

HOUSE JOURNAL

EIGHTIETH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-FOURTH DAY — FRIDAY, APRIL 27, 2007

The house met at 11:15 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 761).

Present — Mr. Speaker; Allen; Alonzo; Anderson; Aycock; Bailey; 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; Flores; Flynn; Gallego; Gattis; Geren; 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; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Patrick; Paxton; Peña; Phillips; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Zedler; Zerwas.

Absent, Excused — Anchia; Berman; Farrar; Frost; Garcia; Krusee; Moreno; Parker; Pickett; Pierson; Pitts; Ritter; Smith, T.; Van Arsdale; Woolley.

Absent — Morrison.

HB 4130 - PERMISSION TO INTRODUCE

Representative Coleman requested permission to introduce and have placed on first reading **HB 4130**.

A record vote was requested.

Permission to introduce was granted by (Record 762): 131 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycock; Bailey; 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;

Flores; Flynn; Gallego; Gattis; Geren; 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; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Patrick; Paxton; Peña; Phillips; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Vaught; Veasey; Villarreal; Vo; West; Zedler; Zerwas.

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

Absent, Excused — Anchia; Berman; Farrar; Frost; Garcia; Krusee; Moreno; Parker; Pickett; Pierson; Pitts; Ritter; Smith, T.; Van Arsdale; Woolley.

Absent — Miller; Morrison.

STATEMENT OF VOTE

When Record No. 762 was taken, I was absent because of a legislative town hall meeting in the district. Had I been present I would have voted yes.

T. Smith

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 29).

(Morrison now present)

LEAVES OF ABSENCE GRANTED

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

RULES SUSPENDED

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

The motion prevailed.

MOTION FOR ONE RECORD VOTE

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

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

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

(Record 763): 133 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycocock; Bailey; 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; Flores; Flynn; Gallego; Gattis; Geren; 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; 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; Patrick; Paxton; Peña; Phillips; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Vaught; Veasey; Villarreal; Vo; West; Zedler; Zerwas.

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

Absent, Excused — Anchia; Berman; Farrar; Frost; Garcia; Krusee; Moreno; Parker; Pickett; Pierson; Pitts; Ritter; Smith, T.; Van Arsdale; Woolley.

STATEMENT OF VOTE

When Record No. 763 was taken, I was absent because of a legislative town hall meeting in the district. Had I been present I would have voted yes.

T. Smith

HB 88 (Harper-Brown and Phillips - no) (131 - 2 - 2)

HB 433

HB 538

HB 820

HB 868

HB 890

HB 891

HB 1100 (Harper-Brown and Phillips - no) (131 - 2 - 2)

SB 1672

HB 1293

HB 1334 (Phillips - no) (132 - 1 - 2)

HB 1374

HB 1400 (Latham - no) (132 - 1 - 2)

HB 1418

HB 1457

HB 1679

HB 1700

HB 1719

HB 1734

HB 1748

HB 1932

HB 1955

HB 2045

HB 2056

HB 2070

HB 2092

HB 2096

HB 2163

SB 1012

HB 2235

HB 2251

HB 2348

HB 2350

HB 2393

SB 884

HB 2411

HB 2417

SB 1405

SB 1340 (Harper-Brown and Phillips - no) (131 - 2 - 2)

HB 2626

HB 2627

HB 2652

HB 2682

HB 2796

HB 2870

HB 2880

HB 2949

SB 1375

HB 3138

HB 3199

HB 3219

HB 3236

HB 3290

HB 3309

HB 3325

HB 3367

HB 3440

HB 3490

HB 3491

HB 3492

HB 3495 (Latham - no) (132 - 1 - 2)

HB 3496

HB 3563

HB 3634

HB 3672

HB 3688

SB 271

SB 526

SB 673

SB 699

SB 849

**HR 1391 - READ
(by Dutton)**

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

HR 1391, Honoring Cortney Sanders on her first place finish at the Houston ISD Regional History Fair.

