropriately numbered SECTIONS to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION \_\_. Subchapter E, Chapter 152, Tax Code, is amended by adding Section 152.094 to read as follows:

Sec. 152.094. MOTOR VEHICLES USED IN TELEVISION, MOTION PICTURE, VIDEO, OR AUDIO PRODUCTIONS. (a) In this section, "nonbroadcast, industrial, or educational recorded material" means material produced for instructional, educational, sales, promotional, amusement, or entertainment purposes, regardless of the medium used or the manner displayed or transmitted. The term includes recording of events for sale to interested persons.

(b) The taxes imposed by this chapter do not apply to the purchase, rental, or use of a motor vehicle used exclusively in connection with the production for consideration of a television film, commercial, or program, nonbroadcast, industrial, or educational recorded material, a motion picture, or a video or audio recording, a copy of which is sold or offered for ultimate sale, licensed, distributed, broadcast, or otherwise commercially exhibited.

(c) The tax that would have been remitted on gross rental receipts without the exemption provided by this section is considered to have been remitted for the purpose of computing the minimum gross rental receipts tax imposed by Section 152.026.

SECTION \_\_. Subchapter C, Chapter 156, Tax Code, is amended by adding Section 156.105 to read as follows:

Sec. 156.105. EXCEPTION—PERSONS INVOLVED IN TELEVISION, MOTION PICTURE, VIDEO, OR AUDIO PRODUCTIONS. (a) In this section, "nonbroadcast, industrial, or educational recorded material" means material produced for instructional, educational, sales, promotional, amusement, or entertainment purposes, regardless of the medium used or the manner displayed or transmitted. The term includes recording of events for sale to interested persons.

(b) Subject to this section, this chapter does not impose a tax on a person involved exclusively in the production for consideration of a television film, commercial, or program, nonbroadcast, industrial, or educational recorded

material, a motion picture, or a video or audio recording, a copy of which is sold or offered for ultimate sale, licensed, distributed, broadcast, or otherwise commercially exhibited, provided that the person has the right to use or possess a room in one hotel or in a series of two or more hotels for at least three consecutive days.

(c) A person otherwise excepted under this section shall pay the tax imposed by this chapter and is entitled to a refund of the amount of tax paid in accordance with Section 156.154.

SECTION \_\_. Section 156.154(a), Tax Code, is amended to read as follows:

(a) A governmental entity [~~that is~~] entitled under Section 156.103 or a person entitled under Section 156.105 to a refund of taxes paid under this chapter must file a refund claim with the comptroller.

SECTION \_\_. The change in law made by this Act does not affect taxes imposed before the effective date of this Act, and the law in effect before the effective date of this Act is continued in effect for the purposes of the liability for and collection of those taxes.

Amendment No. 1 was adopted.

**SB 1142**, as amended, was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Hartnett and Zedler recorded voting no.)

### **SB 578 ON THIRD READING (Hope - House Sponsor)**

**SB 578**, A bill to be entitled An Act relating to the authority of certain honorably retired peace officers to carry certain weapons.

**SB 578** 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 14 ON THIRD READING (Smithee - House Sponsor)**

**SB 14**, A bill to be entitled An Act relating to rates for certain property and casualty insurance.

#### **Amendment No. 1**

Representative Eiland offered the following amendment to **SB 14**:

Amend **CSSB 14** (House Committee Printing) as follows:

(1) In SECTION 1 of the bill, in added Subsection (b-1), Article 5.144, Insurance Code (page 2, lines 10-12), strike "holiday, and the interest accrues beginning on the date on which the commissioner enters the order and continues" and substitute "holiday. The period for the refund and interest begins on the date on which the commissioner enters the order, and interest continues".

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

SECTION \_\_. Article 5.171, Insurance Code, is amended to read as follows:

Art. 5.171. RATING TERRITORIES. Notwithstanding any other provision of this code, an insurer, in writing residential property or personal automobile insurance, may not use rating territories that subdivide a county unless:

(1) the county is subdivided; and

(2) the rate for any subdivisions within that county is not greater than 15 percent higher than the rate used in any other subdivisions in the county by that insurer, except that the commissioner may by rule allow a greater rate difference [for residential property insurance or personal automobile insurance].

SECTION \_\_. Article 5.171, Insurance Code, as amended by this Act applies only to the rates applicable to insurance policies that are delivered, issued for delivery, or renewed on or after January 1, 2006. Rates applicable to policies that are delivered, issued for delivery, or renewed before January 1, 2006, are governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for this purpose.

SECTION \_\_. Section 202.052(a), Insurance Code, is amended to read as follows:

(a) The commissioner by rule ~~[department]~~ shall adopt ~~[impose]~~ and the comptroller shall collect fees for the use of the state from each authorized insurer writing a class of insurance that may be written by an insurer operating under Chapter 841. The commissioner may adopt different valuation fees for valuation of individual life insurance policies and group life insurance policies. The amount of the fees adopted may not exceed:

(1) for valuing life insurance policies, and for each \$1 million of insurance or fraction thereof . . . \$10; and

(2) for filing the annual statement . . . \$500.

SECTION \_\_. The change in law made by this Act in amending Section 202.052(a), Insurance Code, applies only to a fee, payment of which is originally due on or after January 1, 2006. A fee, payment of which is originally due before January 1, 2006, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION \_\_. Title 5, Insurance Code, is amended by adding Subtitle G to read as follows:

## SUBTITLE G. REGULATION OF INSURER MARKET CONDUCT

### CHAPTER 751. MARKET CONDUCT SURVEILLANCE

#### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 751.001. SHORT TITLE. This chapter may be cited as the Insurance Market Conduct Surveillance Act.

Sec. 751.002. PURPOSE AND SCOPE. (a) The purpose of this chapter is to establish a framework for department market conduct actions, including:

(1) processes and systems for identifying, assessing, and prioritizing market conduct problems that have a substantial adverse impact on consumers, policyholders, and claimants;

(2) development of appropriate market conduct actions by the commissioner as required to:

(A) substantiate market conduct problems; and

(B) remedy significant market conduct problems; and

(3) procedures to communicate and coordinate market conduct actions with other states to foster the most efficient and effective use of resources.

(b) Notwithstanding any other law of this state, the department or commissioner, as applicable, may undertake market analysis or market conduct action only as provided by this chapter.

Sec. 751.003. DEFINITIONS. (a) In this chapter:

(1) "Complaint" means a written or documented oral communication, the primary intent of which is to express a grievance or an expression of dissatisfaction.

(2) "Desk examination" means a targeted examination conducted by an examiner at a location other than an insurer's premises. The term includes an examination performed at the department's offices during which the insurer provides requested documents for department review by hard copy or by microfiche, disk, or other electronic media.

(3) "Market analysis" means a process under which market conduct surveillance personnel collect and analyze information from filed schedules, surveys, required reports, and other sources as necessary to:

(A) develop a baseline understanding of the marketplace; and

(B) identify insurer patterns or practices that:

(i) deviate significantly from the norm; or

(ii) pose a potential risk to the insurance consumer.

(4) "Market analysis handbook" means the outline of the elements and objectives of market analysis as developed and adopted by the National Association of Insurance Commissioners, and used to establish a uniform process by which states may establish and implement market analysis programs.

(5) "Market conduct action" means any activity that the commissioner may initiate to assess and address insurer market practices before conducting a targeted examination. The term does not include a commissioner action taken to resolve:

(A) an individual consumer complaint; or

(B) another report relating to a specific instance of insurer misconduct.

(6) "Market conduct examination" means a review of one or more lines of business of an insurer domiciled in this state that is not conducted for cause. The term includes a review of rating, tier classification, underwriting, policyholder service, claims, marketing and sales, producer licensing, complaint handling practices, or compliance procedures and policies.

(7) "Market conduct examiner's handbook" means the set of guidelines, developed and adopted by the National Association of Insurance Commissioners, that document established practices to be used by market conduct surveillance personnel in developing and executing an examination under this chapter.

(8) "Market conduct surveillance personnel" means those individuals employed by or under contract with the department who collect, analyze, review, or act on information regarding insurer patterns or practices.

(9) "Market conduct uniform examination procedures" means the set of guidelines developed and adopted by the National Association of Insurance Commissioners designed to be used by market conduct surveillance personnel in conducting an examination under this chapter.

(10) "On-site examination" means a targeted examination that is conducted at:

(A) the insurer's home office; or

(B) another location at which the records under review are stored.

(11) "Qualified contract examiner" means a person qualified by education, experience, and any applicable professional designations who is under contract with the commissioner to perform market conduct actions.

(12) "Standard data request" means the set of field names and descriptions developed and adopted by the National Association of Insurance Commissioners for use by market conduct surveillance personnel in an examination.

(13) "Targeted examination" means a limited review and analysis, conducted through a desk examination or an on-site examination and in accordance with the market conduct uniform examination procedures, of specific insurer conduct, practices, or risks identified through market analysis that have not been remedied by the insurer, including:

(A) underwriting and rating;

(B) marketing and sales;

(C) complaint handling operations and management;

(D) advertising materials;

(E) licensing;

(F) policyholder services;

(G) claims handling;

(H) policy forms and filings; or

(I) tier classification.

(14) "Third-party model or product" means a model or product provided by an entity that is separate from and not under direct or indirect corporate control of the insurer using the model or product.

(b) In this chapter, "affiliate" and "subsidiary" have the meanings described by Section 823.003.

Sec. 751.004. IMMUNITY. (a) A cause of action does not arise, and liability may not be imposed, for any statements made or conduct performed in good faith while implementing this chapter, against:

(1) the commissioner;

(2) an authorized representative of the commissioner; or

(3) an examiner appointed by the commissioner.

(b) A cause of action does not arise, and liability may not be imposed, against any person for the act of communicating or delivering information or data to the commissioner or the commissioner's authorized representative or examiner



under an examination made under this chapter, if the act of communication or delivery was performed in good faith and without fraudulent intent or the intent to deceive.

(c) A person identified in Subsection (a) is entitled to attorney's fees and costs if the person is the prevailing party in a civil cause of action for libel, slander, or any other relevant tort arising out of activities conducted in implementing this chapter, and the party bringing the action was not substantially justified in doing so. For purposes of this subsection, an action is "substantially justified" if the action had a reasonable basis in law or fact at the time that it was initiated.

(d) This section does not abrogate or modify any common law or statutory privilege or immunity.

[Sections 751.005-751.050 reserved for expansion]

#### SUBCHAPTER B. GENERAL POWERS AND DUTIES OF COMMISSIONER

Sec. 751.051. PARTICIPATION IN NATIONAL MARKET CONDUCT DATABASES. (a) The commissioner shall collect and report market data to the National Association of Insurance Commissioner's market information systems, including the complaint database system, the examination tracking system, the regulatory information retrieval system, or other successor systems of that association, as determined by the commissioner.

(b) Information collected and maintained by the department shall be compiled in a manner that meets the requirements of the National Association of Insurance Commissioners.

Sec. 751.052. COORDINATION WITH OTHER STATES. The commissioner shall coordinate the department's market analysis and examination efforts with other states through the National Association of Insurance Commissioners.

Sec. 751.053. INFORMATION FROM COMMISSIONER. (a) At least once annually or more frequently if determined necessary by the commissioner, the commissioner shall provide in an appropriate manner to insurers and other entities subject to this code information regarding new laws and rules, enforcement actions, and other information the commissioner considers relevant to ensure compliance with market conduct requirements.

(b) The commissioner may provide the notice required under Subsection (a) in an electronic format that is designed to give insurers and other entities adequate notice.

(c) Failure by the commissioner to provide the information described by Subsection (a) does not constitute a defense for an insurer who fails to comply with an insurance law of this state.

Sec. 751.054. REPORT OF VIOLATIONS. (a) The commissioner shall designate an individual within the department whose responsibilities shall include the receipt of information from employees of insurers and other entities regulated by the department regarding violations of laws or rules by their employers. The commissioner's designee shall be properly trained in the handling of that information.

(b) Information received under this section is a confidential communication and is not public information.

Sec. 751.055. EXERCISE OF SUBPOENA AUTHORITY. The commissioner has the subpoena power authorized by Subchapter C, Chapter 36, for the production of documents under this chapter and enforcement of this subtitle.

[Sections 751.056-751.100 reserved for expansion]

#### SUBCHAPTER C. RELATIONS WITH OTHER STATES

Sec. 751.101. COMMISSIONER AUTHORITY; INTERACTIONS WITH OTHER INSURANCE COMMISSIONERS OF OTHER STATES. (a) The commissioner has responsibility for conducting market conduct examinations on domestic insurers. The commissioner may delegate that responsibility to the insurance commissioner of another state, if that insurance commissioner agrees to accept the delegated responsibility. If the commissioner elects to delegate responsibility for examining an insurer, the commissioner shall accept a report of the examination prepared by the insurance commissioner to whom the responsibility has been delegated.

(b) If the insurer to be examined is part of an insurance holding company system, the commissioner may also seek to simultaneously examine any affiliate of the insurer that is authorized to write the same types of insurance in this state as the insurer if the insurance commissioner of the state in which the affiliate is organized consents and delegates responsibility for that examination.

(c) In lieu of conducting a targeted examination of an insurer that holds a certificate of authority in this state but is not a domestic insurer, the commissioner shall accept a report of a market conduct examination regarding that insurer prepared by the insurance commissioner of the state in which the insurer is organized or by another state if:

(1) the laws of the examining state that are applicable to the subject of the examination are substantially similar to those of this state; and

(2) the examining state has a market conduct surveillance system that the commissioner deems comparable to the market conduct surveillance system required under this chapter.

