

HOUSE JOURNAL

EIGHTIETH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-EIGHTH DAY — WEDNESDAY, APRIL 18, 2007

The house met at 10 a.m. and, at the request of the speaker, was called to order by Representative Hamilton.

The roll of the house was called and a quorum was announced present (Record 534).

Present — Mr. Speaker; Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Absent, Excused — Geren; Moreno.

The invocation was offered by Allan Jones, senior pastor, Anchor of Hope Church, Marble Falls, as follows:

Our Heavenly Father, we thank you for the opportunity to come to you with our prayers, thoughts, needs, and desires. We want to start by giving you thanks for allowing us the breath of life today. We acknowledge you as the giver of that life. You have blessed us beyond measure and you alone are worthy of all our praise.

Thank you for giving us the privilege of living in the great State of Texas. Though we are often overwhelmed at the beauty and diversity of the natural home you have given us, we also long to see the incomparable beauty of the eternal home you are preparing for us.

Father, I want to personally thank you for these men and women who have chosen to give their lives in service to you by serving the people of Texas. I pray that you would bless them with wisdom beyond their natural ability; that you would give to them dreams and visions that would reveal your solutions to the problems and opportunities that face the people of this state; that these leaders would rely less on human wisdom and more on divine revelation to accomplish the tasks that have been set before them. I pray that in the process you would guard their hearts, protecting them from the criticism and complaints they must endure from those they are giving their lives to serve. I ask that you give them the ability to take the criticism levied against them and turn it into fuel to finish the race you have sovereignly placed them within. When correction is deserved, I pray that it would be offered as well as received in humility and serve to make them wiser, stronger, and more reliable leaders.

Father, I ask that you would touch the hearts of the people in this state and nation to genuinely honor those that lead and govern us, acknowledging you as the one who placed them in their positions of authority. I pray that this very day you would begin to raise the leaders in this room above the chaos in our world, giving them the ability to bring the government of our state to a position of honor and respect in this nation, that Texas would in fact become a shining star of progress and unity, setting an example for other leaders in our nation to emulate. All to your glory, and yours alone. I ask these things in the name of Jesus Christ, my Lord. Amen.

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

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today to attend a funeral:

Geren on motion of Hamilton.

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

Moreno on motion of Escobar.

MESSAGE FROM THE SENATE

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

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 23).

HR 1449 - ADOPTED
(by Zerwas, R. Cook, Geren, and Isett)

Representative Zerwas moved to suspend all necessary rules to take up and consider at this time **HR 1449**.

The motion prevailed.

The following resolution was laid before the house:

HR 1449, In memory of Game Warden Justin Philip Hurst of El Campo.

HR 1449 was read and was unanimously adopted by a rising vote.

On motion of Representative Branch, the names of all the members of the house were added to **HR 1449** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Zerwas who introduced friends and family members of Warden Justin Philip Hurst.

HR 1528 - ADOPTED
(by Hopson)

Representative Hopson moved to suspend all necessary rules to take up and consider at this time **HR 1528**.

The motion prevailed.

The following resolution was laid before the house:

HR 1528, Honoring Lynn Cardwell Vincent for 50 years of service to First State Bank & Trust Company of Carthage.

HR 1528 was adopted.

HR 1454 - ADOPTED
(by Branch)

Representative Branch moved to suspend all necessary rules to take up and consider at this time **HR 1454**.

The motion prevailed.

The following resolution was laid before the house:

HR 1454

WHEREAS, The Honorable Jack Pope, a former chief justice of the Texas Supreme Court who has rendered immeasurable service to the Lone Star State, is celebrating his 94th birthday on April 18, 2007; and

WHEREAS, Born and raised in Abilene, Judge Pope knew from the time he was a boy that he wanted to be a lawyer; as a youth, he also showed the passion for learning that later marked his distinguished career; a voracious reader, he found inspiration in such figures as the Roman historian Tacitus and orator Cicero; and

WHEREAS, After graduating from Abilene High School in 1930, Jack Pope attended Abilene Christian College, where he majored in speech, earned letters as a member of the debate and tennis teams, and served as president of the junior class and the Student Association; subsequently, at The University of Texas School of Law, he served as student editor of the *Texas Law Review*; and

WHEREAS, Licensed by the bar in 1937, Judge Pope moved to Corpus Christi and joined the firm of his uncle, former state representative Walter E. Pope; he quickly gained wide-ranging experience in civil and criminal law and in New Deal-era labor and transportation regulatory law; and

WHEREAS, Though he was exempt from military service in World War II because he was the father of two young children, Judge Pope enlisted in the U.S. Navy Reserve in 1944 and served stateside for the next two years; discharged in 1946, he returned to the practice of law but later that year received an appointment as judge of the 94th District Court, becoming, at the age of 33, the youngest district judge then serving in Texas; and

WHEREAS, In 1950, Judge Pope won the first of three consecutive terms on the Court of Civil Appeals in San Antonio; during his tenure, he issued a landmark ruling concerning the Spanish roots of Texas water law, establishing a precedent that continues to guide jurists to the present day; and

WHEREAS, Elected to the Texas Supreme Court in 1964, Judge Pope helped to draft significant rulings on property rights and tort reform during his years as an associate justice; in 1982 Governor Bill Clements appointed him to the post of chief justice, an office he held until his retirement in 1985, and his tenure in that post was marked by the elimination of double appeals and by other important reforms in court administration; and

WHEREAS, Known for the lucidity of his thought and writing, Judge Pope published more than 1,000 judicial opinions and over 70 law-related articles during the course of his career; and

WHEREAS, Since stepping down from the bench two decades ago, Judge Pope has continued to lead an active life; he has served as president of the National Council of the *Christian Chronicle*, a publication covering news of the Churches of Christ, and coedited a volume about his ancestor John Berry, a notable Texas pioneer; and

WHEREAS, Judge Pope credits Abilene Christian University with providing an essential foundation for his success in life, and in return for the invaluable lessons he learned there, he has been one of that school's staunchest supporters; he joined the ACU Board of Trustees in 1954 and has served on the senior board since 1983; and

WHEREAS, In tribute to its esteemed graduate, ACU has conferred on Judge Pope its Outstanding Alumnus of the Year award, as well as its Change the World award; moreover, since 1989, the school has bestowed scholarships on outstanding students who are intending to pursue a career in public service, designating them as Jack Pope Fellows; and

WHEREAS, Another institution that has benefited from Judge Pope's active involvement is the State Law Library, which was created as a separate state agency in 1971 largely through his efforts; Judge Pope serves as a member

emeritus of the Friends of the State Law Library Board of Directors, and the Friends have recognized him and another former chief justice, Joe Greenhill, with the establishment of the Greenhill-Pope Law Book Fund; and

WHEREAS, Judge Pope is the recipient of four honorary degrees and countless other accolades; on April 20, 2007, he is being saluted by Austin Groups for the Elderly with the Willie Kocurek Vital Aging Award; and

WHEREAS, From their marriage in 1938 until her passing in 2004, Judge Pope and his wife, Allene, shared a richly rewarding union; their family today includes two sons, Allen and Jackson Pope, two grandsons, Drew and Ryan Pope, and two great-grandchildren, Dylan and Peyton Locke; and

WHEREAS, Hailed for his intellect and integrity, Judge Pope has contributed significantly to jurisprudence in the State of Texas, and it is indeed a privilege to join in wishing him well on this special day; now, therefore, be it

RESOLVED, That the House of Representatives of the 80th Texas Legislature hereby congratulate the Honorable Jack Pope on the joyous occasion of his 94th birthday and extend to him profound appreciation for his exemplary public service; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Judge Pope as an expression of high regard by the Texas House of Representatives.

HR 1454 was read and was adopted.

On motion of Representative Swinford, the names of all the members of the house were added to **HR 1454** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Branch who addressed the house, as follows:

Thank you, members and speaker. Let me just say that by some fluke or bank shot, I was fortunate enough to be one of his law clerks back in 1983 and 1984, and I can tell you from watching him for over a year, that not only is he a distinguished jurist, and that we all know about his accolades at the bar, and as a member of the judiciary and sort of a leading light in our jurisprudence, but as a man, as a person, he is one of the finest I've ever served around, and I've had the opportunity to serve with a lot of capable folks both in this town and in Washington. So I commend Jack Pope to you as one of our Texas treasures. One quick story. When I was a law clerk, James Michener was writing the book, *Texas*; and as he was writing, he came to see Judge Pope, spent the day with him to learn about water law. So Chairman Puente and Chairman Callegari, I commend him to you as a resource as we still struggle with water law in Texas, but thank you members for helping me. His son Allen and daughter-in-law Karen are in the audience from Castle Rock, Colorado. Thank them for coming down; it's a great day. Also, Representatives McReynolds and Swinford join with me in honoring a great man, and they may want to say a few remarks.

The chair recognized Representative McReynolds who addressed the house, as follows:

Members, if I may have your attention just one moment, please. When mother and father were still on the earth, they were very close friends with the Pope family. I'm a graduate of Abilene Christian and have been following his life for many, many years. This is one of the brilliant, brilliant attorneys and chief justices of the supreme court. We're honored to have this 94-year-old man.

The chair recognized Representative Branch who introduced the Honorable Jack Pope who addressed the house, as follows:

I thank you, I am overwhelmed, I'm deeply appreciative. I'm 94-years-old indeed, but I don't feel a day over 93. But I appreciate this, I am honored beyond measure, and thank those who put it together. Dan, I thank you.

HR 1524 - ADOPTED
(by Harless and Riddle)

Representative Harless moved to suspend all necessary rules to take up and consider at this time **HR 1524**.

The motion prevailed.

The following resolution was laid before the house:

HR 1524, Commemorating the grand opening of the Paradise Springs retirement community in Spring, Texas.

HR 1524 was adopted.

GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING

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

SB 507 ON THIRD READING
(Naishtat - House Sponsor)

SB 507, A bill to be entitled An Act relating to reimbursement of members of the Guardianship Certification Board for certain expenses.

A record vote was requested.

SB 507 was passed by (Record 535): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez;

Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Geren; Moreno.

Absent — Branch; Chavez.

STATEMENT OF VOTE

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

Chavez

LEAVE OF ABSENCE GRANTED

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

Pierson on motion of Veasey.