HR 1391 - MOTION TO ADD NAMES

On motion of Representative Dutton, the names of all the members of the house were added to **HR 1391** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Dutton who introduced Courtney Sanders.

POSTPONED BUSINESS

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

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.

CSHB 1443 was read second time on April 18, postponed until April 23, and was again postponed until 9 a.m. today.

Representative J. Davis moved to postpone consideration of **CSHB 1443** until 10 a.m. Monday, April 30.

The motion prevailed.

(Speaker in the chair)

HR 139 - READ

(by Alonzo and Peña)

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

HR 139, Recognizing the week of April 22 through April 28, 2007, as National Crime Victims' Rights Week.

CSHB 180 ON SECOND READING

(by Zedler, et al.)

CSHB 180, A bill to be entitled An Act relating to the creation and dissolution of a covenant marriage.

CSHB 180 was read second time on April 24 and was postponed until 10 a.m. today.

CSHB 180 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **CSHB 180** under Rule 4, Section 32(c)(3) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Zedler moved to postpone consideration of **CSHB 180** until the end of today's calendar.

The motion prevailed.

HB 445 ON SECOND READING
(by Phillips)

HB 445, A bill to be entitled An Act relating to a claim for reimbursement in a suit to dissolve a marriage.

HB 445 was read second time on April 24 and was postponed until 10 a.m. today.

Representative Phillips moved to postpone consideration of **HB 445** 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, postponed until April 18, postponed until April 23, postponed until April 25, and was again postponed until 10 a.m. today.

Representative Phillips moved to postpone consideration of **HB 443** until the end of today's calendar.

The motion prevailed.

GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING

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

SB 1106 ON THIRD READING
(Farabee - House Sponsor)

SB 1106, A bill to be entitled An Act relating to county accounting procedures regarding certain audits, debts, and records.

(Crownover in the chair)

A record vote was requested.

SB 1106 was passed by (Record 764): 134 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycock; Bailey; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover(C); Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Gallego; Gattis; Geren; 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; 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; Patrick; Paxton; Peña; Phillips; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Anchia; Berman; Farrar; Frost; Garcia; Krusee; Moreno; Parker; Pickett; Pierson; Pitts; Ritter; Smith, T.; Van Arsdale; Woolley.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 971 ON THIRD READING
(by T. King)**

HB 971, A bill to be entitled An Act relating to a documented member of the Kickapoo Traditional Tribe of Texas hunting certain deer.

A record vote was requested.

HB 971 was passed by (Record 765): 121 Yeas, 12 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycock; Bailey; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Creighton; Darby; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hancock; Hardcastle; Harless; 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.; Kuempel; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Patrick; Paxton; Peña; Phillips; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Zedler; Zerwas.

Nays — Bohac; Branch; Callegari; Crabb; Davis, J.; Gattis; Geren; Hamilton; Harper-Brown; Kolkhorst; Latham; Miller.

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

Absent, Excused — Anchia; Berman; Farrar; Frost; Garcia; Krusee; Moreno; Parker; Pickett; Pierson; Pitts; Ritter; Smith, T.; Van Arsdale; Woolley.

HB 1351 ON THIRD READING**(by T. King)**

HB 1351, A bill to be entitled An Act relating to the operation of certain staff leasing services arrangements.

A record vote was requested.

HB 1351 was passed by (Record 766): 123 Yeas, 8 Nays, 2 Present, not voting.

Yeas — Alonzo; Anderson; Aycock; Bailey; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Kuempel; Latham; Laubenberg; 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; Otto; Patrick; Paxton; Peña; Phillips; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; West; Zedler; Zerwas.

Nays — Allen; Bolton; Cohen; Dutton; Hernandez; Herrero; Leibowitz; Vaught.

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

Absent, Excused — Anchia; Berman; Farrar; Frost; Garcia; Krusee; Moreno; Parker; Pickett; Pierson; Pitts; Ritter; Smith, T.; Van Arsdale; Woolley.