(d) The commissioner's determination under Subsection (c)(2) is discretionary with the commissioner and is not subject to appeal.

(e) If a market conduct examination conducted by another state results in a finding that an insurer should modify a specific practice or procedure, the commissioner shall accept documentation that the insurer has made a similar modification in this state in lieu of initiating a market conduct action or examination related to that practice or procedure. The commissioner may require other or additional practice or procedure modifications.

[Sections 751.102-751.150 reserved for expansion]

#### SUBCHAPTER D. MARKET ANALYSIS PROCEDURES

Sec. 751.151. COLLECTION OF INFORMATION; COMMISSIONER ANALYSIS. (a) Subject to Subsection (d), the commissioner shall gather insurance market information from:

(1) data available to the department, including survey results and information required to be reported to the department;

(2) information collected by the National Association of Insurance Commissioners and other public and private sources; and

(3) information from within and outside the insurance industry.

(b) The commissioner shall analyze the information compiled under Subsection (a) as necessary to:

(1) develop a baseline understanding of the insurance marketplace; and

(2) identify for further review insurers or insurance practices that deviate significantly from the norm or that pose a potential risk to the insurance consumer.

(c) The commissioner shall use the market analysis handbook as a resource in performing the analysis required under this section.

(d) Except as otherwise specifically provided, the department or the commissioner, as applicable, may not require an insurer to report information in a manner that is inconsistent with the records the insurer maintains in the ordinary course of business or can create at a reasonable expense or effort.

Sec. 751.152. ADDITIONAL ANALYSIS OF MARKET ACTIONS. (a) If, as a result of the market analysis, the commissioner determines that further inquiry into a particular insurer or insurance practice is needed, the commissioner shall consider taking one or more of the market conduct actions described by Subsection (b) before conducting a targeted examination. If a market conduct action selected by the commissioner requires the participation of or a response by the affected insurer, the commissioner shall notify the insurer of the action selected in writing.

(b) Market conduct actions described by Subsection (a) may include:

(1) correspondence with the insurer;

(2) insurer interviews;

(3) information gathering;

(4) policy and procedure reviews;

(5) interrogatories; and

(6) review of insurer self-evaluation and compliance programs, including insurer membership in a best-practice organization.

(c) The commissioner shall select market conduct actions that are efficient and cost-effective for the department and the insurer while protecting the interests of the insurance consumer.

(d) The commissioner shall take steps reasonably necessary to:

(1) eliminate requests for information that duplicates or conflicts with information provided as part of an insurer's annual financial statement, the annual market conduct statement of the National Association of Insurance Commissioners, or other required schedules, surveys, or reports that are regularly submitted to the commissioner, or with data requests made by other states if that information is available to the commissioner, unless the information is state specific; and

(2) coordinate the market conduct actions and findings of this state with those of other states.

Sec. 751.153. PROTOCOLS FOR MARKET CONDUCT ACTIONS. (a) Each market conduct action taken as a result of a market analysis:

(1) must focus on the general business practices and compliance activities of insurers, rather than identifying infrequent or unintentional random errors that do not cause significant consumer harm; and

(2) may not result in a market conduct examination, unless the head of the insurance regulatory agency in the insurer's state of domicile determines that a market conduct examination is needed.

(b) The commissioner may determine the frequency and timing of the market conduct actions. The timing of an action depends on the specific market conduct action to be initiated unless extraordinary circumstances indicating a risk to consumers require immediate action.

(c) If the commissioner has information that more than one insurer is engaged in practices that may violate statutes or rules, the commissioner may schedule and coordinate multiple examinations simultaneously.

(d) The commissioner shall provide an insurer with an opportunity to resolve to the satisfaction of the commissioner any matter that arises as a result of a market analysis before any additional market conduct actions are taken against the insurer. If the insurer has modified a practice or procedure as a result of a market conduct action taken or examination conducted by the insurance commissioner of another state, and the commissioner deems that state's market conduct surveillance system comparable to the system required under this chapter, the commissioner may accept the modified practice or procedure and may require other or additional practice or procedure modifications.

(e) For an application by the department of a handbook, guideline, or other product referenced in this chapter that is the work product of the National Association of Insurance Commissioners that changes the way in which market conduct actions are conducted, the commissioner shall give notice and provide interested parties with an opportunity for a public hearing as provided by Chapter 2001, Government Code, if the change:

(1) necessitates a change in a statute or rule; or

(2) deviates from the applicable handbook, guideline, or other product most recently adopted by the National Association of Insurance Commissioners.

(f) Except as otherwise provided by law, each insurer or person from whom information is sought, and each officer, director, or agent of that insurer or person, shall provide the commissioner with convenient and free access to all books, records, accounts, papers, documents and any computer or other recordings relating to the property, assets, business and affairs of the insurer or person.

(g) Each officer, director, employee, insurance producer, and agent of an insurer or person described by Subsection (f) shall, to the extent of that individual's ability, facilitate and aid in a department market conduct action.

[Sections 751.154-751.200 reserved for expansion]

SUBCHAPTER E. EXAMINATIONS

Sec. 751.201. EXAMINATION. (a) If the commissioner determines that a market conduct action described by Section 751.152(b) is not appropriate, the commissioner may conduct a targeted examination in accordance with the market conduct uniform examination procedures and the market conduct examiners handbook.

(b) A targeted examination may be conducted through a desk examination or an on-site examination. To the extent feasible, the department shall conduct a market conduct examination through desk examinations and data requests before conducting an on-site examination.

(c) The department shall conduct an examination in accordance with the market conduct examiners handbook and the market conduct uniform examinations procedures.

(d) The department shall use the standard data request or a successor product that is substantially similar to the standard data request as adopted by the commissioner by rule.

(e) If the insurer to be examined is not a domestic insurer, the commissioner shall coordinate the examination with the insurance commissioner of the state in which the insurer is organized.

Sec. 751.202. WORK PLAN. Before beginning an examination, market conduct surveillance personnel shall prepare a work plan that includes:

(1) the name and address of the insurer to be examined;

(2) the name and contact information of the examiner-in-charge;

(3) a statement of the reasons for the examination;

(4) a description of the scope of the examination;

(5) the date the examination is scheduled to begin;

(6) notice to any non-insurance department personnel who will assist in the examination;

(7) a time estimate for the examination; and

(8) if the cost of the examination is billed to the affected insurer:

(A) a budget for the examination; and

(B) an identification of factors that will be included in the billing.

Sec. 751.203. NOTICE OF EXAMINATION. (a) Unless the examination is conducted in response to extraordinary circumstances as described by Section 751.153(b), the department shall notify an affected insurer of an examination not later than the 60th day before the scheduled date of the beginning of the examination. The notice must include the examination work plan and a request that the insurer name an examination coordinator for the insurer.

(b) In addition to the notice required under Subsection (a), the commissioner shall post notice that a market conduct examination has been scheduled on the National Association of Insurance Commissioners examination tracking system.

(c) If a targeted examination is expanded beyond the reasons provided to the insurer in the notice of the examination required under Subsection (a), the commissioner shall provide written notice to the insurer, explaining the extent of

the expansion and the reasons for the expansion. The department shall provide a revised work plan to the insurer before the beginning of any significantly expanded examination.

Sec. 751.204. PRE-EXAMINATION CONFERENCE. Not later than the 30th day before the scheduled date of the examination, the commissioner shall conduct a pre-examination conference with the insurer's examination coordinator and key personnel to clarify expectations.

Sec. 751.205. EXIT CONFERENCE. Before the conclusion of an examination, the member of the market conduct surveillance personnel who is designated as the examiner-in-charge shall schedule an exit conference with the insurer.

Sec. 751.206. EXAMINATION REPORT. (a) Unless the commissioner and the insurer agree to a different schedule, the commissioner shall follow the time line established under this section.

(b) The commissioner shall deliver the draft examination report to the insurer not later than the 60th day after the date the examination is completed. For purposes of this section, the date the examination is completed is the date on which the exit conference is conducted.

(c) Not later than the 30th day after the date on which the insurer receives the draft examination report, the insurer shall provide any written comments regarding the report to the department.

(d) The department shall make a good faith effort to resolve issues with the insurer informally and shall prepare a final examination report not later than the 30th day after the date of receipt of the insurer's written comments on the draft report unless a mutual agreement is reached to extend the deadline.

(e) The department shall include the insurer's responses in the final examination report. The responses may be included as an appendix or in the text of the examination report. An insurer is not obligated to submit a response. An individual involved in the examination may not be named in either the report or the insurer response except to acknowledge the individual's involvement.

(f) The commissioner may make corrections and other changes to the final examination report as appropriate, and shall issue the report to the insurer. Not later than the 30th day after receipt of the final examination report under this subsection, the insurer shall accept the report, accept the findings of the report, or request a hearing. The commissioner and the insurer by mutual agreement may extend the period for an additional 30 days. A request for a hearing must be made in writing and must follow the requirements of Chapter 2001, Government Code.

Sec. 751.207. CONFIDENTIALITY OF EXAMINATION REPORT INFORMATION. (a) A final or preliminary market conduct examination report, and any information obtained during the course of an examination, is confidential and is not subject to disclosure under Chapter 552, Government Code. This section may not be construed to limit the commissioner's authority to use any final or preliminary market conduct examination report, any examiner or company work papers or other documents, or any other information discovered or

developed during the course of an examination in the furtherance of any legal or regulatory action that the commissioner, in the commissioner's sole discretion, may deem appropriate.

(b) This chapter does not prevent the commissioner from disclosing at any time the contents of a final market conduct examination report to the department, the insurance department of any other state, or an agency of the federal government, if the department or agency receiving the report agrees in writing to maintain the information as confidential and in a manner consistent with this chapter.

(c) The commissioner shall provide to an insurer subject to a final market conduct examination a written agreement described by Subsection (b) not later than the fifth day after the date the final market conduct examination is released under Subsection (b).

Sec. 751.208. ASSESSMENT OF COSTS OF EXAMINATION. (a) Subject to Subsection (d), if the reasonable and necessary cost of a market conduct examination is to be assessed against the affected insurer, fees for that cost must be consistent with those otherwise authorized by law. The fees must be itemized and bills for the fees must be provided to the insurer on a monthly basis for review prior to submission for payment.

(b) The commissioner shall actively manage and oversee examination costs, including costs associated with the use of department examiners and with retaining qualified contract examiners necessary to perform an on-site examination. To the extent the commissioner retains outside assistance, the commissioner shall adopt by rule written protocols that:

(1) clearly identify the types of functions to be subject to outsourcing;  
(2) provide specific time lines for completion of the outsourced review;  
(3) require disclosure of recommendations made by contract examiners;  
(4) establish and use a dispute resolution or arbitration mechanism to resolve conflicts with insurers regarding examination fees; and

(5) require disclosure of the terms of contracts entered into with outside consultants, and specifically terms regarding the fees or hourly rates that may be charged by those consultants.

(c) The commissioner must review and affirmatively endorse detailed billings made by a qualified contract examiner before the detailed billings are sent to the insurer.

(d) An insurer may not be required to provide reimbursement for examiner fees under Subsection (a), whether those fees are incurred by market conduct surveillance personnel or qualified contract examiners, to the extent that those fees exceed the fees prescribed in the market conduct examiner's handbook and any successor documents to that handbook, unless the commissioner demonstrates that the fees prescribed in the handbook are inadequate under the circumstances of the examination.

Sec. 751.209. LIMIT ON CERTAIN EXAMINATIONS. The commissioner may not conduct a market conduct examination more frequently than once every three years. The commissioner may defer conducting a market conduct examination for longer than once every three years.

[Sections 751.210-751.250 reserved for expansion]

SUBCHAPTER F. CONFIDENTIALITY REQUIREMENTS

Sec. 751.251. NO WAIVER. (a) The disclosure to the commissioner under this subchapter of a document, material, or information does not constitute the waiver of any applicable privilege or claim of confidentiality regarding the document, material, or information.

(b) Notwithstanding Subsection (a), an insurer may not be compelled to disclose a self-audit document or waive any statutory or common law privilege. An insurer may, however, voluntarily disclose a document described by this subsection to the commissioner in response to any market conduct action or examination.

(c) For the purposes of Subsection (b), "self-audit document" means a document that is prepared as a result of or in connection with an insurance compliance audit.

Sec. 751.252. AUTHORITY OF COMMISSIONER. (a) The commissioner may share documents, materials, or other information obtained by or disclosed to the commissioner under this chapter with other state, federal and international regulatory agencies and law enforcement authorities if the recipient agrees to and has the legal authority to maintain the confidentiality and privileged status of the document, material, or other information.

(b) The commissioner may receive documents, materials, or information, including otherwise confidential and privileged documents, materials, or information, from the National Association of Insurance Commissioners and that association's affiliates or subsidiaries, and from regulatory and law enforcement officials of other foreign or domestic jurisdictions. The commissioner shall maintain as confidential or privileged any document, material, or information received with notice or the understanding that the document, material, or information is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information.

(c) Consistent with this section, the commissioner may enter into agreements governing the sharing and use of information.

[Sections 751.253-751.300 reserved for expansion]

SUBCHAPTER G. MARKET CONDUCT SURVEILLANCE PERSONNEL

Sec. 751.301. PERSONNEL; QUALIFICATIONS. (a) To conduct market conduct surveillance under this chapter, the commissioner may designate department staff to perform duties under this chapter, and may supplement that staff with qualified outside professional assistance if the commissioner determines that that assistance is necessary.

(b) Market conduct surveillance personnel must be qualified by education and experience and, if applicable, must hold appropriate professional designations.