SB 844 ON THIRD READING (Gattis - House Sponsor)

SB 844, A bill to be entitled An Act relating to longevity pay for assistant prosecutors.

A record vote was requested.

SB 844 was passed by (Record 536): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.;

Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Geren; Moreno; Pierson.

Absent — Garcia; Giddings.

STATEMENT OF VOTE

When Record No. 536 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

(Speaker in the chair)

POSTPONED BUSINESS

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

HB 588 ON SECOND READING (by Gonzalez Toureilles)

HB 588, A bill to be entitled An Act relating to a court fee on dismissal of a charge in connection with motor vehicle financial responsibility.

HB 588 was read second time on April 16 and was postponed until 8 a.m. today.

Representative Gonzalez Toureilles moved to postpone consideration of **HB 588** until the end of today's calendar.

The motion prevailed.

HB 443 ON SECOND READING (by Phillips)

HB 443, A bill to be entitled An Act relating to the consent to and annulment of certain marriages.

HB 443 was read second time on April 11 and was postponed until 10 a.m. today.

Representative Phillips moved to postpone consideration of **HB 443** until 10 a.m. Monday, April 23.

The motion prevailed.

HB 991 ON SECOND READING (by Rose, Gattis, Leibowitz, and Hughes)

HB 991, A bill to be entitled An Act relating to the confidentiality of certain records maintained by the Department of Public Safety regarding persons licensed to carry a concealed handgun.

HB 991 was read second time on April 16 and was postponed until 10 a.m. today.

A record vote was requested.

HB 991 was passed to engrossment by (Record 537): 135 Yeas, 7 Nays, 1 Present, not voting.

Yeas — Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dunnam; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Herrero; Hilderbran; Hill; Hochberg; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Bolton; Burnam; Davis, Y.; Farrar; Hernandez.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Geren; Moreno; Pierson.

Absent — Dutton; Hancock; Hodge; Rodriguez.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 537. I intended to vote no.

Coleman

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

Hodge

I was shown voting yes on Record No. 537. I intended to vote no.

Naishtat

When Record No. 537 was taken, I was temporarily out of the house chamber. I would have voted no.

Rodriguez

I was shown voting yes on Record No. 537. I intended to vote no.

Veasey

CSHB 2503 ON SECOND READING
(by Eissler, et al.)

CSHB 2503, A bill to be entitled An Act relating to a technology literacy assessment instrument to be administered to certain public school students.

CSHB 2503 was read second time on April 16 and was postponed until 10 a.m. today.

Amendment No. 1

Representative Eissler offered the following amendment to **CSHB 2503**:

Amend **CSHB 2503** on page 1, line 20, following the period, by inserting "The assessment instrument adopted under this subsection must be an existing product that is currently available."

Amendment No. 1 was adopted.

CSHB 2503, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING

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

HB 914 ON THIRD READING
(by Madden, McClendon, Peña, Dutton, Van Arsdale, et al.)

HB 914, A bill to be entitled An Act relating to the establishment of an office of inspector general at the Texas Youth Commission.

A record vote was requested.

HB 914 was passed by (Record 538): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycok; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick;

Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Geren; Moreno; Pierson.

LEAVE OF ABSENCE GRANTED

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

Bailey on motion of Hughes.

**HB 198 ON THIRD READING
(by Madden)**

HB 198, A bill to be entitled An Act relating to the capacity of certain correctional facilities operated under contracts between the Texas Board of Criminal Justice and a private vendor or county commissioners court.

Representative Madden moved to postpone consideration of **HB 198** until the end of today's calendar.

The motion prevailed.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 1973 ON THIRD READING
(by Delisi)**

HB 1973, A bill to be entitled An Act relating to the procedure to process an application for a physician's license.

Amendment No. 1

Representative McReynolds offered the following amendment to **HB 1973**:

Amend **HB 1973** on 3rd Reading by inserting the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 155.1025(a), Occupations Code, is amended to read as follows:

(a) The board shall adopt rules for expediting any application for a license under this subtitle made by a person who ~~[is licensed to practice medicine in another state or country and who]~~ submits an affidavit with the application stating that:

- (1) the applicant intends to practice in a rural community~~[, as determined by the Office of Rural Community Affairs];~~ or
- (2) the applicant~~;~~

~~(A) has requested and is eligible for an immigration visa waiver as described by Section 12.0127, Health and Safety Code; and~~

~~(B)]~~ intends to practice medicine in a medically underserved area or health professional shortage area, designated by the United States Department of Health and Human Services, that has a current shortage of physicians.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Gallego offered the following amendment to **HB 1973**:

Amend **HB 1973** on third reading as follows:

(1) On page 1, line 6, strike "and (j)" and substitute "(j), and (k)".

(2) On page 2, between lines 3 and 4, insert the following:

(k) The report required under Subsection (h)(3) must include in aggregate form data collected since the prior report relating to felony convictions, class A and B misdemeanor convictions and deferred adjudications for felonies and class A and B misdemeanors.

(3) Add the following appropriately numbered SECTIONS and renumber subsequent SECTIONS accordingly:

SECTION _____. Section 155.008, Occupations Code, is amended to read as follows:

Sec. 155.008. CRIMINAL RECORD CHECK. (a) The board may submit to the Department of Public Safety a complete set of fingerprints of each license applicant, and the department shall classify and check the fingerprints against those in the department's fingerprint records. The department shall certify to the board its findings regarding the criminal record of the applicant or the applicant's lack of a criminal record.

(b) Each applicant shall submit information to the board detailing any conviction for a felony or a class A or B misdemeanor or a deferred adjudication for a felony or class A or B misdemeanor for a violation relating to:

(1) Medicare, Medicaid or insurance fraud;

(2) the Texas Controlled Substances Act or intoxication or alcoholic beverage offenses;

(3) sexual or assaultive offenses; and

(4) tax fraud or evasion;

SECTION _____. Section 156.001, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) In addition to the information required by Subsection (c), a license holder shall submit to the board with the registration permit renewal application information not reported on a license application or a previous permit renewal application relating to a felony conviction, a conviction for a class A or B misdemeanor or a deferred adjudication or felony offense or a Class A or B misdemeanor offense for:

(1) Medicare, Medicaid or insurance fraud;

(2) the Texas Controlled Substances Act or intoxication or alcoholic beverage offenses;

(3) sexual or assaultive offenses; and

(4) tax fraud or evasion.

Amendment No. 2 was adopted.

Representative Delisi moved to postpone consideration of **HB 1973** until the end of today's calendar.

The motion prevailed.

HB 3088 ON THIRD READING
(by Phillips)

HB 3088, A bill to be entitled An Act relating to the fee for a permit to operate an overweight motor vehicle.

Amendment No. 1

Representative Phillips offered the following amendment to **HB 3088**:

Amend **HB 3088** (Second reading engrossment) on third reading on page 2, line 15 by striking "The change in law made by this Act applies" and substituting "The changes in law made by Sections 1 and 2 of this Act apply".

Amendment No. 1 was adopted.

A record vote was requested.

HB 3088, as amended, was passed by (Record 539): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Geren; Moreno; Pierson.

Absent — Burnam; Davis, Y.; Hill; Mowery; Talton.

HB 273 ON THIRD READING
(by Truitt)

HB 273, A bill to be entitled An Act relating to certain purchasing procedures for school districts.

Amendment No. 1

Representative Veasey offered the following amendment to **HB 273**:

Amend **HB 273** by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. The heading to Section 34.008, Education Code, is amended to read as follows:

Sec. 34.008. CONTRACT WITH TRANSIT AUTHORITY, [~~OR~~] COMMERCIAL TRANSPORTATION COMPANY, OR JUVENILE BOARD.

SECTION _____. Section 34.008(a), Education Code, is amended to read as follows:

(a) A board of county school trustees or school district board of trustees may contract with a mass transit authority, [~~or~~] a commercial transportation company, or a juvenile board for all or any part of a district's public school transportation if the authority, [~~or~~] company, or board:

(1) requires its school bus drivers to have the qualifications required by and to be certified in accordance with standards established by the Department of Public Safety; and

(2) uses only those school buses or mass transit authority buses in transporting 15 or more public school students that meet or exceed safety standards for school buses established under Section 34.002[~~, Education Code~~].

Amendment No. 1 was adopted.

A record vote was requested.

HB 273, as amended, was passed by (Record 540): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycok; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle;

Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Geren; Moreno; Pierson.

HB 185 ON THIRD READING
(by Hochberg, Anchia, Menendez, Bohac, et al.)

HB 185, A bill to be entitled An Act relating to gang-related activity in and around public schools; providing a criminal penalty.

A record vote was requested.

HB 185 was passed by (Record 541): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Geren; Moreno; Pierson.

Absent — Deshotel; Swinford.

STATEMENT OF VOTE

When Record No. 541 was taken, my vote failed to register. I would have voted yes.

Swinford

HB 681 ON THIRD READING
(by Hochberg, et al.)

HB 681, A bill to be entitled An Act relating to postconviction forensic testing.

A record vote was requested.

HB 681 was passed by (Record 542): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Geren; Moreno; Pierson.

Absent — Burnam; Flynn.

STATEMENT OF VOTE

When Record No. 542 was taken, I was in the house but away from my desk. I would have voted yes.

Flynn

HB 1230 ON THIRD READING

(by **Rodriguez, J. Davis, Naishtat, Rose, et al.**)

HB 1230, A bill to be entitled An Act relating to services provided to youth with disabilities transitioning from school-oriented living to post-schooling activities, services for adults, and community living.

A record vote was requested.

HB 1230 was passed by (Record 543): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Giddings; Gonzales;

Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Geren; Moreno; Pierson.

Absent — Cohen; Kuempel.

HB 3505 ON THIRD READING (by Hartnett)

HB 3505, A bill to be entitled An Act relating to requirements for judicial training on issues regarding family violence, sexual assault, and child abuse and neglect.

A record vote was requested.

HB 3505 was passed by (Record 544): 141 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Phillips.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Geren; Moreno; Pierson.

Absent — Hancock; Isett; Kolkhorst.

HB 142 ON THIRD READING

(by Jackson)

HB 142, A bill to be entitled An Act relating to imposition of local sales and use taxes on items shipped or delivered from one transit authority to another transit authority by certain retailers.