Absent — Jackson; Ortiz.

HB 321 ON THIRD READING**(by Dukes)**

HB 321, A bill to be entitled An Act relating to the establishment of a pilot program by the Health and Human Services Commission to accept importation of electronic eligibility information from a regional indigent care provider.

A record vote was requested.

HB 321 was passed by (Record 767): 132 Yeas, 0 Nays, 2 Present, not voting.

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

Geren; 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, S.; King, T.; Kolkhorst; 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; Patrick; Paxton; Peña; Phillips; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Zedler; Zerwas.

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

Absent, Excused — Anchia; Berman; Farrar; Frost; Garcia; Krusee; Moreno; Parker; Pickett; Pierson; Pitts; Ritter; Smith, T.; Van Arsdale; Woolley.

Absent — King, P.

STATEMENT OF VOTE

When Record No. 767 was taken, I was in the house but away from my desk. I would have voted yes.

P. King

HB 2618 ON THIRD READING

(by Guillen)

HB 2618, A bill to be entitled An Act relating to authorizing political subdivisions to lease property owned by the political subdivision to other governmental entities without following competitive purchasing procedures.

A record vote was requested.

HB 2618 was passed by (Record 768): 131 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycocock; Bailey; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Gallego; Gattis; Geren; 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.; 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; Patrick; Paxton;

Peña; Phillips; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Zedler; Zerwas.

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

Absent, Excused — Anchia; Berman; Farrar; Frost; Garcia; Krusee; Moreno; Parker; Pickett; Pierson; Pitts; Ritter; Smith, T.; Van Arsdale; Woolley.

Absent — Kolkhorst; Talton.

STATEMENT OF VOTE

When Record No. 768 was taken, my vote failed to register. I would have voted yes.

Kolkhorst

HB 1391 ON THIRD READING (by Turner)

HB 1391, A bill to be entitled An Act relating to the authority to regulate certain water and sewage utilities to ensure public safety in residential areas.

A record vote was requested.

HB 1391 was passed by (Record 769): 130 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycock; Bailey; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Gallego; Gattis; Geren; 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; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Patrick; Paxton; Peña; Phillips; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Zedler; Zerwas.

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

Absent, Excused — Anchia; Berman; Farrar; Frost; Garcia; Krusee; Moreno; Parker; Pickett; Pierson; Pitts; Ritter; Smith, T.; Van Arsdale; Woolley.

Absent — Dutton; Noriega; O'Day.

HB 2391 ON THIRD READING
(by Madden)

HB 2391, A bill to be entitled An Act relating to the appearance of certain misdemeanor offenders before a magistrate.

A record vote was requested.

HB 2391 was passed by (Record 770): 132 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycock; Bailey; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; 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; 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; Patrick; Paxton; Peña; Phillips; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Zedler; Zerwas.

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

Absent, Excused — Anchia; Berman; Farrar; Frost; Garcia; Krusee; Moreno; Parker; Pickett; Pierson; Pitts; Ritter; Smith, T.; Van Arsdale; Woolley.

Absent — Harless.

STATEMENT OF VOTE

I was shown voting yes on Record No. 770. I intended to vote no.

Phillips

HB 3585 ON THIRD READING
(by Peña)

HB 3585, A bill to be entitled An Act relating to the provision of a computerized victim notification system to certain state agencies and to counties.

A record vote was requested.

HB 3585 was passed by (Record 771): 133 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycock; Bailey; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland;

Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Gallego; Gattis; Geren; 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; 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; Patrick; Paxton; Peña; Phillips; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Zedler; Zerwas.

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

Absent, Excused — Anchia; Berman; Farrar; Frost; Garcia; Krusee; Moreno; Parker; Pickett; Pierson; Pitts; Ritter; Smith, T.; Van Arsdale; Woolley.

HB 654 ON THIRD READING

(by Hilderbran, J. Davis, Gallego, Macias, and Rose)

HB 654, A bill to be entitled An Act relating to a pilot project to develop and operate a crisis stabilization unit on Kerrville State Hospital grounds.