Sec. 751.302. CONFLICT OF INTEREST. (a) An individual who is a member of the market conduct surveillance personnel has a conflict of interest, either directly or indirectly, if the individual is affiliated with the management of, has been employed by, or owns a pecuniary interest in, an insurer subject to an examination conducted under this chapter.



(b) This section may not be construed to automatically preclude the individual from being:

(1) a policyholder or claimant under an insurance policy;

(2) a grantee of a mortgage or similar instrument on the individual's residence from a regulated entity if done under customary terms and in the ordinary course of business;

(3) an investment owner in shares of regulated diversified investment companies; or

(4) a settlor or beneficiary of a blind trust into which any otherwise permissible holdings have been placed.

Sec. 751.303. ACCESS TO INFORMATION. (a) Except as otherwise provided by law, market conduct surveillance personnel shall, as practicable, have free and full access to all books and records, and all employees, officers, and directors, of the insurer during regular business hours.

(b) On the request of market conduct surveillance personnel, an insurer that uses a third-party model or product for any of the activities under examination shall make the details of those models or products available to that personnel.

Sec. 751.304. AUTHORITY OF MARKET CONDUCT SURVEILLANCE PERSONNEL. Market conduct surveillance personnel may examine insurance company personnel under oath if that action is ordered by the commissioner under Subchapter C, Chapter 36.

[Sections 751.305-751.350 reserved for expansion]

#### SUBCHAPTER H. SANCTIONS

Sec. 751.351. SANCTIONS. (a) The commissioner may impose sanctions under Chapter 82 against an insurer determined, as a result of a market conduct action or other action under this chapter, to have violated this code, a rule adopted under this code, or another insurance law of this state.

(b) In determining an appropriate sanction under Subsection (a) the commissioner shall consider:

(1) any actions taken by the insurer to maintain membership in, and comply with the standards of, best-practice organizations that promote high ethical standards of conduct in the insurance marketplace; and

(2) the extent to which the insurer maintains regulatory compliance programs to self-assess, self-report, and remediate problems detected by the insurer.

SECTION \_\_. Article 5.43, Insurance Code, is amended by adding Subsections (a-1) and (f) to read as follows:

(a-1) A residential property insurance claim under this article does not include a claim:

(1) resulting from a loss caused by natural causes;

(2) that is filed but is not paid or payable under the policy; or

(3) that an insurer is prohibited from using under Section 3, Article 5.35-4, of this code.

(f) Any change in the amount of a discount provided under this article must comply with the requirements of Section 551.107 of this code.

SECTION \_\_. Section 551.107, Insurance Code, is amended by amending Subsections (b), (c), (e), and (f) and adding Subsection (g) to read as follows:

(b) A claim under this section does not include a claim:

- (1) resulting from a loss caused by natural causes; ~~or~~
- (2) that is filed but is not paid or payable under the policy; or
- (3) that an insurer is prohibited from using under Section 3, Article

5.35-4.

(c) An insurer may assess a premium surcharge at the time an insurance policy is renewed if the insured has filed one ~~two~~ or more claims in the preceding three policy years ~~[year]~~. ~~[The insurer may assess an additional premium surcharge if an additional claim is made in the following policy year. The department shall set the amount of any surcharge that may be assessed under this subsection.]~~ The amount of the surcharge must be based on sound actuarial principles ~~[may not exceed 10 percent of the total premium, including any premium surcharge, actually paid by the insured in the preceding policy year].~~

(e) An insurer may notify an insured who has filed two claims in a period of less than three years that the insurer may refuse to renew the policy if the insured files a third claim during the three-year period. If the insurer does not notify the insured in accordance with this subsection, the insurer may not refuse to renew the policy because of claims ~~losses~~. The notice form must:

- (1) list the policyholder's claims; and
- (2) contain the sentence: "The filing by you of another claim, except for

a claim resulting from a loss caused by natural causes, a claim filed but not paid or payable under the policy under which it was filed, or an appliance-related claim that we are prohibited from using under Section 3, Article 5.35-4, Texas Insurance Code, ~~[Another non weather related loss]~~ could cause us to refuse to renew your policy."

(f) In this section, "premium surcharge" means an additional amount that is added to the base rate. The term does not include a reduction or elimination of a discount previously received by an insured, reassignment of an insured from one rating tier to another, re-rating an insured, or re-underwriting an insured by using multiple affiliates ~~[An insurer that renews the insurance policy of an insured who has filed three or more claims under the policy in a three year period may assess a premium surcharge in an amount set by the department].~~

(g) The commissioner shall adopt rules as necessary to implement this section.

SECTION \_\_. The changes in law made by this Act in amending Article 5.43 and Section 551.107, Insurance Code, apply only to an insurance policy that is delivered, issued for delivery, or renewed on or after January 1, 2006. An insurance policy that is delivered, issued for delivery, or renewed before January 1, 2006, is covered by the law in effect at the time the policy was delivered, issued for delivery, or renewed, and that law is continued in effect for that purpose.

**Amendment No. 2**

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

Amend third reading Amendment No. 1 by Eiland to **SB 14** as follows:

(1) In item (1) of the amendment (page 1, lines 6-7), strike "begins on the date on which the commissioner enters the order" and substitute "begins on the date the department first provides the insurer with formal written notice that the insurer's filed rate is excessive or unfairly discriminatory".

(2) Strike the SECTION of the amendment that amends Section 202.052(a), Insurance Code, and the SECTION following that SECTION (page 2, lines 2-19).

(3) In added Subsection (e), Section 751.101, Insurance Code (page 9, line 15), strike "If" and substitute "Subject to a determination under Subsection (c), if".

(4) Strike added Subsection (f), Article 5.43, Insurance Code (page 21, line 30, through page 22, line 1), and amend the recital to the SECTION amending Article 5.43, Insurance Code, appropriately.

Amendment No. 2 was adopted.

**Amendment No. 3**

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

Amend third reading Amendment No. 1 by Eiland to **SB 14** as follows:

(1) In item (1) of the amendment (page 1, lines 6-7), strike "begins on the date on which the commissioner enters the order" and substitute "begins on the date the department first provides the insurer with formal written notice that the insurer's filed rate is excessive or unfairly discriminatory".

(2) Strike the SECTION of the amendment that amends Section 202.052(a), Insurance Code, and the SECTION following that SECTION (page 2, lines 2-19).

(3) In added Subsection (e), Section 751.101, Insurance Code (page 9, line 15), strike "If" and substitute "Subject to a determination under Subsection (c), if".

(4) Strike added Subsection (f), Article 5.43, Insurance Code (page 21, line 30, through page 22, line 1), substitute the following, and amend the recital to the SECTION amending Article 5.43, Insurance Code, appropriately:

(d) This article applies to an insurer that uses a tier classification or discount program that has a premium consequence based in whole or in part on claims experience, without regard to whether any of the policies that continuously covered the policyholder, as described by Subsections (b)(1) and (2) of this article, was a different type of residential property insurance policy from the policy eligible for the discount.

Amendment No. 3 was withdrawn.

Amendment No. 1, as amended, was adopted.

**Amendment No. 4**

Representative Veasey offered the following amendment to **SB 14**:

Amend **SB 14** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Sections 1(2), (4), and (7), Article 21.49-2U, Insurance Code, are amended to read as follows:

(2) "Agent" means a person licensed or required to be licensed as a general property and casualty insurance agent under Subchapters B, C, D, or E, Chapter 4051 [~~Article 21.14 of this code~~].

(4) "Consumer" means an individual whose credit information has been reported to or is in the possession of a consumer reporting agency or an insurer [~~is used or whose credit score is computed in the underwriting or rating of a personal insurance policy~~]. The term includes an applicant for insurance coverage.

(7) "Credit report" means any written, oral, or other communication of information by a consumer reporting agency that[~~—~~

~~(A)~~ bears on a consumer's creditworthiness, credit standing, or credit capacity [~~—~~ and

~~(B)~~ is used or expected to be used or collected in whole or in part to serve as a factor to determine personal insurance premiums, eligibility for coverage, or tier placement].

(b) Section 2, Article 21.49-2U, Insurance Code, is amended to read as follows:

Sec. 2. APPLICATION. This article applies to each [~~an~~] insurer that writes personal insurance coverage [~~and uses credit information or credit reports for the underwriting or rating of that coverage~~].

(c) Section 3, Article 21.49-2U, Insurance Code, is amended to read as follows:

Sec. 3. [~~PROHIBITED~~] USE OF CREDIT INFORMATION PROHIBITED. (a) An insurer may not:

(1) use an underwriting guideline [~~a credit score~~] that is based, in whole or in part, on the credit information, credit report, or credit score of an applicant for insurance coverage or any other person other than the applicant who would be insured under a policy of personal insurance [~~computed using factors that constitute unfair discrimination~~];

(2) refuse to underwrite [~~deny~~], cancel, or nonrenew a policy of personal insurance based, in whole or in part, [~~solely~~] on the [~~basis of~~] credit information, credit report, or credit score of an applicant for insurance coverage or any other person other than the applicant who would be insured under the policy [~~without consideration of any other applicable underwriting factor independent of credit information~~]; [~~or~~

(3) take an action that results in an adverse effect against a consumer because the consumer does not have a credit card account;

(4) charge an applicant for insurance coverage a higher premium than otherwise would be charged based, in whole or in part, on the credit information, credit report, or credit score of the applicant or any other person other than the applicant who would be insured under a policy of personal insurance;

(5) rate a risk based, in whole or in part, on the credit information, credit report, or credit score of an applicant for insurance coverage or any other person other than the applicant who would be insured under a policy of personal insurance, including:

(A) providing or removing a discount;

(B) assigning the applicant for insurance coverage to a rating tier;

or

(C) placing an applicant for insurance coverage with an affiliated company; or

(6) require a particular payment plan based, in whole or in part, on the credit information, credit report, or credit score of the applicant for insurance coverage or any other person other than the applicant who would be insured under a policy of personal insurance [without consideration of any other applicable factor independent of credit information].

(b) An insurer may not consider an absence of credit information or an inability to determine credit information for an applicant for insurance coverage or insured as a factor in underwriting or rating an insurance policy ~~[unless the insurer:~~

~~[(1) has statistical, actuarial, or reasonable underwriting information that:~~

~~[(A) is reasonably related to actual or anticipated loss experience;~~

~~and~~

~~[(B) shows that the absence of credit information could result in actual or anticipated loss differences;~~

~~[(2) treats the consumer as if the applicant for insurance coverage or insured had neutral credit information, as defined by the insurer; or~~

~~[(3) excludes the use of credit information as a factor in underwriting and uses only other underwriting criteria].~~

(d) Section 16, Article 21.49-2U, Insurance Code, is amended to read as follows:

Sec. 16. DUTIES OF DEPARTMENT. The department shall [-

~~(1) update insurer profiles maintained on the department's Internet website to provide information to consumers stating whether or not an insurer uses credit scoring; and~~

~~(2)] post the report required under Section 15 of this article on the department's Internet website.~~

(e) Sections 4-11 and Section 13, Article 21.49-2U, Insurance Code, are repealed.

(f) This section applies only to a personal insurance policy:

(1) that is delivered, issued for delivery, or renewed on or after January 1, 2006;

(2) the application for which is submitted on or after January 1, 2006;  
or

(3) that is subject to determination of denial, cancellation, or nonrenewal on or after January 1, 2006.

(g) A personal insurance policy delivered, issued for delivery, or renewed before January 1, 2006, or the application for which is submitted before January 1, 2006, is governed by the law as it existed immediately before January 1, 2006, and that law is continued in effect for that purpose.

Amendment No. 4 was withdrawn.

**SB 14**, as amended, was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**GENERAL STATE CALENDAR  
SENATE BILLS  
THIRD READING**

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

**SB 982 ON THIRD READING  
(Puente - House Sponsor)**

**SB 982**, A bill to be entitled An Act relating to certain practices to improve energy conservation in state buildings.

A record vote was requested.

**SB 982** was passed by (Record 851): 143 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent — Delisi; Gonzalez Toureilles; Goolsby; Hodge.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 851. I intended to vote no.

Hilderbran

I was shown voting yes on Record No. 851. I intended to vote no.

Kolkhorst

**POSTPONED BUSINESS**

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

**SB 265 ON THIRD READING**

**(B. Keffer - House Sponsor)**

**SB 265**, A bill to be entitled An Act relating to certain continuing education requirements for insurance agents.

**SB 265** was read third time earlier today and was postponed until this time.

**SB 265** 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.)

**GENERAL STATE CALENDAR**

**(consideration continued)**

**SB 565 ON THIRD READING**

**(Driver - House Sponsor)**

**SB 565**, A bill to be entitled An Act relating to the posting of a list of employees in certain child-care facilities and family homes.

**SB 565** 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 1626 ON THIRD READING**

**(Kuempel - House Sponsor)**

**SB 1626**, A bill to be entitled An Act relating to local option elections to legalize or prohibit the sale of alcoholic beverages.

A record vote was requested.

**SB 1626** was passed by (Record 852): 123 Yeas, 22 Nays, 2 Present, not voting.

Yeas — Allen, R.; Alonzo; Anderson; Bailey; Baxter; Blake; Bohac; Bonnen; Branch; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Flores; Frost; Gallego;

Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Hartnett; Hagar; Hilderbran; Hochberg; Hodge; Homer; Hope; Hupp; Isett; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Martinez Fischer; McCall; McClendon; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Seaman; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Anchia; Berman; Brown, B.; Dawson; Farrar; Flynn; Harper-Brown; Herrero; Hill; Hopson; Howard; Hughes; Hunter; Jackson; Leibowitz; Madden; Martinez; McReynolds; Phillips; Riddle; Talton.