A record vote was requested.

HB 142 was passed by (Record 545): 135 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Hopson; Howard, C.; Howard, D.; Isett; Jackson; Jones; Keffer; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Geren; Moreno; Pierson.

Absent — Burnam; Castro; Dunnam; Garcia; Giddings; Homer; Hughes; King, S.; Mallory Caraway; Olivo.

STATEMENTS OF VOTE

When Record No. 545 was taken, I was in the house but away from my desk. I would have voted yes.

Garcia

When Record No. 545 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

When Record No. 545 was taken, I was in the house but away from my desk. I would have voted yes.

Homer

When Record No. 545 was taken, my vote failed to register. I would have voted yes.

S. King

When Record No. 545 was taken, I was in the house but away from my desk. I would have voted yes.

Olivo

HB 1331 ON THIRD READING
(by Flores and Lucio)

HB 1331, A bill to be entitled An Act relating to the public posting or other display of Texas bar examination results.

A record vote was requested.

HB 1331 was passed by (Record 546): 132 Yeas, 7 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Garcia; Gattis; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; Woolley; Zedler; Zerwas.

Nays — Aycock; Gallego; Hartnett; Leibowitz; Macias; Phillips; West.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Geren; Moreno; Pierson.

Absent — Anderson; Burnam; Coleman; Dunnam; Elkins; Olivo.

STATEMENT OF VOTE

When Record No. 546 was taken, I was in the house but away from my desk. I would have voted yes.

Olivo

HB 472 ON THIRD READING
(by Solomons)

HB 472, A bill to be entitled An Act relating to the regulation of third-party administrators, including administrators with delegated duties in the workers' compensation system of this state; providing penalties.

A record vote was requested.

HB 472 was passed by (Record 547): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Geren; Moreno; Pierson.

Absent — Creighton.

HB 1837 ON THIRD READING
(by Taylor, Bonnen, Flynn, Gattis, England, et al.)

HB 1837, A bill to be entitled An Act relating to exempting from ad valorem taxation property used by certain nonprofit community business organizations to provide services to aid in the economic development of local communities.

A record vote was requested.

HB 1837 was passed by (Record 548): 140 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver;

Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Allen; Hartnett; Leibowitz.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Geren; Moreno; Pierson.

Absent — Jones; Mowery.

HB 1787 ON THIRD READING (by Hartnett)

HB 1787, A bill to be entitled An Act relating to the determination of title to real property through a declaratory judgment.

A record vote was requested.

HB 1787 was passed by (Record 549): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Geren; Moreno; Pierson.

Absent — Davis, Y.; Eiland.

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 1602 ON SECOND READING
(by Van Arsdale, O'Day, Goolsby, R. Cook, et al.)**

CSHB 1602, A bill to be entitled An Act relating to venue in civil actions under the Jones Act.

Representative Van Arsdale moved to postpone consideration of **CSHB 1602** until the end of today's calendar.

The motion prevailed.

**CSHB 2328 ON SECOND READING
(by Woolley, Christian, Laubenberg, et al.)**

CSHB 2328, A bill to be entitled An Act relating to the offenses of cruelty to livestock and nonlivestock animals.

Amendment No. 1

Representative Miller offered the following amendment to **CSHB 2328**:

Amend **CSHB 2328** (House committee report) as follows:

(1) Strike page 1, line 9, through page 2, line 6, and substitute the following:

- (1) tortures a livestock [~~an~~] animal;
 - (2) fails unreasonably to provide necessary food, water, or care [~~or shelter~~] for a livestock [~~an~~] animal in the person's custody;
 - (3) abandons unreasonably a livestock [~~an~~] animal in the person's custody;
 - (4) [~~transports or confines an animal in a cruel manner;~~
[~~(5) kills, seriously injures, or~~] administers poison to a livestock [~~an~~] animal, other than cattle, horses, sheep, swine, or goats, belonging to another without legal authority or the owner's effective consent;
 - (5) causes one livestock animal to fight with another livestock animal or with an animal as defined by Section 42.092 [~~(6) causes one animal to fight with another~~]; or
 - (6) [~~(7)~~] uses a live livestock animal as a lure in dog race training or in dog coursing on a racetrack[;]
 - [~~(8) trips a horse;~~
 - [~~(9) injures an animal, other than cattle, horses, sheep, swine, or goats, belonging to another without legal authority or the owner's effective consent; or~~
 - [~~(10) seriously overworks an animal~~].
- (2) On page 2, strike lines 18-23 and substitute the following:

~~[(3) "Cruel manner" includes a manner that causes or permits unjustified or unwarranted pain or suffering.~~

~~[(4)] "Custody" includes responsibility for the health, safety, and welfare of a livestock [am] animal subject to the person's care and control, regardless of ownership of the livestock animal.~~

(3) On page 2, line 24, strike "(4)" and substitute "(3)".

(4) On page 3, lines 3 and 4, strike "(5) "Necessary food, water, care, or shelter" includes food, water, care, or shelter" and substitute "(4) [~~(5)~~] "Necessary food, water, or care [~~, or shelter~~]" includes food, water, or care [~~, or shelter~~]".

(5) On page 3, strike lines 6 and 7 and substitute the following:

~~[(6) "Trip" means to use an object to cause a horse to fall or lose its balance.]~~

(6) On page 3, lines 8 and 9, strike "(a)(2), (3), (4), (9), or (10)" and substitute "(a)(2) or [~~(3), (4), (9), or (10)~~]".

(7) On page 3, line 13, strike "(a)(1), (5), (6), (7), or (8)" and substitute "(a)(1), (4), (5), or (6)".

(8) On page 3, strike lines 23-25 and substitute the following:

~~[(f) It is a defense to prosecution under Subsection (a)(8) that the actor tripped the horse for the purpose of identifying the ownership of the horse or giving veterinary care to the horse.]~~

(9) On page 3, line 26, strike "(e)".

(10) On page 4, line 5, strike "(f)" and substitute "(e)".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Hilderbran offered the following amendment to **CSHB 2328**:

Amend **CSHB 2328** as follows:

(1) On page 2, line 27, after the semicolon, strike "or".

(2) On page 3, line 2, strike the period and substitute "; or".

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

(D) native or nonnative fowl raised under agricultural practices.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Hilderbran offered the following amendment to **CSHB 2328**:

Amend **CSHB 2328** as follows:

(1) On page 4, line 9, between "purpose of" and the colon, insert "or in support of".

(2) On page 4, line 11, strike "wildlife or depredation control" and substitute "wildlife management, wildlife or depredation control, or shooting preserve practices".

(3) On page 4, strike lines 26 and 27 and substitute the following:

(2) "Animal" means a domesticated living creature and a wild living creature previously captured. The term does not include an uncaptured wild creature or a livestock animal.

(4) On page 7, line 2, between "of" and the colon, insert "or in support of".

(5) On page 7, line 4, strike "wildlife or depredation control" and substitute "wildlife management, wildlife or depredation control, or shooting preserve practices".

Amendment No. 3 was adopted.

Amendment No. 4

Representative Talton offered the following amendment to **CSHB 2328**:

Amend **CSHB 2328** (House Committee Report) as follows:

Strike page 6, lines 20-24, and substitute the following:

(e) It is a defense to prosecution under Subsection (b) that the animal was discovered on the person's property in the act of or after injuring or killing the person's livestock animals or damaging the person's crops and that the person killed or injured the animal at the time of its discovery.

Amendment No. 4 was withdrawn.

Amendment No. 5

Representative Talton offered the following amendment to **CSHB 2328**:

Amend **CSHB 2328** as follows:

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

(3-a) "Depredation" has the meaning assigned by Section 71.001, Parks and Wildlife Code.

(2) On page 5, between lines 5 and 6, insert the following:

(4-a) "Depredation" has the meaning assigned by Section 71.001, Parks and Wildlife Code.

Amendment No. 5 was adopted.

Amendment No. 6

Representative Talton offered the following amendment to **CSHB 2328**:

Amend **CSHB 2328** by striking page 6, lines 20 through 24, and substituting the following:

(e) It is a defense to prosecution under Subsection (b)(2) or (6) that the animal was discovered on the person's property in the act of or after injuring or killing the person's livestock animals or damaging the person's crops and that the person killed or injured the animal at the time of this discovery.

Amendment No. 6 was adopted.

Representative Homer moved to extend speaking time on **HB 2328**.

A record vote was requested.

The motion to extend time prevailed by (Record 550): 109 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Castro; Chavez; Chisum; Christian; Cohen; Cook, R.; Corte; Crabb; Creighton; Davis, J.; Davis, Y.; Delisi;

Deshotel; Driver; Dukes; Dunnam; Eiland; Eissler; Elkins; Escobar; Farias; Flynn; Gallego; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Jones; Keffer; King, S.; Kolkhorst; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Miles; Morrison; Murphy; Naishtat; Noriega; O'Day; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zerwas.

Nays — Menendez.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Geren; Moreno; Pierson.

Absent — Branch; Callegari; Coleman; Cook, B.; Crownover; Darby; Dutton; England; Farabee; Farrar; Flores; Frost; Garcia; Gattis; Giddings; Goolsby; Hamilton; Hancock; Harper-Brown; Isett; King, P.; King, T.; Krusee; Madden; Merritt; Miller; Mowery; Oliveira; Puente; Ritter; Smithee; Talton; Taylor; Van Arsdale; Zedler.

STATEMENT OF VOTE

When Record No. 550 was taken, I was in the house but away from my desk. I would have voted yes.

Garcia

CSHB 2328 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ZEDLER: Chairman Woolley, is there any attempt in this bill to reclassify horses as non-livestock?

REPRESENTATIVE WOOLLEY: No.

REMARKS ORDERED PRINTED

Representative Zedler moved to print remarks between Representative Woolley and Representative Zedler.

The motion prevailed.

A record vote was requested.

CSHB 2328, as amended, was passed to engrossment by (Record 551): 136 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Giddings; Gonzales;

Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Jackson; Jones; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Ortiz; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Isett; Quintanilla.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Geren; Moreno; Pierson.

Absent — Alonzo; England; Hill; King, S.; King, T.; Orr; Otto.

STATEMENTS OF VOTE

When Record No. 551 was taken, I was in the house but away from my desk. I would have voted yes.