Amendment No. 1

Representative Hilderbran offered the following amendment to **HB 654**:

Amend **HB 654**, second reading engrossment, on page 2 of the bill by striking lines 9 through 16 and substituting the following:

(e) The local mental health authority operating the crisis stabilization unit under contract shall use, for the purpose of operating the 16-bed unit, the money appropriated to the department for operating 16 beds in state hospitals that is allocated to the local mental health authority. The department shall ensure that the local mental health authority retains the remainder of the local authority's state hospital allocation that is not used for operating the 16-bed unit. The department may allocate additional funds appropriated to the department for state hospitals to the crisis stabilization unit pilot project.

(f) The department shall reduce the number of beds the department operates in the state hospital by 16. The department, in collaboration with the local mental health authority, shall ensure that the 16 beds in the crisis stabilization unit are made available to other mental health authorities for use as designated by the department.

Amendment No. 1 was adopted.

A record vote was requested.

HB 654, as amended, was passed by (Record 772): 129 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycock; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Gallego; Gattis; Geren; 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; 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; Patrick; Paxton; Peña; Phillips; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Zedler; Zerwas.

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

Absent, Excused — Anchia; Berman; Farrar; Frost; Garcia; Krusee; Moreno; Parker; Pickett; Pierson; Pitts; Ritter; Smith, T.; Van Arsdale; Woolley.

Absent — Bailey; Burnam; Coleman; Eiland.

HB 3225 ON THIRD READING (by Murphy)

HB 3225, A bill to be entitled An Act relating to the scope of authority of the Automobile Theft Prevention Authority.

A record vote was requested.

HB 3225 was passed by (Record 773): 132 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycock; Bailey; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Gallego; Gattis; Geren; 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; 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; Olivo; Orr; Ortiz; Otto; Patrick; Paxton; Peña; Phillips; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Zedler; Zerwas.

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

Absent, Excused — Anchia; Berman; Farrar; Frost; Garcia; Krusee; Moreno; Parker; Pickett; Pierson; Pitts; Ritter; Smith, T.; Van Arsdale; Woolley.

Absent — Oliveira.

HB 2239 ON THIRD READING
(by Deshotel and R. Cook)

HB 2239, A bill to be entitled An Act relating to the adoption of a state scenic byways program.

A record vote was requested.

HB 2239 was passed by (Record 774): 132 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycocock; Bailey; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Gallego; Gattis; Geren; 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; 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; Patrick; Paxton; Peña; Phillips; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Zedler; Zerwas.

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

Absent, Excused — Anchia; Berman; Farrar; Frost; Garcia; Krusee; Moreno; Parker; Pickett; Pierson; Pitts; Ritter; Smith, T.; Van Arsdale; Woolley.

Absent — Dutton.

(Anchia now present)

HB 724 ON THIRD READING
(by Solomons)

HB 724, A bill to be entitled An Act relating to resolution of certain disputes regarding workers' compensation claims for medical benefits.

(Speaker in the chair)

A record vote was requested.

HB 724 was passed by (Record 775): 135 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Ayccock; Bailey; 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; Flores; Flynn; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; 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; 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; Patrick; Paxton; Peña; Phillips; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Berman; Farrar; Frost; Garcia; Krusee; Moreno; Parker; Pickett; Pierson; Pitts; Ritter; Smith, T.; Van Arsdale; Woolley.

**MAJOR STATE CALENDAR
SENATE BILLS
SECOND READING**

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

**SB 904 ON SECOND READING
(Truitt - House Sponsor)**

SB 904, A bill to be entitled An Act relating to the continuation and functions of the Texas Alcoholic Beverage Commission; providing penalties.

(T. Smith now present)

Amendment No. 1

Representative Solomons offered the following amendment to **SB 904**:

Amend **SB 904** (house committee printing) by inserting the following appropriately numbered SECTIONS to the bill and renumbering existing SECTIONS of the bill accordingly.