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

Absent — Noriega, M.; Smith, T.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 852. I intended to vote no.

Hilderbran

I was shown voting yes on Record No. 852. I intended to vote no.

Laubenberg

When Record No. 852 was taken, I was in the house but away from my desk. I would have voted no.

T. Smith

I was shown voting yes on Record No. 852. I intended to vote no.

Zedler

#### **SB 825 ON THIRD READING** **(Solomons - House Sponsor)**

**SB 825**, A bill to be entitled An Act relating to the Texas Online Authority's use of Texas Online revenue.

#### **Amendment No. 1**

Representative F. Brown offered the following amendment to **SB 825**:

Amend **SB 825** on 3rd reading, in added Section 2054.272(a), Government Code, by striking "The authority may not use any more of the States share of revenue generated by Texas Online than is necessary to cover the cost of operations" and substituting:

"The authority may use revenue generated by Texas Online, other than the state's share of revenue, to cover the cost of operations".

Amendment No. 1 was adopted.



**Amendment No. 2**

Representative F. Brown offered the following amendment to **SB 825**:

Amend **SB 825** on third reading by adding the following appropriately numbered section and renumbering the remaining sections of the bill accordingly:

SECTION \_\_\_\_ . Section 2054.252(e), Government Code, is amended to read as follows:

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

Amendment No. 2 was adopted.

**Amendment No. 3**

Representative F. Brown offered the following amendment to **SB 825**:

Amend **SB 825** on 3rd reading, in added Section 2054.272(a), Government Code, by striking "The authority may not use any more of the States share of revenue generated by Texas Online than is necessary to cover the cost of operations" and substituting:

"The authority may use revenue generated by Texas Online, other than the state's share of revenue, to cover the cost of operations".

Amendment No. 3 was withdrawn.

**Amendment No. 4**

Representative F. Brown offered the following amendment to **SB 825**:

Amend **SB 825** on third reading by adding the following appropriately numbered section and renumbering the remaining sections of the bill accordingly:

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

Sec. 2054.273. INDEPENDENT ANNUAL AUDIT. (a) Not later than August 1 of each year, any private vendor chosen to implement or manage the project shall have an audit of the vendor's finances associated with the management and operation of the project performed by an independent certified public accountant selected by the state. The vendor shall pay for the audit and shall have a copy of the audit provided to the authority.

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

- (1) the presiding officer of each house of the legislature; and
- (2) the chair of each committee in the legislature that has primary jurisdiction over the department.

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

Amendment No. 4 was adopted.

A record vote was requested.

**SB 825**, as amended, was passed by (Record 853): 147 Yeas, 0 Nays, 2 Present, not voting.

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

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

**SB 716 ON THIRD READING**  
**(Talton - House Sponsor)**

**SB 716**, A bill to be entitled An Act relating to payroll deductions for certain employees who are peace officers.

**SB 716** 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 990 ON THIRD READING**  
**(Eiland - House Sponsor)**

**SB 990**, A bill to be entitled An Act relating to a training and examination program on sexual abuse and child molestation for certain persons who work at youth camps.

**SB 990** 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 1192 ON THIRD READING**  
**(Hilderbran - House Sponsor)**

**SB 1192**, A bill to be entitled An Act relating to stamps for migratory and upland game bird hunting; providing a penalty.

A record vote was requested.

**SB 1192** was passed by (Record 854): 138 Yeas, 7 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; Coleman; Cook, B.; 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; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Hartnett; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Naishtat; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Chisum; Cook, R.; Delisi; Harper-Brown; Herrero; Kolkhorst; Smithee.

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

Absent — Chavez; Moreno, P.

**SB 1663 ON THIRD READING**  
**(Veasey - House Sponsor)**

**SB 1663**, A bill to be entitled An Act relating to emergency communication district participation in state travel services contracts.

A record vote was requested.

**SB 1663** was passed by (Record 855): 139 Yeas, 0 Nays, 3 Present, not voting.

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

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

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

Absent — Callegari; Hupp; Martinez Fischer; McCall; Moreno, P.; Quintanilla; Veasey.

### STATEMENT OF VOTE

When Record No. 855 was taken, my vote failed to register. I would have voted yes.

Hupp

### SB 45 ON THIRD READING (Delisi - House Sponsor)

**SB 45**, A bill to be entitled An Act relating to the establishment of an advisory committee on health care information technology.

**SB 45** 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 1246 ON THIRD READING (Woolley, Flores, et al. - House Sponsors)

**SB 1246**, A bill to be entitled An Act relating to local option elections in certain populous areas on the sale of mixed beverages by food and beverage establishments.

#### Amendment No. 1

Representative B. Keffer offered the following amendment to **SB 1246**:

Amend **SB 1246** on third reading in SECTION 1 of the bill in added Section 251.011, Alcoholic Beverage Code, by inserting Subsection (d) to read as follows:

(d) An election held under this section does not authorize a sexually oriented business to obtain a license or permit to sell mixed beverages or any alcoholic beverage of any type.

Amendment No. 1 was adopted.

(Speaker in the chair)

**Amendment No. 2**

Representative Jackson offered the following amendment to **SB 1246**:

Amend **SB 1246**, Section 1, Subsection (b), as follows:

(b) If the sale of mixed beverages in restaurants is not legal in all or part of a political subdivision described by Subsection (a), the Commissioner's Court of the county by majority vote may call an election [shall] to be held on the issue of "The legal sale of mixed beverages in restaurants by food and beverage certificate holders only" during the first uniform election held by the political subdivision after the date on which the political subdivision becomes subject to this section.

A record vote was requested.

Amendment No. 2 failed of adoption by (Record 856): 43 Yeas, 94 Nays, 2 Present, not voting.

Yeas — Anchia; Anderson; Bailey; Baxter; Berman; Brown, B.; Callegari; Campbell; Davis, Y.; Dawson; Eissler; Flynn; Gattis; Gonzalez Toureilles; Goodman; Griggs; Harper-Brown; Hartnett; Hill; Hope; Howard; Hughes; Hupp; Jackson; Jones, D.; Keffer, B.; King, P.; Laubenberg; Madden; McCall; Miller; Mowery; Otto; Paxton; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Talton; Taylor; Van Arsdale; Zedler.

Nays — Allen, A.; Allen, R.; Alonzo; Blake; Bohac; Bonnen; Brown, F.; Burnam; Castro; Chavez; Chisum; Coleman; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Giddings; Goolsby; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Hunter; Isett; Keel; Keffer, J.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Leibowitz; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, P.; Morrison; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Peña; Pickett; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Solis; Solomons; Strama; Straus; Swinford; Thompson; Truitt; Turner; Uresti; Veasey; Villarreal; West; Woolley.

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

Absent — Branch; Casteel; Cook, B.; Gonzales; Hegar; Luna; Seaman; Smithee; Vo; Wong.

**STATEMENTS OF VOTE**

When Record No. 856 was taken, I was in the house but away from my desk. I would have voted yes.

Branch

I was shown voting no on Record No. 856. I intended to vote yes.

Reyna

A record vote was requested.

**SB 1246**, as amended, was passed by (Record 857): 73 Yeas, 38 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Bohac; Bonnen; Brown, F.; Campbell; Cook, B.; Cook, R.; Corte; Crownover; Davis, J.; Delisi; Denny; Deshotel; Driver; Dunnam; Dutton; Edwards; Elkins; Farabee; Frost; Geren; Giddings; Gonzales; Gonzalez Toureilles; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Hegar; Herrero; Hilderbran; Hodge; Homer; Hunter; Keel; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Morrison; Naishtat; Nixon; Olivo; Otto; Peña; Pickett; Puente; Quintanilla; Raymond; Reyna; Ritter; Rose; Strama; Thompson; Truitt; Turner; Uresti; Veasey; Villarreal; Vo; Woolley.

Nays — Anchia; Anderson; Berman; Branch; Brown, B.; Chisum; Davis, Y.; Dawson; Eissler; Flynn; Gattis; Goolsby; Harper-Brown; Hartnett; Hill; Hochberg; Hope; Hopson; Howard; Hughes; Jackson; Jones, D.; Jones, J.; Keffer, B.; Keffer, J.; King, P.; Laubenberg; Madden; McCall; Mowery; Orr; Phillips; Riddle; Smith, T.; Taylor; Van Arsdale; West; Zedler.

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

Absent — Alonzo; Bailey; Baxter; Blake; Burnam; Callegari; Casteel; Castro; Chavez; Coleman; Dukes; Eiland; Escobar; Farrar; Flores; Gallego; Goodman; Griggs; Hupp; Isett; Miller; Moreno, P.; Noriega, M.; Oliveira; Paxton; Pitts; Rodriguez; Seaman; Smith, W.; Smithee; Solis; Solomons; Straus; Swinford; Talton; Wong.

### STATEMENT OF VOTE

When Record No. 857 was taken, I was in the house but away from my desk. I would have voted yes.

Gallego

### RESOLUTIONS CALENDAR

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

#### HCR 7

(by **R. Cook, Chisum, McReynolds, Hardcastle, Casteel, et al.**)

**HCR 7**, Memorializing Congress to preserve the community development block grant program and its funding at the U.S. Department of Housing and Urban Development.

**HCR 7** was adopted.

#### HR 1300

(by **Giddings**)

**HR 1300**, Memorializing Congress to enact legislation relating to the assessment of penalties by a financial institution for an insufficient funds check.

**Amendment No. 1**

Representative Giddings offered the following amendment to **HR 1300**:

Amend **HR 1300** as follows:

On page 1, Line 7, insert "against the issuer" between "penalty" and "in".

Amendment No. 1 was adopted.

**HR 1300**, as amended, was adopted. (Flynn recorded voting no.)

**RULES SUSPENDED**

Representative Haggerty moved to suspend all necessary rules to take up and consider **SB 784** on second reading, and if the bill is successfully passed to third reading, to also take the measure up on third reading this evening.

The motion prevailed.

**SB 784 ON SECOND READING  
(Haggerty - House Sponsor)**

**SB 784**, A bill to be entitled An Act relating to the acceptance by the Texas Commission on Environmental Quality of certain emissions reductions in exchange for other emissions reductions.

**SB 784** 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 784 ON THIRD READING  
(Haggerty - House Sponsor)**

**SB 784**, A bill to be entitled An Act relating to the acceptance by the Texas Commission on Environmental Quality of certain emissions reductions in exchange for other emissions reductions.

**SB 784** 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.)

**HR 2108 - ADOPTED  
(by Grusendorf)**

Representative Grusendorf moved to suspend all necessary rules to take up and consider at this time **HR 2108**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2108**, Honoring Daniel F. Gonzalez on his 21st birthday.

**HR 2108** was read and was adopted.

On motion of Representative Bonnen, the names of all the members of the house were added to **HR 2108** as signers thereof.

**PROVIDING FOR ADJOURNMENT**

Representative Kolkhorst moved that the house adjourn pending the receipt of senate messages, until 10 a.m. tomorrow in memory of Ron Kocian of Brenham.

The motion prevailed.

(Branch in the chair)

**MESSAGES FROM THE SENATE**

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 5 and 6).

**ADJOURNMENT**

In accordance with a previous motion, the house, at 11:17 p.m., adjourned until 10 a.m. tomorrow.

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**ADDENDUM**

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**SIGNED BY THE SPEAKER**

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

**Senate List No. 30**

**SCR 40, SCR 41**

**MESSAGES FROM THE SENATE**

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

**Message No. 4**

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Wednesday, May 25, 2005 - 4

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

**THE SENATE HAS PASSED THE FOLLOWING MEASURES:**



- HB 580** Smith, Wayne SPONSOR: Gallegos  
Relating to the authority of a county to provide hazardous materials services.  
(AMENDED)
- HB 602** Eissler SPONSOR: Williams  
Relating to the designation of a weight enforcement officer by a commissioners court in certain counties.  
(AMENDED)
- HB 908** Turner SPONSOR: Estes  
Relating to the use of the reverse auction procedure by the Texas Building and Procurement Commission and other state agencies.  
(AMENDED)
- HB 955** Solomons SPONSOR: Averitt  
Relating to the regulation of financial businesses and practices; providing civil penalties.  
(COMMITTEE SUBSTITUTE/AMENDED)
- HB 1207** Haggerty SPONSOR: Lindsay  
Relating to the exclusion of land from a water district with outstanding bonds for failure to provide sufficient services.  
(COMMITTEE SUBSTITUTE/AMENDED)
- HB 1238** Paxton SPONSOR: Wentworth  
Relating to distribution of certain child support payments by the state disbursement unit.  
(AMENDED)
- HB 2120** Allen, Ray SPONSOR: Lindsay  
Relating to the administration and powers of county government.  
(COMMITTEE SUBSTITUTE/AMENDED)
- HB 2257** Gallego SPONSOR: Madla  
Relating to the speed limit on certain highways in rural counties.  
(AMENDED)
- HB 2339** Corte SPONSOR: Jackson  
Relating to the provision of mail ballots to overseas voters and to conforming adjustments to related dates, deadlines, and procedures.  
(AMENDED)
- HB 2525** Callegari SPONSOR: Lindsay  
Relating to contracts by governmental entities for construction projects and related professional services and to public works performance and payment bonds.  
(COMMITTEE SUBSTITUTE/AMENDED)
- HB 2647** Homer SPONSOR: Deuell  
Relating to designation of Farm-to-Market Road 68 in Fannin County as Speaker Jimmy Turman Road.

**HB 2651** Krusee SPONSOR: Ogden  
Relating to the regulation of subsurface area drip dispersal systems by the Texas Commission on Environmental Quality.