Alonzo

When Record No. 551 was taken, my vote failed to register. I would have voted yes.

S. King

When Record No. 551 was taken, I was in the house but away from my desk. I would have voted yes.

Orr

When Record No. 551 was taken, I was in the house but away from my desk. I would have voted yes.

Otto

CSHB 2426 ON SECOND READING

(by Truitt, B. Cook, McClendon, Kolkhorst, Flynn, et al.)

CSHB 2426, A bill to be entitled An Act relating to the regulation of the practice of nursing and the renaming of the Board of Nurse Examiners as the Texas Board of Nursing.

CSHB 2426 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HEFLIN: Is it your intent that a diploma nursing program, such as the 90-year-old Covenant School of Nursing in Lubbock, that has established a bridge program with an institution of higher education that entitles nurses to a degree from an affiliated institution of higher education meets the requirements of Section 301.157(a-1) in your bill?

REPRESENTATIVE TRUITT: Yes, representative, that is the intent of this section.

REMARKS ORDERED PRINTED

Representative Heflin moved to print remarks between Representative Truitt and Representative Heflin.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Financial Institutions, upon lunch recess today, Desk 7, for a formal meeting, to consider **HB 3270**, **HB 3552**, and **SB 884**.

RECESS

At 12:11 p.m., the speaker announced that the house would stand recessed until 1:15 p.m. today.

AFTERNOON SESSION

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

CSHB 2426 - (pending business)

Amendment No. 1

Representative Truitt offered the following amendment to **CSHB 2426**:

Amend **CSHB 2426** (House Committee Printing) by striking page 9, line 26, through page 10, line 1, and substituting the following:

For purposes of this subsection:

(1) "Degree program" has the meaning assigned by Section 61.003, Education Code.

(2) "Institution of higher education" means an "institution of higher education" or a "private or independent institution of higher education" as those terms are defined by Section 61.003, Education Code.

Amendment No. 2

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

Amend Amendment No. 1 by Truitt by striking the text of the amendment and substituting the following:

Amend **CSHB 2426** (House Committee Printing) by striking page 9, line 25, through page 10, line 1, and substituting the following:

degree program of a public or private institution of higher education accredited by an agency recognized by the Texas Higher Education Coordinating Board.

Amendment No. 2 was adopted.

Amendment No. 3

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

Amend Amendment No. 1 by Truitt to **CSHB 2426** by adding the following appropriately numbered item to the amendment and renumbering subsequent items of the amendment accordingly:

() On page 11, line 10, following the period, insert the following:

The governing institution of a professional nursing school, not including a diploma program, must be accredited by an agency recognized by the Texas Higher Education Coordinating Board or hold a certificate of authority from the Texas Higher Education Coordinating Board under provisions leading to accreditation of the institution in due course.

Amendment No. 3 was adopted.

Amendment No. 1, as amended, was adopted.

Amendment No. 4

Representative Truitt offered the following amendment to **CSHB 2426**:

Amend **CSHB 2426** (House Committee Printing) on page 13 by striking line 18 and substituting "the Texas Higher Education Coordinating Board, and the Texas Health Care Policy Council, shall implement, monitor, and evaluate".

Amendment No. 4 was adopted.

Amendment No. 5

Representative Truitt offered the following amendment to **CSHB 2426**:

Amend **CSHB 2426** (House Committee Printing) as follows:

- (1) On page 25, line 16, strike "(b)(1)" and substitute "(b)(1) (A)".
- (2) On page 25, line 20, strike "(b)(2)" and substitute "(b)(1) (B)".
- (3) On page 45, line 1, strike "157.052(3)" and substitute "157.052(a)(3)".

Amendment No. 5 was adopted.

Amendment No. 6

Representative Truitt offered the following amendment to **CSHB 2426**:

Amend **CSHB 2426** (House Committee Printing) as follows:

- (1) On page 70, line 19, following the semicolon, insert "and".
- (2) On page 70, line 21, strike "; and" and substitute a period.
- (3) On page 70, strike line 22.

Amendment No. 6 was adopted.

CSHB 2426 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE D. HOWARD: Thank you. First off, Representative Truitt, I want to thank you for all the work you've put into this, and the way you've worked with all the interested parties. I appreciate that very much. I do have one question that just has to do with legislative intent. That is, how does this bill ensure that the board's patient safety standards that are not imposed by national nursing accrediting agencies are still being met by nursing education programs?

REPRESENTATIVE TRUITT: The bill provides for the nurse board to select a national nursing accrediting agency that the board determines to have acceptable standards to accredit nursing education programs. These accrediting agencies currently defer to the board's more specific standards, such as for clinical requirements and evaluating nursing education programs. Under this bill, the nurse board, with the national nursing accrediting agencies, would work with the national accrediting agencies to ensure that the board's patient safety standards continue to be met by the nursing education programs. A nursing education program that does not meet these standards is subject to loss of accreditation just as it would be now, subject to withdrawal of approval by the nurse board.

REMARKS ORDERED PRINTED

Representative D. Howard moved to print remarks between Representative Truitt and Representative D. Howard.

The motion prevailed.

CSHB 2426, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

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

HB 1459 ON SECOND READING (by Guillen)

HB 1459, A bill to be entitled An Act relating to the application of the sales and use tax to certain telecommunications services provided through the use of a pay phone.

HB 1459 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 371 ON SECOND READING (by Dukes)

CSHB 371, A bill to be entitled An Act relating to a study regarding the conversion of certain Class C misdemeanors to civil infractions.

(Chisum in the chair)

CSHB 371 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 3392 ON SECOND READING
(by Guillen, et al.)

HB 3392, A bill to be entitled An Act relating to the resumption of employment by certain retirees within the Texas Municipal Retirement System.

Amendment No. 1

Representative Latham offered the following amendment to **HB 3392**:

Amend **HB 3392** (House Committee Printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION ____ Subchapter E, Chapter 855, Government Code, is amended by adding Section 855.4011 to read as follows:

Sec. 855.4011. ADDITIONAL MEMBER CONTRIBUTIONS. To the extent a contribution under this section does not effect the status of the retirement system's benefit plan as a qualified plan under Section 855.607, the retirement system shall provide a 60 day period each year during which a member may make an additional member contribution into the member's individual account in an amount determined by the member. The participating municipality may, at the municipality's option, match the amount of a member's contribution under this section.

Amendment No. 1 was adopted.

HB 3392, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 32 ON SECOND READING
(by Berman)

CSHB 32, A bill to be entitled An Act relating to the penalty for discarding lighted smoking materials from a motor vehicle.

Representative Berman moved to postpone consideration of **CSHB 32** until the end of today's calendar.

The motion prevailed.

CSHB 1398 ON SECOND READING
(by Delisi, Gattis, Miller, et al.)

CSHB 1398, A bill to be entitled An Act relating to the reporting of health care-associated infections at certain health care facilities and the creation of an advisory panel.

Representative Delisi moved to postpone consideration of **CSHB 1398** until 10 a.m. Wednesday, May 2.

The motion prevailed.

CSHB 1844 ON SECOND READING
(by C. Howard and Bonnen)

CSHB 1844, A bill to be entitled An Act relating to the administration of certain tests to home-schooled students by school districts.

Amendment No. 1

Representative Isett offered the following amendment to **CSHB 1844**:

Amend **CSHB 1844** by striking the sentence starting on page 1, line 21, and substituting the following:

A school district shall require a home-schooled student to pay the same fee to participate in a test under this subsection that a student enrolled in the district is required to pay.

Amendment No. 1 was adopted.

CSHB 1844, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1853 ON SECOND READING
(by Corte)

HB 1853, A bill to be entitled An Act relating to exempting certain state agencies from certain laws relating to real property transactions.

HB 1853 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2267 ON SECOND READING
(by Solomons and Martinez Fischer)

CSHB 2267, A bill to be entitled An Act relating to the suspension of sentence and deferral of final disposition in certain misdemeanor cases.

CSHB 2267 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2233 ON SECOND READING
(by Corte)

CSHB 2233, A bill to be entitled An Act relating to information technology security practices of state agencies.

CSHB 2233 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2814 ON SECOND READING
(by Eissler, Oliveira, et al.)

CSHB 2814, A bill to be entitled An Act relating to a language immersion pilot project in certain school districts.

Representative Hochberg moved to postpone consideration of **CSHB 2814** until the end of today's calendar.

The motion prevailed.

CSHB 1056 ON SECOND READING
(by Truitt)

CSHB 1056, A bill to be entitled An Act relating to creation of a minimum data set for the collection of information on health professionals by the statewide health coordinating council.

CSHB 1056 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

(Speaker in the chair)

HB 1303 ON SECOND READING
(by Peña)

HB 1303, A bill to be entitled An Act relating to the manner of providing notice of a petition or order for the expunction or nondisclosure of certain criminal records.

HB 1303 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

SB 213 ON SECOND READING
(Hilderbran - House Sponsor)

SB 213, A bill to be entitled An Act relating to the authority of certain counties to impose a county hotel occupancy tax and to the rate of the tax.

SB 213 was considered in lieu of **HB 2297**.

Amendment No. 1

Representative Homer offered the following amendment to **SB 213**:

Amend **SB 213** as follows:

(1) On page 3, line 15, strike "and".

(2) On page 3, line 17, strike the period and substitute:

; and

(23) a county with a population of less than 10,000 that is bordered by the Sulphur River.

Amendment No. 1 was adopted.

SB 213, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2297 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hilderbran moved to lay **HB 2297** on the table subject to call.

The motion prevailed.

CSHB 1929 ON SECOND READING

(by Flynn, Hardcastle, and Zedler)

CSHB 1929, A bill to be entitled An Act relating to the comptroller's electronic funds transfer system and the use of electronic paycards.

Amendment No. 1

Representative Smithee offered the following amendment to **CSHB 1929**:

Amend **CSHB 1929** (committee printing) on page 2, line 23 following "provision of electronic paycard services." by inserting the following:

A contract under this section must be by competitive bid. The comptroller shall develop rules that specify the qualifications for bidders, including the requirements that the entity that issues the paycard must:

(1) be federally insured or possess sufficient financial resources to ensure protection of payees; and

(2) demonstrate adequate 24-hour customer service to ensure that all payees are able to reasonably access their funds worldwide at any time.