SECTION _____. Title 2, Alcoholic Beverage Code, is amended by adding Chapter 7 to read as follows:

**CHAPTER 7. LICENSING AGENTS
SUBCHAPTER A. GENERAL REQUIREMENTS**

Sec. 7.001. DEFINITION. In this chapter, "licensing agent" means a person who assists another person in obtaining or renewing a license or permit issued under this code or otherwise represents a person before the commission with respect to a license or permit issued under this code.

Sec. 7.002. APPLICABILITY OF CHAPTER. This chapter does not apply to:

- (1) an attorney licensed in this state;
- (2) a person who holds a license or permit issued under this code or an employee of a person who holds a license or permit issued under this code acting on behalf of the license or permit holder; or
- (3) an applicant for a license or permit issued under this code or an employee of an applicant for a license or permit issued under this code acting on the applicant's own behalf.

[Sections 7.003-7.050 reserved for expansion]

SUBCHAPTER B. COMMISSION POWERS AND DUTIES

Sec. 7.051. LICENSING AGENT TRAINING COURSE. (a) The commission shall establish a licensing agent training course. The course must include, at a minimum, instruction regarding:

- (1) all permits and licenses issued by the commission and the activities authorized for each permit and license; and
- (2) the procedures for filing permit and license applications with the commission.

(b) The commission shall teach the training course at least four times each year in different locations throughout the state.

(c) The commission shall charge a fee to each individual taking the course. The commission shall adopt the course fee in an amount that in the aggregate is sufficient to cover the cost of teaching the course.

Sec. 7.052. INVESTIGATION OF COMPLAINTS. The administrator may, on the administrator's motion, and shall, on the written complaint of a person aggrieved by the action of a licensing agent, investigate an alleged violation of this chapter by a licensing agent or an applicant.

[Sections 7.053-7.100 reserved for expansion]

SUBCHAPTER C. LICENSING

Sec. 7.101. LICENSE REQUIRED. A person may not act as a licensing agent unless the person holds a license issued under this chapter.

Sec. 7.102. ELIGIBILITY FOR LICENSING AGENT LICENSE. A person is eligible for a licensing agent license if the person:

- (1) is at least 18 years of age;
- (2) is a citizen of the United States or a legal alien; and
- (3) has completed a training course approved by the commission under Section 7.051.

Sec. 7.103. PERSON INELIGIBLE FOR LICENSE. The commission may not issue a licensing agent license to a person who has an interest in any permit or license issued under Title 3.

Sec. 7.104. APPLICATION FOR LICENSE. An applicant for a license under this chapter must:

- (1) submit an application on a form provided by the commission; and
- (2) include with the application the application fee set by the commission.

Sec. 7.105. CRIMINAL HISTORY RECORD INFORMATION FOR LICENSE APPLICANTS. (a) An applicant for a license under this chapter must submit to the commission, in addition to satisfying the other requirements of this subchapter, a complete and legible set of fingerprints, on a form prescribed by the commission, for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

(b) On receipt of an application for a license under this chapter, the commission shall conduct a criminal background check on the applicant.

(c) An applicant is not eligible for a license under this chapter if the applicant, in the five years preceding the date of the application, has been finally convicted of a misdemeanor involving moral turpitude or a felony.

Sec. 7.106. LICENSE ISSUANCE. The commission shall issue a license under this chapter if the commission determines that the applicant:

(1) has paid the license fee set by the commission; and

(2) qualifies to be licensed under this chapter.

Sec. 7.107. LICENSE NOT REQUIRED FOR CERTAIN EMPLOYEES. An employee of a licensing agent who only performs administrative duties is not required to hold a license under this chapter.

[Sections 7.108-7.150 reserved for expansion]

SUBCHAPTER D. LICENSE EXPIRATION AND RENEWAL

Sec. 7.151. LICENSE EXPIRATION. (a) A license issued under this chapter expires on the second anniversary of the date the license is issued. The commission by rule shall adopt a system under which licenses expire on various dates during the year.