**HB 2668** Dutton SPONSOR: Wentworth  
Relating to the performance by a private entity of the functions of a local child support registry or a child support enforcement agency and to the receipt, disbursement, and monitoring of child support payments.  
(AMENDED)

**HB 2928** Kolkhorst SPONSOR: Seliger  
Relating to projects that may be undertaken by certain development corporations with respect to business enterprises or business development.  
(COMMITTEE SUBSTITUTE/AMENDED)

**HB 3041** Branch SPONSOR: West, Royce  
Relating to the designation of the structure on Spur 366 connecting the east and west levee of the Trinity River as the Margaret Hunt Hill Bridge.

**HB 3112** Corte SPONSOR: Wentworth  
Relating to the security of computer networks in state government.  
(AMENDED)

**HB 3181** Turner SPONSOR: Lindsay  
Relating to the creation of the Central Harris County Regional Water Authority; providing authority to issue bonds or notes; granting the power of eminent domain; providing an administrative penalty.

**HB 3423** Morrison SPONSOR: Armbrister  
Relating to the creation of the Victoria County Groundwater Conservation District; providing authority to impose a tax and issue bonds; abolishing the Crossroads Groundwater Conservation District.

**HB 3426** Chavez SPONSOR: Shapleigh  
Relating to the establishment of a binational alcohol and substance abuse task force.  
(COMMITTEE SUBSTITUTE)

**HJR 79** Krusee SPONSOR: Staples  
Proposing a constitutional amendment authorizing the legislature to provide for a six-year term for a board member of a regional mobility authority.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 5**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Wednesday, May 25, 2005 - 5

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 34** Eissler SPONSOR: Williams  
Relating to erecting an off-premise sign adjacent to and visible from certain roads.

**HB 39** Eissler SPONSOR: Staples  
Relating to outdoor burning of household refuse in certain counties; creating an offense.

**HB 43** Davis, Yvonne SPONSOR: Ellis  
Relating to requiring the Texas Department of Criminal Justice to conduct a mandatory human immunodeficiency virus test on certain inmates and state jail felons.

**HB 51** Smith, Todd SPONSOR: Zaffirini  
Relating to the punishment prescribed for and conditions of community supervision imposed on certain persons who commit intoxication offenses.

**HB 62** McClendon SPONSOR: Eltife  
Relating to procedures for appealing a residential eviction suit.

**HB 75** Hope SPONSOR: Duncan  
Relating to the selection of a jury in criminal and civil cases.

**HB 107** Van Arsdale SPONSOR: Carona  
Relating to prohibiting actions brought against certain persons alleging injury relating to an individual's weight gain, obesity, or any health condition associated with weight gain or obesity.

**HB 133** Brown, Fred SPONSOR: Ogden  
Relating to the award of academic credit to a student at an institution of higher education for the completion of certain military training.

**HB 135** Solomons SPONSOR: Harris  
Relating to regulation of health spas.

**HB 148** Harper-Brown SPONSOR: Carona  
Relating to the probationary period of persons appointed to beginning positions in certain fire or police departments.

**HB 157** Cook, Byron SPONSOR: Averitt  
Relating to the conditions of community supervision for certain persons convicted of an intoxication offense.

**HB 178** Denny SPONSOR: Averitt

Relating to the use of electronically readable information from a driver's license or personal identification card in an election.

**HB 192** Eissler SPONSOR: Williams

Relating to the determination of the validity of certain Montgomery County Hospital District election petitions.

**HB 201** Goodman SPONSOR: Van de Putte

Relating to the eligibility of a spouse for spousal maintenance in a suit for dissolution of a marriage.

**HB 251** Eissler SPONSOR: Williams

Relating to the release of certain information regarding a workers' compensation claim.

**HB 266** Smith, Wayne SPONSOR: Lindsay

Relating to the time for processing certain county permits.

**HB 269** Keel SPONSOR: West, Royce

Relating to the effect of an expunction.

**HB 270** Farrar SPONSOR: Zaffirini

Relating to court-ordered access to a child by the child's sibling.

**HB 312** McReynolds SPONSOR: Staples

Relating to the additional tax imposed on land appraised for ad valorem taxation as timber land that is claimed as part of a residence homestead or diverted to certain other uses.

**HB 363** Hegar SPONSOR: Armbrister

Relating to the declination of certain property and casualty insurance policies.

**HB 365** Hegar SPONSOR: Armbrister

Relating to the date of the election of directors for the Coastal Bend Groundwater Conservation District.

**HB 370** Farabee SPONSOR: Madla

Relating to deferred disposition of certain traffic offenses by certain holders of out-of-state driver's licenses.

**HB 381** Kolkhorst SPONSOR: Armbrister

Relating to the service area of the Blinn College District.

**HB 383** Dutton SPONSOR: Hinojosa

Relating to the right of certain persons to discipline a child.

**HB 401** Villarreal SPONSOR: Averitt

Relating to providing information to certain persons about the availability of volunteer income tax assistance programs and the federal earned income tax credit.

**HB 407** Uresti SPONSOR: Madla

Relating to coverage for school district employees under certain health benefit plans.

- HB 418** Turner SPONSOR: Whitmire  
Relating to an exception to the 72-hour waiting period for a marriage ceremony for certain individuals.
- HB 473** West, George "Buddy" SPONSOR: Armbrister  
Relating to examinations for licenses to engage in certain liquefied petroleum gas-related activities.
- HB 474** West, George "Buddy" SPONSOR: Armbrister  
Relating to the duty of a gas utility to report certain transactions to the Railroad Commission of Texas.
- HB 480** Keel SPONSOR: Wentworth  
Relating to the towing and storage of certain vehicles; providing a penalty.
- HB 484** West, George "Buddy" SPONSOR: Armbrister  
Relating to the filing of electric logs with the Railroad Commission of Texas.
- HB 505** Hilderbran SPONSOR: Madla  
Relating to the discharge of a firearm across a property line; providing a penalty.
- HB 506** Hilderbran SPONSOR: Jackson  
Relating to hunting on or over certain submerged land; providing a penalty.
- HB 511** Hochberg SPONSOR: Van de Putte  
Relating to the processing of consumer rebates.
- HB 573** Flynn SPONSOR: Duncan  
Relating to collateral for deposits of public school funds.
- HB 578** Campbell SPONSOR: Armbrister  
Relating to the inclusion in a regional water plan of information regarding water infrastructure facilities that may be used in an emergency shortage of water.
- HB 582** Reyna SPONSOR: Whitmire  
Relating to the prosecution of the offense of taking or attempting to take a stun gun from a peace officer, parole officer, or community supervision and corrections department officer.
- HB 616** Callegari SPONSOR: Lindsay  
Relating to a landowner's liability for injuries incurred during certain recreational activities.
- HB 617** McCall SPONSOR: Duncan  
Relating to contributions made by and the service retirement annuity paid to certain members of the Judicial Retirement System of Texas Plan Two.
- HB 637** Goolsby SPONSOR: Zaffirini  
Relating to authorizing an extension of credit secured by a residence homestead in which a minor or ward has an ownership interest.
- HB 638** Hegar SPONSOR: Armbrister  
Relating to the applicability of procedures governing restrictive covenants in certain residential subdivisions.

- HB 647** Krusee SPONSOR: Ogden  
Relating to the issuance of county obligations for public improvements and to the review and approval of refunding bonds by the attorney general.
- HB 659** Hupp SPONSOR: Fraser  
Relating to authorizing a qualified organization under the Charitable Raffle Enabling Act to conduct a reverse raffle.
- HB 669** Jones, Jesse SPONSOR: Carona  
Relating to a study of the feasibility of requiring registration of certain assisted living facilities.
- HB 677** Thompson SPONSOR: Wentworth  
Relating to emergency services for sexual assault survivors.
- HB 681** Gattis SPONSOR: Ogden  
Relating to the forfeiture of good conduct time from inmates who file frivolous applications for writ of habeas corpus.
- HB 698** McCall SPONSOR: Averitt  
Relating to the creation and disposal of certain materials that contain personal identifying information; providing a civil penalty.
- HB 699** McCall SPONSOR: Carona  
Relating to prosecution and punishment of certain offenses relating to a driver's license or personal identification certificate.
- HB 703** Elkins SPONSOR: Lindsay  
Relating to the deferral of adjudication in cases involving certain misdemeanor traffic offenses.
- HB 706** Haggerty SPONSOR: Whitmire  
Relating to the adoption of the Interstate Compact for Juveniles.
- HB 731** Jackson, Jim SPONSOR: Madla  
Relating to an electronic requisition system for counties.
- HB 765** Menendez SPONSOR: Van de Putte  
Relating to notice of coverage under certain group health insurance policies and standard health benefit plans.
- HB 776** Howard SPONSOR: Janek  
Relating to the Wharton County Junior College District service area.
- HB 790** Crownover SPONSOR: Nelson  
Relating to the conduct of newborn screening by the Department of State Health Services.
- HB 809** Hilderbran SPONSOR: Staples  
Relating to excepting certain motor vehicles owned by an individual and used for the production of income from required rendition for ad valorem tax purposes.
- HB 825** Talton SPONSOR: Whitmire  
Relating to the prosecution of the offense of interference with public duties.

- HB 831** Gonzales SPONSOR: Lucio  
Relating to the eligibility of certain judges to retire with full benefits.
- HB 853** Solomons SPONSOR: Harris  
Relating to the return of merchandise; providing a civil penalty.
- HB 858** Kolkhorst SPONSOR: Armbrister  
Relating to the issuance of a marriage license to applicants who are unable to personally appear before the county clerk.
- HB 860** Casteel SPONSOR: Ellis  
Relating to charitable contributions by state employees to certain General Land Office programs.
- HB 868** Ritter SPONSOR: Williams  
Relating to the establishment of a Center for Excellence in Deaf Studies and Deaf Education at Lamar University.
- HB 900** Chavez SPONSOR: Zaffirini  
Relating to the requirement that workforce development programs provide training in financial literacy.
- HB 915** Woolley SPONSOR: Whitmire  
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.
- HB 934** Taylor SPONSOR: Hinojosa  
Relating to notice requirements in certain proceedings relating to charitable trusts.
- HB 967** Haggerty SPONSOR: Whitmire  
Relating to administration of the criminal justice information system.
- HB 970** Keel SPONSOR: Hinojosa  
Relating to the required mental state for commission of certain misdemeanor offenses.
- HB 972** Solomons SPONSOR: Nelson  
Relating to the continuation and functions of the Texas Board of Chiropractic Examiners; providing a criminal penalty.
- HB 975** Madden SPONSOR: Harris  
Relating to a deposition taken of a witness in a criminal action.
- HB 994** Gonzales SPONSOR: West, Royce  
Relating to the tuition charged for certain courses repeated by students attending public junior colleges and public technical institutes.
- HB 1012** Hilderbran SPONSOR: Whitmire  
Relating to the offense of abuse of a corpse and to the offense of criminal mischief in certain circumstances; providing a criminal penalty.
- HB 1030** Taylor SPONSOR: Jackson, Mike  
Relating to availability of preferred providers.
- HB 1054** Hope SPONSOR: Staples

Relating to the creation of the Montgomery County Municipal Utility District No. 100; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**HB 1055** Hope SPONSOR: Staples

Relating to the creation of the Montgomery County Municipal Utility District No. 101; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**HB 1063** Oliveira SPONSOR: Lucio

Relating to a fee to support the wellness, recreational, and fitness complex at The University of Texas at Brownsville.

**HB 1071** Uresti SPONSOR: Van de Putte

Relating to the format in which certain reports of political contributions and expenditures are filed.

**HB 1079** West, George "Buddy" SPONSOR: Seliger

Relating to the eligibility of certain judges to retire with full benefits.

**HB 1092** Smith, Wayne SPONSOR: Gallegos

Relating to the authority of certain counties to remove property from county roads.

**HB 1102** Miller SPONSOR: Fraser

Relating to certain student fees at Tarleton State University.

**HB 1106** Howard SPONSOR: Janek

Relating to the repeal of the Public School Facilities Funding Act.

**HB 1111** King, Phil SPONSOR: Brimer

Relating to admission to open-enrollment charter schools that specialize in performing arts.

**HB 1114** Nixon SPONSOR: Duncan

Relating to contributions by and benefits for certain members and retirees under the Judicial Retirement System of Texas Plan One and Plan Two.

**HB 1126** Uresti SPONSOR: Madla

Relating to exemptions from the law governing emergency medical services for certain transfer vehicles and staff and to the minimum qualifications for obtaining an emergency medical services provider license.

**HB 1132** Haggerty SPONSOR: Averitt

Relating to the regulation of and rights of private security personnel.

**HB 1140** Flynn SPONSOR: Averitt

Relating to the specifications and fees for legal papers filed with a county clerk.

**HB 1161** Farabee SPONSOR: Armbrister

Relating to the provision of certain information to owners of oil or gas royalty interests by the Railroad Commission of Texas.

**HB 1162** Farabee SPONSOR: Armbrister



Relating to the training, examination, and seminar attendance requirements for applicants for or holders of licenses or registrations to perform certain activities pertaining to compressed natural gas or liquefied natural gas.

**HB 1173** Brown, Fred SPONSOR: Ogden

Relating to the regulation of the use of postsecondary credits and degrees, persons offering or granting certain postsecondary credits and degrees, and the manner of offering or granting those credits and degrees; providing criminal penalties.

**HB 1181** Dutton SPONSOR: Wentworth

Relating to access to criminal history record information by a domestic relations office.

**HB 1188** Hartnett SPONSOR: West, Royce

Relating to tax increment financing.

**HB 1215** Morrison SPONSOR: Armbrister

Relating to the degree programs offered by the University of Houston-Victoria.