Amendment No. 1 was adopted.

(Bailey now present)

CSHB 1929, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1667 ON SECOND READING

(by Geren)

HB 1667, A bill to be entitled An Act relating to the amount of the fee for issuing certain alcoholic beverage permits.

Representative Hamilton moved to postpone consideration of **HB 1667** until 7 a.m. tomorrow.

The motion prevailed.

HB 488 ON SECOND READING
(by Driver)

HB 488, A bill to be entitled An Act relating to disciplinary action by the Commission on Law Enforcement Officer Standards and Education against certain officers elected under the Texas Constitution.

HB 488 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1443 ON SECOND READING
(by J. Davis)

CSHB 1443, A bill to be entitled An Act relating to restrictions on the interchange of transplant immunosuppressant drugs.

Representative J. Davis moved to postpone consideration of **CSHB 1443** until 2 p.m. Monday, April 23.

The motion prevailed.

SB 325 ON SECOND READING
(Creighton - House Sponsor)

SB 325, A bill to be entitled An Act relating to the creation of an appellate judicial system for the Ninth Court of Appeals District.

SB 325 was considered in lieu of **HB 1126**.

SB 325 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1126 - LAID ON THE TABLE SUBJECT TO CALL

Representative Creighton moved to lay **HB 1126** on the table subject to call.

The motion prevailed.

CSHB 1739 ON SECOND READING
(by Hartnett)

CSHB 1739, A bill to be entitled An Act relating to electronic submission of certain information on a death certificate.

CSHB 1739 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1216 ON SECOND READING
(by Pitts and Orr)

HB 1216, A bill to be entitled An Act relating to the authority of certain counties to impose a county hotel occupancy tax and to the use of the tax.

HB 1216 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2590 ON SECOND READING
(by McCall)

CSHB 2590, A bill to be entitled An Act relating to requirements regarding motor vehicle retail installment transactions.

CSHB 2590 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 892 ON SECOND READING
(by Hilderbran)

HB 892, A bill to be entitled An Act relating to the timely deposit of county funds received by the county treasurer.

Amendment No. 1

Representative Quintanilla offered the following amendment to **HB 892**:

Amend **HB 892** by adding the following appropriately numbered SECTIONS and by renumbering the existing SECTIONS as appropriate:

SECTION _____. Sections 116.021(a) and (b), Local Government Code, are amended to read as follows:

(a) ~~The commissioners court of a county [at its May regular term immediately following each general election for state and county officers]~~ shall contract with one or more banks in the county and enter a contract with each selected bank for the deposit of the county's public funds. The county shall contract with a bank under this section for a two-year or four-year contract term. On expiration of a contract under this section, the contract may be renewed for two years under terms negotiated by the commissioners court.

(b) If the contract is for a four-year term, the contract shall allow the county ~~[bank]~~ to establish, on the basis of negotiations with the bank ~~[county]~~, new interest rates and financial terms of the contract that will take effect during the final two years of the four-year contract ~~[if:~~

~~[(1) the new financial terms do not increase the prices to the county by more than 10 percent; and~~

~~[(2) the county has the option to choose to use the initial variable interest rate option or to change to the new fixed or variable interest rate options proposed by the bank].~~

SECTION _____. Section 116.022(a), Local Government Code, is amended to read as follows:

(a) Once each week for at least 20 days before the date of a meeting of the ~~[May regular term of a]~~ commissioners court at which the court will make a depository contract, the county judge shall place over the judge's name in a

newspaper published in the county a notice that the commissioners court intends to make the contract. A notice shall also be posted at the courthouse door of the county.

SECTION _____. Section 116.023(a), Local Government Code, is amended to read as follows:

(a) A bank in the county that wants to be a county depository must deliver its application to the county judge on or before a date set by the commissioners court ~~[the first day of the term of the commissioners court at which depositories are to be selected]~~.

SECTION _____. Section 116.024(a), Local Government Code, is amended to read as follows:

(a) At the meeting ~~[10 a.m. on the first day of each term]~~ at which banks are to be selected as county depositories, the commissioners court shall:

(1) enter in the minutes of the court all applications filed with the county judge;

(2) consider all applications; and

(3) select the qualified applicants that offer the most favorable terms and conditions for the handling of the county funds.

SECTION _____. Sections 117.021(a) and (c), Local Government Code, are amended to read as follows:

(a) The commissioners court of a county ~~[at its May regular term after a general election for state and county officers]~~ shall receive an application from a federally insured bank or banks in the county to be the depository for a special account held by the county clerk and the district clerks. The county shall contract with a federally insured bank or banks under this section and enter a contract with each selected bank for a two-year or four-year ~~[contract]~~ term. The contract may, on request by the clerk and approval of the commissioners court, include a provision that the funds in a special account earn interest. A request from the clerk that an account earn interest must be made, in writing, to the commissioners court not later than the 30th day before the date the county gives notice under Section 117.022 and shall be entered in the minutes of the court. On expiration of a contract under this subsection, the contract may be renewed for two years under terms negotiated by the commissioners court.

(c) A bank must file its application on or before a date set by the commissioners court ~~[10 a.m. on the first day of the term]~~. The application must be accompanied by a certified check or cashier's check for at least one-half of one percent of the average daily balance of the registry funds held by the county clerk and the district clerk during the preceding calendar year, as determined by the county clerk and the district clerk on or before the 10th day before the date the application is required to be filed. A certified check or cashier's check that complies with this section is a good-faith guarantee on the part of the applicant that if its application is accepted it will execute the bond required under this subchapter. If the bank selected as depository does not provide the bond, the county shall retain the amount of the check as liquidated damages and the county shall select another depository as provided by this subchapter.

SECTION _____. Section 117.023(a), Local Government Code, is amended to read as follows:

(a) At the meeting ~~[10 a.m. on the first day of each term]~~ at which banks are to be selected ~~[the commissioners court is required to receive applications]~~ to serve as the depository for registry funds held by the county clerk and the district clerk, the commissioners court shall enter the applications in the minutes of the court and select a depository.

SECTION _____. Section 117.025(b), Local Government Code, is amended to read as follows:

(b) A designation under Subsection (a) is effective until the designation and qualification of a successor depository or until April 15 following the expiration of the contract ~~[term in which a depository must be selected under this subchapter]~~, whichever is earlier. If the term of a depository ends before the designation and qualification of a successor, the depository shall pay to the clerk in whose name the account is carried all registry funds due or on deposit.

SECTION _____. Sections 116.021(c) and 117.021(d), Local Government Code, are repealed.

Amendment No. 1 was adopted.

HB 892, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

(Hilderbran in the chair)

HB 120 ON SECOND READING

(by F. Brown)

HB 120, A bill to be entitled An Act relating to state funding and tuition charged for courses provided during off-peak hours at certain public institutions of higher education.

HB 120 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 447 ON SECOND READING

(by Callegari)

CSHB 447, A bill to be entitled An Act relating to contracts by governmental entities for construction projects and related professional services and to public works performance and payment bonds.

Amendment No. 1

Representative Patrick offered the following amendment to **CSHB 447**:

Amend **CSHB 447** to read as follows:

(1) In Section 2.05 of the bill, page 4, line 5, insert the following:

"Public work contract" means a contract for constructing, altering, or repairing a public building or carrying out or completing any public work."

(2) In Section 2.05 of the bill, page 4, line 7, after "a" insert "public work contract made by a".

(3) In Section 2.05 of the bill, page 6, line 15, after the word "name", insert "or title".

(4) In Section 2.06 of the bill, page 29, line 4, after the word "contracts", insert "for the purchase of goods and services".

(5)(1) Amend **CSHB 447** (House Committee Report Printing) by adding a new section to read as follows:

SECTION _____. Subchapter B, Chapter 44, Education Code is amended by adding Section 44.0411, to read as follows:

"Sec. 44.0411. CHANGE ORDERS. (a) If changes in plans or specifications are necessary after the performance of the contract is begun or if it is necessary to decrease or increase the quantity of work to be performed or of materials, equipment, or supplies to be furnished, the district may approve change orders making the changes.

(b) The total contract price may not be increased because of the changes unless additional money for increased costs is approved for that purpose from available funds or is provided for by the authorization of the issuance of time warrants.

(c) If a change order involves a decrease or an increase of \$25,000 or less, the district may grant general authority to an administrative official to approve the change orders.

(d) The original contract price may not be increased under this section by more than 25 percent. The original contract price may not be decreased under this section by more than 25 percent without the consent of the contractor."

Amendment No. 1 was adopted.

Amendment No. 2

Representative Patrick offered the following amendment to **CSHB 447**:

Amend **CSHB 447** (House Committee Report Printing) to read as follows:

(1) In section 2.06 of the bill, page 29, line 8, after the word "bidding", insert ", for services other than construction services;".

(2) In section 2.06 of the bill, page 29, line 9, after the word "proposals", insert ", for services other than construction services;".

(3) Add new section to read as follows:

SECTION _____. Subchapter B, Chapter 44, Education Code is amended by adding Section 44.035 to read as follows:

Sec. 44.035. COMPETITIVE BIDDING. (a) Except to the extent prohibited by other law and to the extent consistent with this subchapter, a school district may use competitive bidding to select a vendor as authorized by Section 44.031(a)(1).

(b) Except as otherwise specifically provided by this subsection, Subchapter B, Chapter 271, Local Government Code, does not apply to a competitive bidding process under this subchapter. Sections 271.026, 271.027(a), and 271.0275, Local Government Code, apply to a competitive bidding process under this subchapter.

(c) A school district shall award a competitively bid contract at the bid amount to the bidder offering the best value for the district. In determining the best value for the district, the district is not restricted to considering price alone, but may consider any other factors stated in the selection criteria. The selection criteria may include the factors listed in Section 44.031(b).

(4) Add new section to read as follows:

SECTION _____. Subchapter B, Chapter 44, Education Code is amended by adding Section 44.036 to read as follows:

Sec. 44.036. COMPETITIVE SEALED PROPOSALS. (a) In selecting a vendor through competitive sealed proposals as authorized by Section 44.031(a)(2), a school district shall follow the procedures prescribed by this section.

(b) The district shall prepare a request for competitive sealed proposals that includes information that vendors may require to respond to the request. The district shall state in the request for proposals the selection criteria that will be used in selecting the successful offeror.