**HB 1234** Paxton SPONSOR: Harris

Relating to the appointment of substitute trustees in certain foreclosures.

**HB 1244** Hopson SPONSOR: Ogden

Relating to specialty license plates for classic travel trailers.

**HB 1248** Villarreal SPONSOR: Wentworth

Relating to erecting an off-premise sign adjacent to and visible from certain roads.

**HB 1253** Kuempel SPONSOR: Armbrister

Relating to projects that may be undertaken by certain development corporations for career centers.

**HB 1268** Bohac SPONSOR: Janek

Relating to the information included on a voter registration application.

**HB 1274** Hardcastle SPONSOR: Estes

Relating to the service area of the Ranger Junior College District.

**HB 1287** Leibowitz SPONSOR: Madla

Relating to county abatement of a public nuisance.

**HB 1294** Rose SPONSOR: Williams

Relating to interlocutory appeals.

**HB 1323** Swinford SPONSOR: Seliger

Relating to the prosecution of the offense of credit card or debit card abuse.

**HB 1353** Cook, Robby SPONSOR: Duncan

Relating to creation and operation of a guaranty fund for certain groups certified to self insure for workers' compensation insurance coverage and to service companies that administer the guaranty fund.

**HB 1366** Allen, Ray SPONSOR: Janek

Relating to the regulation of nursing.

**HB 1399** Dutton SPONSOR: Whitmire

Relating to notice of a landlord's motor vehicle towing or parking rules and policies and to liability arising from certain actions of a towing service; providing a civil penalty.

**HB 1404** Deshotel SPONSOR: Hinojosa

Relating to the fees collected by a county clerk for certain filings in pending probate actions.

**HB 1413** Truitt SPONSOR: Whitmire

Relating to the continuation and functions of the Texas State Board of Examiners of Marriage and Family Therapists.

**HB 1414** Rodriguez SPONSOR: Ellis

Relating to the acceptance and counting of certain ballots voted by mail.

**HB 1426** Anderson SPONSOR: Armbrister

Relating to the confidentiality of certain information in a rabies vaccination certificate.

**HB 1438** Talton SPONSOR: Whitmire

Relating to continuing education for peace officers.

**HB 1449** Dutton SPONSOR: Harris

Relating to suits affecting the parent-child relationship, including proceedings for the establishment, modification, and enforcement of child support; providing a civil penalty.

**HB 1462** Flores SPONSOR: Hinojosa

Relating to the referral by the Texas Water Development Board of certain persons to another state agency, office, or division for investigation or enforcement action.

**HB 1470** Hegar SPONSOR: Hinojosa

Relating to the collection of certain administrative fees by a community supervision and corrections department.

**HB 1472** Casteel SPONSOR: Wentworth

Relating to the creation of a management trust by a probate court.

**HB 1475** Eiland SPONSOR: Williams

Relating to repealing certain authority regarding taxation and financing by the Chambers County Public Hospital District No. 1.

**HB 1484** Talton SPONSOR: Whitmire

Relating to the penalty for failing to perform certain duties following a vehicle accident.

**HB 1502** Davis, John SPONSOR: Nelson

Relating to payment for medical assistance provided to an individual who is dually eligible for Medicaid and Medicare.

- HB 1509** Denny SPONSOR: Jackson  
Relating to the requirements for the validity of a signature on certain petitions.
- HB 1535** Truitt SPONSOR: Shapleigh  
Relating to the continuation and functions of the Texas Midwifery Board.
- HB 1547** Pickett SPONSOR: Van de Putte  
Relating to the form of the loan contract and related documents for a consumer loan.
- HB 1571** Taylor SPONSOR: Averitt  
Relating to requirements for a group life insurance policy to be issued for certain employee groups.
- HB 1572** Taylor SPONSOR: Fraser  
Relating to the recovery of certain costs and payments relating to losses covered by personal automobile insurance.
- HB 1575** Dutton SPONSOR: West, Royce  
Relating to juvenile delinquency; providing a criminal penalty.
- HB 1580** Bohac SPONSOR: Lindsay  
Relating to the period for preserving precinct election records.
- HB 1582** Chavez SPONSOR: Ellis  
Relating to a study of residential foreclosures in certain counties.
- HB 1584** Casteel SPONSOR: Madla  
Relating to requiring the operator of a vehicle storage facility to accept certain forms of payment for the delivery or storage of a vehicle.
- HB 1589** Driver SPONSOR: Williams  
Relating to the administration of polygraph examinations to certain applicants for positions in the Department of Public Safety.
- HB 1596** Paxton SPONSOR: Nelson  
Relating to the regulation of motor-assisted scooters.
- HB 1610** Chisum SPONSOR: Brimer  
Relating to a county fee for an activity that excavates or cuts the surface of a county road.
- HB 1614** Denny SPONSOR: Duncan  
Relating to supervision of a primary election by the county executive committee.
- HB 1631** Hilderbran SPONSOR: Fraser  
Relating to amendment of restrictions governing certain residential subdivisions.
- HB 1632** Hope SPONSOR: Staples  
Relating to the powers of a property owners' association relating to restrictive covenants in certain subdivisions.
- HB 1636** Allen, Ray SPONSOR: Armbrister  
Relating to residency in relation to a license or permit or certain hunting and catching restrictions of the Parks and Wildlife Department; providing a penalty.

- HB 1647** Hughes SPONSOR: Fraser  
Relating to the appointment of a campaign treasurer and the filing of reports by a political party's county executive committee that accepts or makes a certain amount of political contributions or expenditures.
- HB 1648** Hughes SPONSOR: Eltife  
Relating to the expansion of the boundaries of the Wood County Central Hospital District of Wood County.
- HB 1659** Chavez SPONSOR: Lucio  
Relating to the designation of certain areas of this state as enterprise zones under the enterprise zone program.
- HB 1664** Harper-Brown SPONSOR: Shapiro  
Relating to the reporting of political contributions and expenditures by certain political committees.
- HB 1672** Howard SPONSOR: Janek  
Relating to costs imposed in connection with the collection and enforcement of certain tolls.
- HB 1673** Cook, Robby SPONSOR: Armbrister  
Relating to the procedure for conversion and creation of a special utility district.
- HB 1681** McCall SPONSOR: Seliger  
Relating to the imposition of sanctions on an inmate who refuses to cooperate in the taking of a sample or specimen to create a DNA record.
- HB 1718** Zedler SPONSOR: Nelson  
Relating to the regulation of certain nursing practices.
- HB 1733** Swinford SPONSOR: Armbrister  
Relating to prohibiting disclosure of certain records or reports by the Texas Feed and Fertilizer Control Service.
- HB 1737** Flores SPONSOR: Zaffirini  
Relating to the establishment of a dual usage educational complex by a junior college district and other political subdivisions or institutions of higher education.
- HB 1740** Seaman SPONSOR: Armbrister  
Relating to authorizing the City of Aransas Pass to acquire certain state property.
- HB 1744** Seaman SPONSOR: Hinojosa  
Relating to the operation of the Fair Access to Insurance Requirements (FAIR) Plan Association.
- HB 1751** Pena SPONSOR: Whitmire  
Relating to the procedures governing the payment of restitution by criminal defendants.
- HB 1767** Cook, Robby SPONSOR: Armbrister  
Relating to the regulation of veterinary medicine.
- HB 1773** Miller SPONSOR: Averitt

Relating to the authority of certain counties to impose a hotel occupancy tax and to the use of that tax revenue.

**HB 1775** Taylor SPONSOR: Averitt

Relating to the meaning of certain terms used in a specified disease insurance policy.

**HB 1789** Callegari SPONSOR: Lindsay

Relating to certain obsolete documents issued in connection with the licensing of drivers.

**HB 1799** Denny SPONSOR: Fraser

Relating to a transfer and nonsubstantive revision of laws governing the holding of local option elections regarding alcoholic beverages.

**HB 1812** Hamilton SPONSOR: Staples

Relating to annexation and incorporation procedures for certain unincorporated areas in certain counties.

**HB 1816** West, George "Buddy" SPONSOR: Shapiro

Relating to the transfer of powers and duties over railroads from the Railroad Commission of Texas to the Texas Department of Transportation.

**HB 1829** Wong SPONSOR: Averitt

Relating to authorizing certain institutions of higher education to charge fees for processing or handling certain payments or payment transactions.

**HB 1831** Talton SPONSOR: Hinojosa

Relating to the definition of "convicted" for purposes of eligibility to carry a concealed handgun.

**HB 1851** King, Tracy SPONSOR: Madla

Relating to erecting an off-premise sign adjacent to and visible from certain roads.

**HB 1890** Smithee SPONSOR: Jackson

Relating to the operation and funding of the Texas Windstorm Insurance Association, including funding of coverage for certain catastrophic events through the establishment of a revenue bond program.

**HB 1891** Eiland SPONSOR: Jackson

Relating to certain insurers subject to the Texas Windstorm Insurance Association.

**HB 1896** Hodge SPONSOR: Whitmire

Relating to the application of laws awarding credit to an inmate for time between release on and subsequent revocation of parole, mandatory supervision, or conditional pardon.

**HB 1919** Allen, Ray SPONSOR: Harris

Relating to notice in certain real property transactions concerning public improvement districts.

- HB 1925** Driver SPONSOR: Brimer  
Relating to removal or covering of certain signs in a construction or maintenance work zone.
- HB 1928** Moreno, Joe E. SPONSOR: Gallegos  
Relating to the reimbursement of medical expenses incurred by county jailers and detention officers exposed to certain contagious diseases.
- HB 1934** Gonzalez Toureilles SPONSOR: Gallegos  
Relating to security fees for justice courts.
- HB 1939** Ritter SPONSOR: Fraser  
Relating to certain disqualifications for unemployment compensation benefits for assigned employees of staff leasing services companies.
- HB 1940** Ritter SPONSOR: Wentworth  
Relating to alternative dispute resolution of certain contract claims against the state.
- HB 1945** Hilderbran SPONSOR: Madla  
Relating to the filing of personal financial statements by the state chair of a political party.
- HB 1959** McReynolds SPONSOR: Armbrister  
Relating to the hunting of deer with dogs and the taking of wildlife resources without the consent of the landowner; providing penalties.
- HB 1977** Gallego SPONSOR: Gallegos  
Relating to the presentation of Star of Texas awards to peace officers, firefighters, and emergency medical first responders who are killed or sustain serious or fatal injuries in the line of duty.
- HB 1981** Blake SPONSOR: Staples  
Relating to the amount of the fee that the Pineywoods Groundwater Conservation District may impose on a well.
- HB 1984** Bohac SPONSOR: Janek  
Relating to the information required to be provided with a notice of appraised value for ad valorem tax purposes and an ad valorem tax bill.
- HB 1986** Solomons SPONSOR: Nelson  
Relating to the administration and powers of a coordinated county transportation authority.
- HB 1987** Bonnen SPONSOR: Armbrister  
Relating to the regulation of underground and aboveground storage tanks.
- HB 1996** Hunter SPONSOR: Duncan  
Relating to the election of directors of the Wes-Tex Groundwater Conservation District.
- HB 1999** Van Arsdale SPONSOR: Lindsay

Relating to the preparation of medical history reports by parents who relinquish children for adoption.

**HB 2026** Hilderbran SPONSOR: Jackson, Mike

Relating to the recovery of certain enforcement-related costs and to the taking and possession of certain wildlife or eggs, including requirements related to taxidermy and tanning and to harmful aquatic plants; imposing penalties.

**HB 2027** Hilderbran SPONSOR: Armbrister

Relating to the use of certain weapons in or on the beds or banks of certain rivers and streams in particular counties; providing a penalty.

**HB 2036** Allen, Ray SPONSOR: Shapiro

Relating to the regulation of sex offender treatment providers and the treatment of sex offenders; providing a penalty.

**HB 2059** Madden SPONSOR: Jackson

Relating to the period of voter registration of a person registered by a federal postcard application.

**HB 2064** Goolsby SPONSOR: Carona

Relating to private club alcoholic beverage permits issued to a fraternal or veterans organization.

**HB 2065** Goolsby SPONSOR: Carona

Relating to operation of the holder of a private club registration permit under the Alcoholic Beverage Code.

**HB 2068** Anderson SPONSOR: Averitt

Relating to the designation of certain state agencies as voter registration agencies.

**HB 2069** Anderson SPONSOR: Averitt

Relating to contracts to provide election services to a political party.

**HB 2071** Rose SPONSOR: Van de Putte

Relating to the designation of U.S. Highway 281 as the American Legion Memorial Highway.

**HB 2077** Kolkhorst SPONSOR: Staples

Relating to the prohibition of wireless communications devices in correctional facilities operated by or under contract with the Texas Department of Criminal Justice; providing penalties.

**HB 2100** Delisi SPONSOR: Nelson

Relating to heirloom wedding anniversary certificates.

**HB 2101** Delisi SPONSOR: Nelson

Relating to heirloom birth certificates.

**HB 2104** Delisi SPONSOR: Nelson

Relating to the prosecution of the offense of hindering apprehension or prosecution.

**HB 2109** Berman SPONSOR: Shapiro

Relating to the Early High School Graduation Scholarship program.

**HB 2134** Phillips SPONSOR: Shapleigh  
Relating to the administration of the state infrastructure bank.

**HB 2139** Phillips SPONSOR: Wentworth  
Relating to certain agreements by the Texas Department of Transportation involving pass-through tolls.

**HB 2140** Phillips SPONSOR: Seliger  
Relating to the provision of notice to affected political subdivisions regarding the proposed construction of a reservoir.