(c) The district shall receive, publicly open, and read aloud the names of the offerors and, if any are required to be stated, all prices stated in each proposal. Within 45 days after the date of opening the proposals, the district shall evaluate and rank each proposal submitted in relation to the published selection criteria.

(d) The district shall select the offeror that offers the best value for the district based on the published selection criteria and on its ranking evaluation. The district shall first attempt to negotiate with the selected offeror a contract. The district may discuss with the selected offeror options for a scope or time modification and any price change associated with the modification. If the district is unable to negotiate a contract with the selected offeror, the district shall, formally and in writing, end negotiations with that offeror and proceed to the next offeror in the order of the selection ranking until a contract is reached or all proposals are rejected.

(e) In determining the best value for the district, the district is not restricted to considering price alone, but may consider any other factors stated in the selection criteria.

AMENDMENT NO. 2 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE DUKES: Representative Patrick, I had a question about this amendment. I wasn't able to get to the microphone to ask you a question about the last amendment as well, a question about that. On the amendments that you placed on the bill related to the substitution of subcontractors on a contract, how would that affect that under the contracting provisions for the school districts, that they are required to have a good faith effort for the utilization of historically

underutilized businesses; women and minority business? What impact do these amendments have on the substitution?

REPRESENTATIVE PATRICK: The basic bill covers that, the amendment does not change this.

DUKES: How does the bill cover that?

PATRICK: I would ask the bill author to explain that to you when we describe the bill.

DUKES: But your amendment, specifically related to public work contracts—

PATRICK: Yes.

DUKES: And the substitution under public work contracts, and that can have a major impact.

PATRICK: It does not change the provision in the bill, which says by the following statement—

DUKES: What page and what line?

PATRICK: Page five.

DUKES: Okay.

PATRICK: At the top of that page, "this chapter does not prevail over a conflicting provision in a law relating to contracting with a historically underutilized business."

DUKES: So in the event that one uses the context of the amendment that you placed on this bill, for the substitution of a subcontractor on the previous amendment, that under present contracting law, substitution would be done with a similar type, same type business. If it was a female-owned firm that was being replaced, then every effort would be made to utilize a female-owned firm in substitution?

PATRICK: Yes, it does not change that part, and I appreciate your bringing up that point. Thank you very much, Representative Dukes.

REMARKS ORDERED PRINTED

Representative Dukes moved to print remarks between Representative Patrick and Representative Dukes.

The motion prevailed.

Amendment No. 2 was adopted.

(Speaker in the chair)

Amendment No. 3

Representative Ortiz offered the following amendment to **CSHB 447**:

Amend **CSHB 447** in Article 2 by adding the following appropriately numbered section and by renumbering the existing sections as appropriate:

SECTION 2.____. Section 271.054, Local Government Code, is amended to read as follows:

Sec. 271.054. COMPETITIVE BIDDING REQUIREMENT. Before the governing body of an issuer may enter into a contract requiring an expenditure by or imposing an obligation or liability on the issuer, or on a subdivision of the issuer if the issuer is a county, of more than \$25,000, the governing body must:

(1) submit the proposed contract to competitive bidding; or
(2) use an alternate method of project delivery authorized by Chapter 2264, Government Code.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Gallego offered the following amendment to **CSHB 447**:

Amend **CSHB 447** on page 8, line 5, by adding the following to added Section 2264.056(b), Government Code:

In addition to complying with the other requirements prescribed by this subsection, the governmental entity must also, as part of its selection process, consider any requirements applicable to the governmental entity relating to historically underutilized businesses.

Representative Callegari moved to table Amendment No. 4.

A record vote was requested.

The motion to table prevailed by (Record 552): 76 Yeas, 60 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; England; Farabee; Flynn; Gattis; Goolsby; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Laubenberg; Macias; Madden; McCall; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Deshotel; Dunnam; Dutton; Escobar; Farias; Farrar; Flores; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Haggerty; Heflin; Hernandez; Herrero; Hochberg; Hodge; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Geren; Moreno; Pierson.

Absent — Creighton; Dukes; Eiland; Hill; Jackson; Latham; Merritt; Miles; Rose; Taylor.

STATEMENTS OF VOTE

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

Creighton

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

Miles

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

Taylor

CSHB 447 - POINT OF ORDER

Representative Dunnam raised a point of order against further consideration of **CSHB 447** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Callegari moved to postpone consideration of **CSHB 447** until the end of today's calendar.

The motion prevailed.

CSHB 818 ON SECOND READING (by Paxton, Madden, and Laubenberg)

CSHB 818, A bill to be entitled An Act relating to the creation of an additional judicial district in Collin County.

Amendment No. 1

Representative Paxton offered the following amendment to **CSHB 818**:

Amend **CSHB 818** as follows:

(1) Strike SECTION 2 of the bill (page 1, lines 9 through 14) and renumber subsequent SECTIONS accordingly.

(2) On page 1, line 17, strike "October 1, 2008" and substitute "January 1, 2009".

Amendment No. 1 was adopted.

CSHB 818, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1623 ON SECOND READING (by Phillips)

CSHB 1623, A bill to be entitled An Act relating to certain penalties and fees imposed for operating a motor vehicle or vessel in violation of law.

CSHB 1623 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

RESOLUTION CALENDAR

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

HCR 159 **(by Morrison)**

HCR 159, Requesting that the governor, lieutenant governor, and speaker appoint a select commission on higher education and global competitiveness.

Amendment No. 1

Representative Alonzo offered the following amendment to **HCR 159**:

Amend **HCR 159** on page 4, line 23, between "needs" and the semicolon, by inserting "and to include representatives that reflect the demographic diversity of this state".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Thompson offered the following amendment to **HCR 159**:

Amend **HCR 159** as follows:

(1) on page 4, line 12 by striking "; and, be it further" and substituting ", and"

(2) on page 4 between lines 12 and 13 by inserting the following:

"(9) the effect of tuition deregulation and higher tuition rates on participation in higher education, and whether tuition deregulation and higher tuition rates have adversely affected participation in higher education by minority or rural students; and, be it further"

Amendment No. 2 was adopted.

HCR 159, as amended, was adopted.

POSTPONED BUSINESS

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

HB 588 ON SECOND READING **(by Gonzalez Toureilles)**

HB 588, A bill to be entitled An Act relating to a court fee on dismissal of a charge in connection with motor vehicle financial responsibility.

HB 588 was read second time on April 16, was postponed until 8 a.m. today, and was again postponed until this time.

Amendment No. 1

Representative Martinez Fischer offered the following amendment to **HB 588**:

Amend **HB 588** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subchapter I, Chapter 601, Transportation Code, is amended by adding Section 601.2611 to read as follows:

Sec. 601.2611. RELEASE OF VEHICLE ON PROOF OF FINANCIAL RESPONSIBILITY. This section applies only to a municipality with a population of more than 1.14 million and less than 1.18 million. Notwithstanding any other law or a court order under Section 601.261, the owner or operator of a storage facility shall release a vehicle impounded at the facility under this subchapter and waive the fee under Section 601.263 if the owner of the vehicle provides evidence of financial responsibility for the vehicle to the owner or operator of the facility not later than 48 hours after the vehicle was impounded.

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

Amendment No. 2

Representative Gonzalez Toureilles offered the following amendment to **HB 588**:

Amend **HB 588** by striking SECTION 1 of the bill (page 1, lines 5-11) and substituting the following:

SECTION 1. Section 601.053, Transportation Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) A person commits an offense if the person fails or refuses to provide to a peace officer the evidence of financial responsibility as required by Subsection (a). An offense under this subsection is a Class C misdemeanor.

(d) A court shall dismiss a charge of an offense under Subsection (c) if the defendant presents to the court one of the documents listed in Subsection (a) that was valid at the time that the offense occurred. The court may assess the defendant an administrative fee not to exceed \$10 when the charge is dismissed. Section 51.607, Government Code, does not apply to the administrative fee.

Amendment No. 2 was withdrawn.

Amendment No. 1 - Vote Reconsidered

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

The motion to reconsider prevailed.

Representative Gonzalez Toureilles moved to postpone consideration of **HB 588** until the end of today's calendar.

The motion prevailed.

HB 198 ON THIRD READING
(by Madden)

HB 198, A bill to be entitled An Act relating to the capacity of certain correctional facilities operated under contracts between the Texas Board of Criminal Justice and a private vendor or county commissioners court.

HB 198 was read third time earlier today and was postponed until this time.

Amendment No. 1

Representative Kolkhorst offered the following amendment to **HB 198**:

Amend **HB 198** on third reading on page 1, line 11, by striking "1,500" and substituting "1,150".

Amendment No. 1 was adopted.

A record vote was requested.

HB 198, as amended, was passed by (Record 553): 135 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Delisi; Deshotel; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Geren; Moreno; Pierson.

Absent — Bolton; Callegari; Darby; Davis, J.; Davis, Y.; Driver; Hill; Macias; Pitts; Van Arsdale; West.

HB 1973 ON THIRD READING
(by Delisi)

HB 1973, A bill to be entitled An Act relating to the procedure to process an application for a physician's license.

HB 1973 was read third time earlier today, amendments were offered and disposed of, and **HB 1973** was postponed until this time.

Amendment No. 3

Representative Dunnam offered the following amendment to **HB 1973**:

Amend **HB 1973** on third reading as follows:

- (1) On page 2, line 9, strike "and".
- (2) On page 2, line 11, between "practice" and the period, insert the following:

;

(3) all medical malpractice history information collected from applicants, including any information similar to information collected under Section 154.006; and

(4) all information regarding the licensing status of each applicant who is licensed to practice medicine in another state

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

SECTION _____. Section 156.001(c), Occupations Code, is amended to read as follows:

(c) A license holder may renew the registration permit by submitting to the board, on or before the expiration date of the registration permit, the required renewal application and registration renewal fee. Each registration permit renewal application must include:

(1) the license holder's name, mailing address, and, if one is available, address for receipt of electronic mail;

(2) the primary place at which the license holder is engaged in the practice of medicine; ~~and~~

(3) the license holder's medical malpractice history, including the number of cases filed and judgments granted; and

(4) ~~(3)~~ other necessary information as prescribed by board rule.

A record vote was requested.

Amendment No. 3 failed of adoption by (Record 554): 57 Yeas, 82 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farias; Farrar; Flores; Frost; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Hughes; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Miles; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Smith, T.; Strama; Thompson; Turner; Vaught; Veasey; Vo.

Nays — Anderson; Aycock; Berman; Bohac; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; England; Farabee; Flynn; Gallego; Garcia; Gattis; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hill; Homer; Hopson; Howard, C.; Howard, D.; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham;

Laubenberg; Macias; Madden; McCall; Merritt; Miller; Morrison; Mowery; Murphy; Naishtat; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Rose; Smith, W.; Smithee; Solomons; Straus; Swinford; Taylor; Truitt; Van Arsdale; Villarreal; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Geren; Moreno; Pierson.

Absent — Bonnen; Guillen; Hilderbran; Noriega; Ortiz; Pickett; Talton.

STATEMENTS OF VOTE

When Record No. 554 was taken, my vote failed to register. I would have voted no.

Guillen

When Record No. 554 was taken, my vote failed to register. I would have voted no.

Hilderbran

A record vote was requested.

HB 1973, as amended, was passed by (Record 555): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Garcia; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Geren; Moreno; Pierson.

Absent — Gallego; Miles.

STATEMENT OF VOTE

When Record No. 555 was taken, I was in the house but away from my desk. I would have voted yes.

Gallego

CSHB 1602 ON SECOND READING
(by Van Arsdale, O'Day, Goolsby, R. Cook, et al.)

CSHB 1602, A bill to be entitled An Act relating to venue in civil actions under the Jones Act.

CSHB 1602 was read second time earlier today and was postponed until this time.

CSHB 1602 - RECOMMITTED

Representative Van Arsdale moved to recommit **CSHB 1602** to the Committee on Civil Practices.

The motion prevailed.

CSHB 32 ON SECOND READING
(by Berman)

CSHB 32, A bill to be entitled An Act relating to the penalty for discarding lighted smoking materials from a motor vehicle.

CSHB 32 was read second time earlier today and was postponed until this time.

Representative Berman moved to postpone consideration of **CSHB 32** until 12 p.m. Wednesday, July 4.

The motion prevailed.

CSHB 2814 ON SECOND READING
(by Eissler, Oliveira, et al.)

CSHB 2814, A bill to be entitled An Act relating to a language immersion pilot project in certain school districts.

CSHB 2814 was read second time earlier today and was postponed until this time.

Representative Eissler moved to postpone consideration of **CSHB 2814** until 10 a.m. Monday, April 23.

The motion prevailed.

HB 588 ON SECOND READING
(by Gonzalez Toureilles)

HB 588, A bill to be entitled An Act relating to a court fee on dismissal of a charge in connection with motor vehicle financial responsibility.

HB 588 was read second time earlier today, amendments were offered and disposed of, and **HB 588** was postponed until this time. Amendment No. 1 was pending at the time of postponement.

Amendment No. 1 was adopted.

Amendment No. 3

Representative Gonzalez Toureilles offered the following amendment to **HB 588**:

Amend **HB 588** by striking SECTION 1 of the bill (page 1, lines 5-11) and substituting the following:

SECTION 1. Section 601.053, Transportation Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) A person commits an offense if the person fails or refuses to provide to a peace officer the evidence of financial responsibility as required by Subsection (a). An offense under this subsection is a Class C misdemeanor.

(d) A court shall dismiss a charge of an offense under Subsection (c) if the defendant presents to the court one of the documents listed in Subsection (a) that was valid at the time that the offense occurred. The court may assess the defendant an administrative fee not to exceed \$10 when the charge is dismissed. Section 51.607, Government Code, does not apply to the administrative fee.

Amendment No. 3 was adopted.

HB 588, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 447 ON SECOND READING (by Callegari and Macias)

CSHB 447, A bill to be entitled An Act relating to contracts by governmental entities for construction projects and related professional services and to public works performance and payment bonds.

CSHB 447 was read second time earlier today, amendments were offered and disposed of, and **CSHB 447** was postponed until this time.

Amendment No. 5

Representative Y. Davis offered the following amendment to **CSHB 447**:

Amend **CSHB 447** as follows:

(1) On page 7, line 6, between "CONSIDER." and "In", insert "(a)".

(2) On page 7, between lines 20 and 21, insert the following:

(b) In determining the award of a contract under this chapter, the governmental entity shall:

(1) consider and apply any existing laws, including any criteria, related to historically underutilized businesses; and

(2) consider and apply any existing laws, rules, or applicable municipal charters, including laws applicable to local governments, related to the use of women, minority, small, or disadvantaged businesses.

Amendment No. 5 was adopted.

Amendment No. 6

Representative Talton offered the following amendment to **CSHB 447**:

Amend **CSHB 447** by inserting the following appropriately numbered ARTICLE and renumbering ARTICLES of the bill accordingly:

ARTICLE __. WAIVER OF SOVEREIGN IMMUNITY

SECTION __.01. Section 271.151(2), Local Government Code, is amended to read as follows:

(2) "Contract subject to this subchapter" means a written contract that is properly executed on behalf of a local governmental entity and states [stating] the essential terms for an [of the] agreement:

(A) for providing goods or services to or from the local governmental entity;

(B) for utility services or infrastructure;

(C) affecting real property;

(D) relating to annexation, including an agreement to forgo annexation;

(E) under Chapter 311, Tax Code; or

(F) under Chapter 212, 245, 372, 375, 378, 383, or 395 [that is properly executed on behalf of the local governmental entity].

SECTION __.02. Section 271.153, Local Government Code, is amended to read as follows:

Sec. 271.153. LIMITATIONS ON ADJUDICATION AWARDS. (a) Except as provided by Subsection (c), the [The] total amount of money awarded in an adjudication brought against a local governmental entity for breach of a contract subject to this subchapter is limited to the following:

(1) the balance due and owed by the local governmental entity under the contract as it may have been amended, including any amount owed as compensation for the increased cost to perform the work as a direct result of owner-caused delays or acceleration;

(2) the amount owed for change orders or additional work the contractor is directed to perform by a local governmental entity in connection with the contract; and

(3) interest as allowed by law.

(b) Except as provided by Subsection (c), damages [Damages] awarded in an adjudication brought against a local governmental entity arising under a contract subject to this subchapter may not include:

(1) consequential damages, except as expressly allowed under Subsection (a)(1);

(2) exemplary damages; or

(3) damages for unabsorbed home office overhead.

(c) In an adjudication brought against a local governmental entity for a breach of a contract involving the provision of services by the local governmental entity or involving a contract described by Section 271.151(2)(B)-(F), the relief awarded, including the total amount of money awarded, is limited to:

(1) monetary damages as provided by Subsection (a);

(2) contractual remedies, including actual damages, compensatory damages, consequential damages, liquidated damages, and specific performance;
or

(3) equitable relief, including injunction and writ of mandamus.

SECTION __.03. Notwithstanding any other section of this Act, the changes in law made by this Article apply to a claim that arises under a contract executed before the effective date of this Act only if sovereign immunity from suit and from liability has not been waived with respect to the claim before the effective date of this Act. A claim that arises under a contract executed before the effective date of this Act and with respect to which sovereign immunity from suit and from liability has been waived is governed by the law in effect on the date the contract was executed, and the former law is continued in effect for that purpose.

Amendment No. 6 was adopted. (The vote was later reconsidered on April 19, and Amendment No. 6 was withdrawn.)

Amendment No. 7

Representative Gallego offered the following amendment to **CSHB 447**:

Amend **CSHB 447** on page 8, line 27, by adding the following to added Section 2264.058(b), Government Code:

If the governmental entity has substantially equivalent offers for services from a provider that is a historically underutilized business and a provider that is not a historically underutilized business, the governmental entity shall select the provider who is a historically underutilized business.

Amendment No. 7 was withdrawn.

CSHB 447, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.) (The vote was later reconsidered on April 19, and **CSHB 447**, as amended, was passed to engrossment.)

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 2.)

COMMITTEES GRANTED PERMISSION TO MEET

Pursuant to House Rule 4, Section 9, Representative Berman requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings, and that for purposes of this motion, those house committees and subcommittees that are scheduled to meet upon adjournment today be considered to be scheduled to meet upon final recess today.

Permission to meet was granted.

FIVE DAY POSTING RULE SUSPENDED

Representative Berman moved to suspend the five day posting rule to allow the Committee on Elections to consider **SB 493** upon final recess today in E2.028.

The motion prevailed.

Representative B. Cook moved to suspend the five day posting rule to allow the Committee on Civil Practices to consider **HB 1602**, **HB 1663**, and **HCR 177** upon final recess today in E1.010.

The motion prevailed.

Representative Deshotel moved to suspend the five day posting rule to allow the Committee on Economic Development to consider **SB 679** upon final recess today in E1.014.

The motion prevailed.

Representative Swinford moved to suspend the five day posting rule to allow the Committee on Natural Resources to consider **HB 4100**, **HB 4101**, and **HB 4102** upon final recess today in E2.012.

The motion prevailed.

Representative Swinford moved to suspend the five day posting rule to allow the Committee on State Affairs to consider **HB 2684** and pending business upon final recess today at Desk 9.

The motion prevailed.

Representative Swinford moved to suspend the five day posting rule to allow the Committee on Regulated Industries, Subcommittee on Renewable Energy and Transmission, to consider **HB 3895** upon final recess today in JHR 140.

The motion prevailed.

Representative J. Davis moved to suspend the five day posting rule to allow the Committee on Appropriations, Subcommittee on Health and Human Services, to consider **SB 10** and previously posted bills at 7:30 a.m. tomorrow in E1.030.

The motion prevailed.

REMARKS ORDERED PRINTED

Representative Branch moved to print remarks on **CSHJR 19** and **HR 1454**.

The motion prevailed.

HB 3293 - RECOMMITTED

Representative Strama moved to recommit **HB 3293** to the Committee on Civil Practices.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Criminal Jurisprudence, upon final recess today, Desk 37, for a formal meeting, to consider pending business.

House Administration, upon final recess today, Desk 93, for a formal meeting, to consider **HCR 111** and pending business.

Judiciary, upon final recess today, Desk 70, for a formal meeting, to consider pending business.