**HB 2157** Smithee SPONSOR: Harris  
Relating to the receivership of insurers in this state; providing penalties.

**HB 2158** Delisi SPONSOR: Nelson  
Relating to an exemption from annual registration fees for a retired physician who provides volunteer medical services in a disaster.

**HB 2180** Anderson SPONSOR: Averitt  
Relating to donees of anatomical gifts.

**HB 2194** Madden SPONSOR: Whitmire  
Relating to the review of the results of competency examinations in criminal cases by the Texas Correctional Office on Offenders with Medical or Mental Impairments.

**HB 2195** Madden SPONSOR: Whitmire  
Relating to the disclosure of certain confidential health information to the Texas Department of Criminal Justice.

**HB 2197** Madden SPONSOR: Whitmire  
Relating to the availability to the public of photographs of an inmate confined by the Texas Department of Criminal Justice.

**HB 2228** McCall SPONSOR: Ellis  
Relating to the creation of the offense of online sexual solicitation of a minor.

**HB 2235** Baxter SPONSOR: Barrientos  
Relating to the merger of emergency services districts.

**HB 2254** Rose SPONSOR: Armbrister  
Relating to reducing the penalty for a failure by a disabled or elderly person to make a timely installment payment of ad valorem taxes imposed on the person's residence homestead.

**HB 2267** Smith, Wayne SPONSOR: Ellis  
Relating to the powers of the Coastal Water Authority; providing the authority to impose a tax; affecting the authority to issue bonds.

**HB 2273** Cook, Byron SPONSOR: Fraser  
Relating to the administration of the unemployment compensation system by the Texas Workforce Commission.



- HB 2280** Denny SPONSOR: Fraser  
Relating to the implementation of a statewide voter registration system as required by the federal Help America Vote Act.
- HB 2294** Cook, Robby SPONSOR: Armbrister  
Relating to the venue for certain crimes regarding misapplication of property.
- HB 2296** Cook, Robby SPONSOR: Armbrister  
Relating to the reduction of a state jail felony prosecution to a misdemeanor prosecution.
- HB 2300** Turner SPONSOR: Whitmire  
Relating to the authority of metropolitan rapid transit authorities to use a hybrid delivery system for certain construction projects.
- HB 2301** Turner SPONSOR: Ellis  
Relating to proceedings involving the change of rates of a water and sewer utility.
- HB 2303** Driver SPONSOR: Armbrister  
Relating to the regulation of and rights of private security personnel.
- HB 2309** Denny SPONSOR: Jackson  
Relating to certain election processes and procedures.
- HB 2333** Morrison SPONSOR: West, Royce  
Relating to the qualifications of and training and continuing education for certain officials and personnel of career schools or colleges.
- HB 2344** Luna SPONSOR: West, Royce  
Relating to the Council on Cardiovascular Disease and Stroke.
- HB 2348** Raymond SPONSOR: Zaffirini  
Relating to construction on a highway under the jurisdiction of the Texas Department of Transportation by certain transit departments.
- HB 2381** Hegar SPONSOR: Armbrister  
Relating to posting on the Internet the notice of a meeting of the governing body of a county and certain districts and political subdivisions.
- HB 2384** Madden SPONSOR: Whitmire  
Relating to the composition of the Advisory Committee to the Texas Board of Criminal Justice on Offenders with Medical or Mental Impairments.
- HB 2388** Thompson SPONSOR: Fraser  
Relating to insurance fraud reporting requirements.
- HB 2408** Bonnen SPONSOR: Wentworth  
Relating to delivery to an employer of an order or writ for the withholding of child support from an employee's earnings.
- HB 2414** Keffer, Jim SPONSOR: Fraser  
Relating to jury service in certain counties.
- HB 2428** Puente SPONSOR: Armbrister

Relating to water and energy saving performance standards for commercial prerinse spray valves.

**HB 2430** Puente SPONSOR: Armbrister

Relating to the establishment of a rainwater harvesting evaluation committee and to standards for harvested rainwater.

**HB 2437** Haggerty SPONSOR: Lucio

Relating to rate regulation of certain insurers writing personal automobile insurance.

**HB 2440** West, George "Buddy" SPONSOR: Armbrister

Relating to the regulation by the Railroad Commission of Texas of activities associated with multiple accumulations of hydrocarbons from which production by commingling of hydrocarbons is authorized.

**HB 2441** Leibowitz SPONSOR: Van de Putte

Relating to the recreational facility fee at The University of Texas at San Antonio.

**HB 2454** Jones, Jesse SPONSOR: Ellis

Relating to the eligibility of certain voters to vote a limited ballot in a new county of residence.

**HB 2458** Jones, Jesse SPONSOR: Carona

Relating to authorizing the commissioners court of a county to delegate its authority to make certain budget transfers.

**HB 2463** Villarreal SPONSOR: Janek

Relating to the creation of a Medicaid health literacy pilot program and health care funding districts in certain counties and authorizing the districts to impose taxes on certain institutional health care providers located in the districts.

**HB 2470** Delisi SPONSOR: Nelson

Relating to the operations of and the funding mechanisms for emergency medical services and trauma facility care in this state.

**HB 2471** Delisi SPONSOR: Nelson

Relating to authorizing the Department of State Health Services to issue a single license for multiple hospitals.

**HB 2473** Delisi SPONSOR: Ellis

Relating to certain state publications maintained by the Texas State Library and Archives Commission.

**HB 2476** Delisi SPONSOR: Nelson

Relating to allowing the Texas Medical Disclosure Panel to hold hearings by telecommunication methods.

**HB 2495** Wong SPONSOR: Lindsay

Relating to the transfer of a motor vehicle title at a dealer auction.

**HB 2507** Bohac SPONSOR: Ellis

Relating to the regulation of mobile food units and roadside food vendors in certain populous areas.

**HB 2509** Bohac SPONSOR: Ellis  
Relating to jurisdiction of a municipal court over an action to enforce certain vehicle dealer and manufacturer license plate laws.

**HB 2526** Flores SPONSOR: Whitmire  
Relating to the promotional activities of certain alcoholic beverage license or permit holders.

**HB 2574** Hamric SPONSOR: Whitmire  
Relating to the waiver of civil process continuing education requirements for constables and deputy constables by the Commission on Law Enforcement Officer Standards and Education.

**HB 2581** Solomons SPONSOR: Armbrister  
Relating to the regulation of a perpetual care cemetery and the sale of interment rights in a mausoleum before completion of construction.

**HB 2590** Gonzales SPONSOR: Lucio  
Relating to the issuance of a package store tasting permit to the holder of a wine only package store permit.

**HB 2594** Coleman SPONSOR: Nelson  
Relating to the health disparities task force.

**HB 2613** Eiland SPONSOR: Averitt  
Relating to the adoption of the Interstate Insurance Product Regulation Compact.

**HB 2618** Eiland SPONSOR: Nelson  
Relating to county expenditures for certain health care services.

**HB 2626** Smith, Wayne SPONSOR: Lindsay  
Relating to the penalties and fees imposed by municipalities and counties in relation to certain false alarms.

**HB 2627** Moreno, Paul SPONSOR: Carona  
Relating to certain requirements for issuance of a barbershop permit.

**HB 2630** Hill SPONSOR: Carona  
Relating to procedures regarding the removal and storage of vehicles.

**HB 2639** Geren SPONSOR: Brimer  
Relating to the powers and duties of the Tarrant Regional Water District.

**HB 2640** Jones, Delwin SPONSOR: Duncan  
Relating to municipal civil service coverage for certain employees of a fire department.

**HB 2650** Krusee SPONSOR: Brimer  
Relating to local government participation in the financing of turnpike projects.

**HB 2661** Krusee SPONSOR: Ogden

Relating to the use of competitive sealed proposals for certain construction projects.

**HB 2677** Driver SPONSOR: Seliger

Relating to certain employment records maintained by the Commission on Law Enforcement Officer Standards and Education; providing an administrative penalty.

**HB 2694** Anchia SPONSOR: Carona

Relating to the eligibility of certain counties to use the competitive proposal procedure for certain purchases.

**HB 2695** Anchia SPONSOR: West, Royce

Relating to allowing a county to consider health insurance benefits provided by a bidder to its employees when awarding a purchasing contract.

**HB 2696** Anchia SPONSOR: West, Royce

Relating to the licensing and regulation of massage therapy and massage establishments and certain services related to massage; providing penalties.

**HB 2716** Swinford SPONSOR: Eltife

Relating to equal employment opportunity reports.

**HB 2755** McReynolds SPONSOR: Duncan

Relating to the authority of certain development corporations to undertake projects for the development, retention, or expansion of business enterprises.

**HB 2759** Taylor SPONSOR: Jackson,  
Mike

Relating to requirements for county election precincts.

**HB 2765** Truitt SPONSOR: Nelson

Relating to the definition of a legally authorized representative under the Texas Hospital Licensing Law.

**HB 2767** Talton SPONSOR: Hinojosa

Relating to the release of a criminal defendant in certain cases and the eligibility of and citation to certain individuals who act as sureties on bail bonds.

**HB 2769** Talton SPONSOR: Whitmire

Relating to the presentation of state flags to survivors of certain deceased honorably retired peace officers.

**HB 2772** Farabee SPONSOR: Duncan

Relating to health savings accounts and high-deductible health plans implemented as a part of the group benefits program of the Employees Retirement System of Texas.

**HB 2791** Hodge SPONSOR: Deuell

Relating to the use of substance abuse treatment facilities and other community corrections facilities for individuals referred for treatment as part of a drug court or similar program.

**HB 2810** Hochberg SPONSOR: Ellis

Relating to certain inquiries relating to an applicant for individual health benefit plan coverage.

**HB 2823** Rose SPONSOR: Madla

Relating to the form of payments made to certain disabled peace officers under the Crime Victims' Compensation Act.

**HB 2826** Truitt SPONSOR: Brimer

Relating to frivolous or bad-faith complaints filed with the Texas Ethics Commission.

**HB 2837** Allen, Ray SPONSOR: Seliger

Relating to the state's activities regarding education, vocational training, and reintegration of offenders.

**HB 2839** Allen, Ray SPONSOR: Harris

Relating to the participation of state inmates in the production of certain goods and the provision of certain services.

**HB 2856** Uresti SPONSOR: Ellis

Relating to the repeal of the regulation of career counseling services.

**HB 2866** Bailey SPONSOR: Whitmire

Relating to the right of certain municipalities to maintain local control over wages, hours, and other terms and conditions of employment.

**HB 2879** Keffer, Bill SPONSOR: Armbrister

Relating to requirements for certain amusement rides.

**HB 2883** Smithee SPONSOR: Harris

Relating to the Texas Life, Accident, Health, and Hospital Service Insurance Guaranty Association.

**HB 2901** Hilderbran SPONSOR: Armbrister

Relating to a deer breeder's permit; providing a penalty.

**HB 2926** Hamric SPONSOR: Wentworth

Relating to the procedure for listing property in the appraisal records following certain ad valorem tax sales.

**HB 2931** Delisi SPONSOR: Fraser

Relating to the authority of a municipality that includes or is near a defense base to issue bonds for facilities to be leased to the federal government.

**HB 2940** Hilderbran SPONSOR: Estes

Relating to stamps for migratory and upland game bird hunting; providing a penalty.

**HB 2941** Eiland SPONSOR: Brimer

Relating to compensation of insurance agents.

**HB 2942** Eiland SPONSOR: Jackson,  
Mike

Relating to license fees for commercial fish dealers and shrimp boats.

- HB 2956** Hamric SPONSOR: Lindsay  
Relating to filing requirements for certain candidates for the board of trustees of a junior college district.
- HB 2957** Hamric SPONSOR: Gallegos  
Relating to an exemption from the competitive bidding requirement for certain purchases by an emergency services district.
- HB 2959** Paxton SPONSOR: Zaffirini  
Relating to the use of federal child care and development block grant funds by local workforce development boards.
- HB 2965** Seaman SPONSOR: Brimer  
Relating to regulation of sharing of certain profits and fees by premium finance companies and certain related persons or entities.
- HB 2966** Seaman SPONSOR: Hinojosa  
Relating to the criminal penalty for violating certain statutes enforceable by, or ordinances, rules, or regulations of, navigation districts or port authorities.
- HB 2988** Nixon SPONSOR: Ellis  
Relating to waiver of sovereign immunity.
- HB 2999** Morrison SPONSOR: Armbrister  
Relating to contracts between hospitals and preferred provider benefit plan issuers.
- HB 3024** Cook, Byron SPONSOR: Brimer  
Relating to the sale of fish collected from certain private property.
- HB 3029** Strama SPONSOR: Barrientos  
Relating to eligibility of certain rural areas for certain state assistance.
- HB 3036** Deshotel SPONSOR: Janek  
Relating to the number, terms, and removal of directors of certain development corporations.
- HB 3045** Kolkhorst SPONSOR: Ogden  
Relating to the juvenile boards of Grimes, Leon, Madison, and Walker Counties.
- HB 3047** Veasey SPONSOR: Eltife  
Relating to communication district or emergency communication district participation in state travel services contracts.
- HB 3048** Hopson SPONSOR: Staples  
Relating to insurance coverage for certain structures.
- HB 3101** Casteel SPONSOR: Wentworth  
Relating to the filing for record of a plat or replat of a subdivision of real property.
- HB 3140** Hughes SPONSOR: Armbrister  
Relating to exemption of certain electronic access control device or alarm system manufacturers or providers from private security regulation.