Appropriations, Subcommittee on Health and Human Services, 7:30 a.m. tomorrow, E1.030, for a public hearing, to consider **SB 10** and previously posted bills.

Environmental Regulation, upon final recess today, Desk 1, for a formal meeting, to consider pending business.

Border and International Affairs, upon final recess today, Desk 30, for a formal meeting, to consider pending business.

Public Education, upon final adjournment tomorrow, E2.036, for a formal meeting, to consider pending business.

Regulated Industries, Subcommittee on Renewable Energy and Transmission, upon final recess today, JHR 140, for a public hearing, to consider **HB 3895**.

State Affairs, upon final recess today, Desk 9, for a formal meeting, to consider **HB 2684** and pending business.

Insurance, upon final recess today, Desk 24, for a formal meeting, to consider pending business.

**HR 1535 - ADOPTED
(by R. Cook)**

Representative Hamilton moved to suspend all necessary rules to take up and consider at this time **HR 1535**.

The motion prevailed.

The following resolution was laid before the house:

HR 1535, Commemorating the 30th anniversary of the founding of the Virginia Harris Cockrell Cancer Research Center, Science Park-Research Division in Smithville.

HR 1535 was adopted.

**HR 1545 - ADOPTED
(by T. King and Gallego)**

Representative Hamilton moved to suspend all necessary rules to take up and consider at this time **HR 1545**.

The motion prevailed.

The following resolution was laid before the house:

HR 1545, Celebrating the sesquicentennial of First United Methodist Church of Uvalde.

HR 1545 was adopted.

PROVIDING FOR RECESS

Representative Miller moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 9 a.m. tomorrow in memory of William Olen "Stone" Shipman of Goldthwaite.

The motion prevailed.

RESOLUTIONS REFERRED TO COMMITTEES

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

RECESS

In accordance with a previous motion, the house, at 3:34 p.m., recessed until 9 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HCR 198 (By Swinford), Requesting the Texas Residential Construction Commission to work in cooperation with the San Antonio Housing Authority to create and implement an inspection and mediation plan relating to certain authority-built homes.

To State Affairs.

HR 1447 (By Hernandez), Congratulating Pasadena High School on its receipt of a Texas Science, Technology, Engineering, and Math Network Acceleration grant.

To Rules and Resolutions.

HR 1448 (By Dutton), Honoring Olivet Missionary Baptist Church in Houston on the occasion of its 75th anniversary and scholarship awards banquet.

To Rules and Resolutions.

HR 1467 (By Bohac), In memory of Donald Jay Vernon of Houston.

To Rules and Resolutions.

HR 1469 (By Hernandez), Honoring Jordan Haymon of Galena Park for his win at the Houston Livestock Show and Rodeo calf scramble.

To Rules and Resolutions.

HR 1470 (By Hernandez), Commending Joe and Theresa Padilla of Denver Harbor for their exemplary civic service.

To Rules and Resolutions.

HR 1473 (By Zedler), In memory of Martha Leila Martin Eastland of Dallas.

To Rules and Resolutions.

HR 1475 (By Harless), Honoring John W. Johnson of Houston on his retirement as commissioner of the Texas Transportation Commission.

To Rules and Resolutions.

HR 1476 (By Harless), In memory of U.S. Army Specialist Dustin R. Donica of Spring.

To Rules and Resolutions.

HR 1477 (By Zedler), Congratulating Carole Bearden on being named Arlington Kiwanis Teacher of the Year for 2006-2007.

To Rules and Resolutions.

HR 1478 (By Veasey), Congratulating Mark Anthony Harris on his 19th pastoral anniversary at Cooper Missionary Baptist Church in Fort Worth.

To Rules and Resolutions.

HR 1479 (By Veasey), Honoring the life of Wesley Hardeman of Fort Worth, the first African American to be appointed deputy sheriff in Tarrant County.

To Rules and Resolutions.

HR 1480 (By Dutton), Congratulating Lorena Aguilar of Houston on her achievement in the Texas History Day art competition.

To Rules and Resolutions.

HR 1481 (By Van Arsdale), Honoring Northwest EMS of Harris County Emergency Services District 8 for 26 years of exemplary service.

To Rules and Resolutions.

HR 1483 (By Castro), Honoring Jacob William White of San Antonio for achieving the rank of Eagle Scout.

To Rules and Resolutions.

HR 1484 (By Bohac), Honoring Ann Crenshaw on her retirement from Houston Christian High School.

To Rules and Resolutions.

HR 1487 (By Kuempel), In memory of Joe Bailey Fleming of Seguin.

To Rules and Resolutions.

HR 1488 (By Laubenberg), Recognizing April as National Donate Life Month and commending organ donors and all those involved in the efforts to encourage organ donation.

To Rules and Resolutions.

HR 1489 (By T. Smith), Congratulating Sue and Joe Missimo of Bedford on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1491 (By Hilderbran), In memory of William Everett Dozier, Jr., of Kerrville.

To Rules and Resolutions.

HR 1492 (By Hilderbran), In memory of H. Gordon Findlay of Kerrville.

To Rules and Resolutions.

HR 1493 (By Hilderbran), In memory of Ken Stoepel of Kerrville.

To Rules and Resolutions.

HR 1494 (By Hilderbran), In memory of Joe William Hahn of Kerrville.

To Rules and Resolutions.

HR 1496 (By Hernandez), Commending the 2006-2007 Partners in Learning pilot program at Jacinto City Elementary School in the Galena Park Independent School District.

To Rules and Resolutions.

HR 1497 (By Hernandez), Honoring the Magnolia National Little League in Houston.

To Rules and Resolutions.

HR 1498 (By Harper-Brown), In memory of Margaret Sheers Putnam of Albany.

To Rules and Resolutions.

HR 1499 (By Castro), Congratulating Lisa M. Delgado and all those associated with the Steps to Success conference.

To Rules and Resolutions.

HR 1501 (By Dutton), Honoring Prairie View A&M University on the occasion of the National Alumni Association's national convention, being held in Houston on July 11-15, 2007.

To Rules and Resolutions.

HR 1503 (By Dukes), In memory of Thurmond Woodard of Austin.

To Rules and Resolutions.

HR 1505 (By Crownover), In memory of Carl Gene Young, Sr., of Denton.

To Rules and Resolutions.

HR 1506 (By Olivo), In memory of U.S. Army Specialist Forrest John Waterbury of Richmond.

To Rules and Resolutions.

HR 1508 (By Creighton), In memory of U.S. Army Sergeant Ryan Patrick Green of Conroe.

To Rules and Resolutions.

HR 1509 (By Creighton), Honoring Marsha Porter on her retirement as Conroe ISD athletic director.

To Rules and Resolutions.

HR 1510 (By Creighton), Honoring Cody Wendt of Willis for his heroism in extinguishing a fire at a neighbor's home.

To Rules and Resolutions.

HR 1511 (By Zerwas), Honoring the Learning Center of El Campo on its opening.

To Rules and Resolutions.

HR 1512 (By Harper-Brown), In memory of Irving Police Officer Andrew Albert Esparza.

To Rules and Resolutions.

List No. 2

SB 10 to Appropriations.

SIGNED BY THE SPEAKER

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

House List No. 23

HCR 17, HCR 180, HCR 190

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Wednesday, April 18, 2007

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 10

Nelson

Relating to the operation and financing of the medical assistance program and other programs to provide health care benefits and services to persons in this state; providing penalties.

SB 111 Carona

Relating to removal or reconstruction of certain outdoor advertising.

SB 450 Uresti

Relating to enrollment and participation in certain research programs of certain children in foster care.

SB 943 Janek

Relating to the licensing and regulation of wholesale distributors of prescription drugs; providing penalties.

SB 1068 Wentworth

Relating to the reapportionment of congressional districts and the creation, function, and duties of the Texas Congressional Redistricting Commission.

SB 1604 Duncan

Relating to responsibilities of certain state agencies concerning radioactive substances; imposing fees and surcharges; providing administrative and civil penalties.

SB 1644 Shapiro

Relating to the eligibility of certain teachers to serve on the State Board of Education and the board of directors of a regional education service center.

SB 1794 Ogden

Relating to eligibility for an occupational driver's license.

SB 1909 Ellis

Relating to community supervision, parole, or mandatory supervision for certain drug possession offenses and to a person's eligibility for an order of nondisclosure following a term of community supervision for any of those offenses.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 17

Border and International Affairs - **HB 3068**

Business and Industry - **SB 908**

Civil Practices - **HB 196, HB 1268, HB 1927, HB 2117, HB 3063, HB 3293**

Corrections - **HB 46, HB 429**

County Affairs - **HB 2095, HB 2283, HB 2624, HB 2749, HB 3011, HB 3044, HB 3311, HB 3549**

Criminal Jurisprudence - **HB 187, HB 529, HB 872, HB 1158, HB 2391, HB 3585**

Elections - **HB 218, HB 626, HB 945, HB 1146, HB 1642, HB 2247, HB 3142**

Energy Resources - **HB 3109, HB 3111**

Environmental Regulation - **HB 1526, HB 2608**

Higher Education - **HB 956, HB 2173, HB 2978, HB 3449, HB 3826, HB 3900, HJR 103**

Insurance - **HB 1351**

Judiciary - **HB 1352, HB 2109, HB 2201, HB 3992, HB 4007, HB 4008, HB 4037, HB 4048, HB 4094, HB 4107, SB 168, SB 355, SB 497, SB 844**

Juvenile Justice and Family Issues - **HB 567, HB 620, HB 782, HB 814, HB 1575, HB 1646, HB 1864, HB 1909, HB 2379, HB 2770, HB 2884**

Law Enforcement - **HB 946, HB 2445, HB 3435, SB 740**

Local Government Ways and Means - **HB 3514, HB 3630, SB 57, SB 948**

Natural Resources - **HB 4, HB 1656**

Pensions and Investments - **HB 3322**

Public Health - **HB 14, HB 2158, HB 2439, HJR 90**

State Affairs - **HB 2656**

Urban Affairs - **HB 1315**

Ways and Means - **HB 913**

ENGROSSED

April 17 - HB 11, HB 95, HB 216, HB 347, HB 460, HB 685, HB 954, HB 1105, HB 1178, HB 1265, HB 1270, HB 1610, HB 1764, HB 1922, HB 2198, HJR 19