- HB 3144** Hughes SPONSOR: Eltife  
Relating to a prohibition on hunting on certain parts of Big Sandy Creek in Wood County; providing penalties.
- HB 3149** Wong SPONSOR: Van de Putte  
Relating to inactive status for cosmetology certificate or license holders.
- HB 3152** Escobar SPONSOR: Ellis  
Relating to procedures applicable to waivers of the right to counsel.
- HB 3162** Noriega, Melissa SPONSOR: Ellis  
Relating to the temporary replacement of a member of a political party's county executive committee who enters active military service.
- HB 3169** Crownover SPONSOR: Duncan  
Relating to purchase of equivalent membership service credit in the Teacher Retirement System of Texas.
- HB 3200** Madden SPONSOR: Shapiro  
Relating to single employer benefit plans.
- HB 3221** Callegari SPONSOR: Lindsay  
Relating to the records of certain vehicle repairs, sales, and purchases; providing penalties.
- HB 3235** Uresti SPONSOR: Van de Putte  
Relating to providing interpreter services to certain recipients of medical assistance or their parents or guardians.
- HB 3250** Ritter SPONSOR: Fraser  
Relating to the acquisition of unemployment compensation experience after the transfer of an employing unit; providing penalties.
- HB 3262** Escobar SPONSOR: Lucio  
Relating to the validation of a governmental act or proceeding of the Town of South Padre Island.
- HB 3269** Blake SPONSOR: Staples  
Relating to the duties of the Texas Historical Commission relating to El Camino Real de los Tejas National Historic Trail.
- HB 3297** Bohac SPONSOR: Staples  
Relating to the inclusion of certain public school accountability information in a student's grade report card and on a school district's Internet website.
- HB 3300** Thompson SPONSOR: Averitt  
Relating to reinstatement of a personal automobile insurance policy.
- HB 3302** Corte SPONSOR: Shapleigh  
Relating to the membership and powers and duties of the Texas Military Preparedness Commission.
- HB 3333** Chavez SPONSOR: Madla

Relating to the sale or transfer of interest of real property to certain federally recognized Indian tribes.

**HB 3357** Delisi SPONSOR: Nelson  
Relating to certain information required to be contained in an application for or renewal of a hospital license.

**HB 3376** Taylor SPONSOR: Lucio  
Relating to the prosecution and punishment of certain criminal offenses involving theft and fraud and to the provision of notice of the commission of those offenses to certain licensing entities.

**HB 3384** Chavez SPONSOR: Zaffirini  
Relating to the authority of a junior college district or local workforce development board to contract under the Interlocal Cooperation Act.

**HB 3409** Rose SPONSOR: Harris  
Relating to the application of the municipal civil service law for firefighters and police officers to certain municipalities.

**HB 3425** Geren SPONSOR: Brimer  
Relating to the use of certain exhibition vehicles.

**HB 3428** Elkins SPONSOR: Seliger  
Relating to financial institution accounts.

**HB 3441** Herrero SPONSOR: Hinojosa  
Relating to the exchange of benches between justices of the peace.

**HB 3460** Baxter SPONSOR: Fraser  
Relating to the interest rate to be paid on the deposits made by customers of a water, electric, gas, or telephone utility.

**HB 3461** Baxter SPONSOR: Armbrister  
Relating to the manner in which a municipality may impose a moratorium on certain property development.

**HB 3468** Isett SPONSOR: Van de Putte  
Relating to an intensive reading and language intervention pilot program.

**HB 3469** Hochberg SPONSOR: Barrientos  
Relating to the establishment of a program to provide grants to be used to reduce emissions of diesel exhaust from school buses and to the use of the Texas emissions reduction plan to fund the program.

**HB 3476** Olivo SPONSOR: Armbrister  
Relating to the creation of the Fort Bend County Municipal Utility District No. 177; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**HB 3478** Corte SPONSOR: Wentworth



Relating to the exemption of certain municipalities, utilities, and consumers from fees or taxes imposed by the Trinity Glen Rose Groundwater Conservation District.

**HB 3479** Rose SPONSOR: Wentworth  
Relating to the South Buda Water Control and Improvement District No. 1.

**HB 3490** Denny SPONSOR: Nelson  
Relating to the creation of The Lakes Fresh Water Supply District of Denton County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**HB 3497** Gattis SPONSOR: Ogden  
Relating to the creation of the Sonterra Municipal Utility District; providing authority to impose a tax and issue bonds.

**HB 3498** Brown, Betty SPONSOR: Deuell  
Relating to the creation, administration, powers, duties, functions, operations, and financing of the Rose Hill Special Utility District.

**HB 3502** Turner SPONSOR: Whitmire  
Relating to the creation of the Harris County Municipal Utility District No. 406; providing authority to impose taxes and issue bonds; granting the power of eminent domain.

**HB 3513** Luna SPONSOR: Hinojosa  
Relating to the creation of the Corpus Christi Aquifer Storage and Recovery Conservation District.

**HB 3515** Casteel SPONSOR: Wentworth  
Relating to the composition of the Comal County Juvenile Board.

**HB 3518** Coleman SPONSOR: Ellis  
Relating to the creation of the Harris County Improvement District No. 6; providing authority to impose a tax and issue bonds.

**HB 3519** Naishtat SPONSOR: Wentworth  
Relating to the appointment of temporary justices of the peace in certain counties.

**HB 3520** King, Tracy SPONSOR: Madla  
Relating to the distribution of assessments charged by Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1.

**HB 3524** Gattis SPONSOR: Ogden  
Relating to the creation of the Williamson County Municipal Utility District No. 19; providing authority to impose a tax and issue bonds.

**HB 3528** Bailey SPONSOR: Gallegos  
Relating to property exemptions in, and the validation of certain acts of, the Greater Greenspoint Management District of Harris County.

**HB 3530** Geren SPONSOR: Nelson

Relating to the creation of the City of Fort Worth Municipal Utility District No. 2 of Tarrant County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**HB 3531** Jackson, Jim SPONSOR: Harris  
Relating to the Dallas County district and county courts administration and court services.

**HB 3535** Denny SPONSOR: Nelson  
Relating to the creation of the City of Fort Worth Municipal Utility District No. 1 of Denton County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**HB 3537** Keffer, Jim SPONSOR: Estes  
Relating to the board of directors of the Palo Pinto County Hospital District.

**HB 3541** Cook, Robby SPONSOR: Ogden  
Relating to the powers and duties of magistrates in Brazos County.

**HB 3548** Gattis SPONSOR: Ogden  
Relating to the creation of the Williamson County Municipal Utility District No. 16; providing authority to impose a tax and issue bonds.

**HB 3549** Gattis SPONSOR: Ogden  
Relating to the creation of the Williamson County Municipal Utility District No. 21; providing authority to impose a tax and issue bonds.

**HB 3550** Bailey SPONSOR: Gallegos  
Relating to the powers and duties of the Aldine Improvement District; providing authority to impose a tax and issue bonds.

**HB 3554** Howard SPONSOR: Janek  
Relating to the creation of the Imperial Redevelopment District; providing authority to impose taxes and issue bonds.

**HB 3557** Talton SPONSOR: Harris  
Relating to statutory probate court associate judges in certain courts in Harris County.

**HB 3560** Bohac SPONSOR: Whitmire  
Relating to the boundaries and organization of the Spring Branch Area Management District.

**HB 3563** King, Phil SPONSOR: Staples  
Relating to the use of anabolic steroids by public school students.

**HB 3570** Martinez SPONSOR: Hinojosa  
Relating to the creation of an additional county court at law in Hidalgo County.

**HCR 35** Hamric SPONSOR: Harris  
Authorizing the lieutenant governor and the speaker to appoint interim joint committees.

**HCR 49** Davis, John SPONSOR: Jackson

Urging the United States Congress to fully fund NASA's budget request for fiscal year 2006.

**HCR 88** Crabb SPONSOR: Duncan  
Urging the Supreme Court of Texas and the Court of Criminal Appeals of Texas, as necessary, to develop rules relating to the random assignment to courts of appeals of cases pending or on appeal from counties with overlapping appellate jurisdictions and relating to determining the court of appeals precedent applicable in such randomly assigned cases.

**HCR 98** Guillen SPONSOR: Zaffirini  
Designating pan de campo the Official State Bread of Texas.

**HCR 105** Rose SPONSOR: Wentworth  
Designating Buda as the official Outdoor Capital of Texas.

**HCR 108** Castro SPONSOR: Wentworth  
Designating the Blue Lacy as the official State Dog Breed of Texas.

**HCR 117** Eiland SPONSOR: Jackson  
Designating Elissa the official tall ship of Texas.

**HCR 138** Martinez SPONSOR: Hinojosa  
Memorializing Congress and the Department of Veterans Affairs to support the veterans of South Texas by building a veterans hospital in Weslaco, Texas.

**HCR 153** Dutton SPONSOR: West, Royce  
Requesting the Texas Legislative Council to schedule a revision of the Family Code during the 2005-2006 interim.

**SB 934** Wentworth  
Relating to student representation on the board of regents of each state university or state university system.

**SB 1438** Madla  
Relating to the ability of a commissioners court to appoint a member to the board of an emergency services district.

**SB 1890** Armbrister  
Relating to the territory of the Plum Creek Conservation District.

**SB 1897** Madla  
Relating to the territory of the Culberson County Groundwater Conservation District.

**SB 1899** Zaffirini  
Relating to the regulation of chemical dependency counselors.

**SCR 37** Staples  
Supporting Texas' application for a Mental Health Transformation State Incentive Grant from the U.S. Department of Health and Human Services.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 6**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Wednesday, May 25, 2005 - 6

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 260** Goodman SPONSOR: Averitt  
Relating to suits affecting the parent-child relationship and protective orders.  
(AMENDED)

**HB 880** Delisi SPONSOR: Zaffirini  
Relating to attorney general review of certain contracts for health care purposes.  
(AMENDED)

**HB 1357** Flores SPONSOR: Seliger  
Relating to the civil consequences of certain alcohol-related offenses.  
(AMENDED)

**HB 1583** Kolkhorst SPONSOR: Armbrister  
Relating to the authority of an emergency services district to obtain information to determine whether the district's 9-1-1 emergency service fee is correctly billed, collected, and remitted.  
(AMENDED)

**HB 1800** Denny SPONSOR: Harris  
Relating to corrected reports, registrations, and statements filed with the Texas Ethics Commission.  
(AMENDED)

**HB 1826** Grusendorf SPONSOR: West  
Relating to the use of school district resources for the maintenance of real property not owned or leased by the district.  
(AMENDED)

**HB 2233** Keffer, Jim SPONSOR: Duncan  
Relating to state and certain local fiscal matters; providing a penalty.

(COMMITTEE SUBSTITUTE/AMENDED)

**HB 2422** Frost SPONSOR: Eltife  
Relating to the designation of Farm-to-Market Road 2065 as the Staff Sergeant Herbert S. Robertson, Jr., Memorial Highway.

**HB 2819** Rose SPONSOR: Madla  
Relating to access to state electronic and information resources by individuals with disabilities.  
(AMENDED)

**HB 3482** Hegar SPONSOR: Armbrister  
Relating to the creation of the North Fort Bend Water Authority; providing authority to issue bonds; granting the power of eminent domain; providing an administrative penalty.  
(AMENDED)

**HB 3568** Seaman SPONSOR: Zaffirini  
Relating to the creation of the San Patricio County Groundwater Conservation District; providing authority to impose a tax.

**HB 3576** Mowery SPONSOR: Brimer  
Relating to the powers, duties, administration, governance, and functions of the Benbrook Water and Sewer Authority.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

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**APPENDIX**

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**ENROLLED**

**May 24 - HB 56, HB 57, HB 68, HB 93, HB 252, HB 291, HB 322, HB 352, HB 422, HB 481, HB 535, HB 540, HB 544, HB 598, HB 628, HB 657, HB 719, HB 788, HB 798, HB 813, HB 839, HB 874, HB 904, HB 956, HB 960, HB 1045, HB 1095, HB 1098, HB 1232, HB 1267, HB 1271, HB 1318, HB 1339, HB 1346, HB 1403, HB 1409, HB 1458, HB 1474, HB 1558, HB 1577, HB 1586, HB 1599, HB 1630, HB 1642, HB 1685, HB 1705, HB 1734, HB 1833, HB 1863, HB 1938, HB 1997, HB 2039, HB 2223, HB 2275, HB 2331, HB 2371, HB 2390, HB 2587, HB 2619, HB 2746, HB 2885, HB 2900, HB 2902, HB 2921, HB 3010, HB 3163, HB 3195, HB 3525, HB 3547**

**SENT TO THE GOVERNOR**

May 24 - HB 26, HB 202, HB 214, HB 304, HB 380, HB 479, HB 492, HB 550, HB 705, HB 773, HB 877, HB 976, HB 1036, HB 1165, HB 1239, HB 1316, HB 1331, HB 1528, HB 3265, HCR 174, HCR 175, HCR 176, HCR 177, HCR 178, HCR 179, HCR 180, HCR 181, HCR 182, HCR 183, HCR 184, HCR 197, HCR 198, HCR 199, HCR 200, HCR 206

**SIGNED BY THE GOVERNOR**

May 24 - HB 18, HB 22, HB 74, HB 230, HB 256, HB 263, HB 330, HB 604, HB 685, HB 736, HB 737, HB 738, HB 739, HB 740, HB 741, HB 742, HB 743, HB 744, HB 964, HB 1015, HB 1018, HB 1076, HB 1139, HB 1155, HB 1190, HB 1328, HB 1528, HB 1602, HB 1677, HB 1752, HB 2131, HB 2379, HB 2453, HB 2555, HB 2949, HB 3240, HB 3340, HCR 2, HCR 24, HCR 37, HCR 128, HCR 147, HCR 163, HCR 164, HCR 173, HCR 191, HCR 196