(b) A person may not engage in activities that require a license if the person's license has expired and is not renewed as provided by this subchapter.

Sec. 7.152. LICENSE RENEWAL. (a) A person may renew an unexpired license by paying the required renewal fee to the commission before the expiration date of the license.

(b) At least 30 days before the expiration of a person's license, the commission shall send written notice of the impending license expiration to the person at the person's last known address according to the commission's records.

(c) A person whose license has been expired for 90 days or less may renew the license by paying to the commission a renewal fee that is equal to one and one-half times the normally required renewal fee.

(d) A person whose license has been expired for more than 90 days but less than one year may renew the license by paying to the commission a renewal fee that is equal to two times the normally required renewal fee.

(e) A person whose license has been expired for one year or more may not renew the license. The person may obtain a license by complying with the requirements and procedures for obtaining a new license.

(f) On receipt of an application to renew a license issued under this chapter, the commission may conduct a criminal background check under Section 7.105.

[Sections 7.153-7.200 reserved for expansion]

SUBCHAPTER E. PRACTICE OF LICENSING AGENT

Sec. 7.201. COLLECTION OF LICENSE AND PERMIT FEES. (a) All permit or license fees collected by a licensing agent on behalf of another person must be paid by check made payable to the commission.

(b) A licensing agent shall deposit all license and permit fees collected by the agent with the commission not later than the 20th day after the date the licensing agent receives the fee.

[Sections 7.202-7.250 reserved for expansion]

SUBCHAPTER F. BOND

Sec. 7.251. BOND REQUIRED. The holder of a licensing agent license shall file a bond with the commission.

Sec. 7.252. BOND TERMS AND CONDITIONS. (a) A bond filed under this subchapter must:

(1) be in an amount set by the commission not to exceed \$200,000;

(2) be conditioned on the licensing agent performing duties required by this chapter; and

(3) be payable to the commission as trustee for any person who may be entitled to recover under the bond.

(b) The bond must be made with:

(1) a solvent surety company doing business in this state; or

(2) two or more good and sufficient sureties, each of whom:

(A) is a resident of this state; and

(B) makes an affidavit stating that the surety has assets, not subject to exemption, that are at least equal to the amount of the bond.

Sec. 7.253. BOND APPROVAL. The bond must be approved by the commission.

Sec. 7.254. SUIT ON BOND. (a) A person damaged by a breach of a condition of the bond may bring suit and recover under the bond.

(b) The suit must be filed in the county in which the licensing agent maintains an office.

(c) A bond is not void on first recovery and may be sued on until the total amount is exhausted.

(d) The commission may require the licensing agent to file a new bond in an amount set by the commission if the amount of the bond is reduced. The new bond is liable for all future contracts entered into by the licensing agent and a license or permit holder under this code.

(e) A licensing agent who does not file a new bond under Subsection (d) may not act as a licensing agent in this state.

[Sections 7.255-7.300 reserved for expansion]

SUBCHAPTER G. DENIAL OF LICENSE AND DISCIPLINARY PROCEDURES

Sec. 7.301. DENIAL OF APPLICATION; SUSPENSION OR REVOCATION OF LICENSE. The commission may deny an application for a license or suspend or revoke the license of a licensing agent for:

(1) violating this chapter or a rule adopted under this chapter;

(2) obtaining a license through false or fraudulent representation;
(3) making a substantial misrepresentation in an application for a licensing agent license;
(4) engaging in a continued and flagrant course of misrepresentation; or
(5) failing to account for or remit, within a reasonable time, money belonging to another that is in the licensing agent's possession, commingling money of another person with the licensing agent's money, or failing to keep the money of another person in an escrow or trust account.

Sec. 7.302. HEARING BY STATE OFFICE OF ADMINISTRATIVE HEARINGS. (a) Before denying an application for a license or suspending or revoking a license, the commission must:

(1) set the matter for a hearing to be conducted by the State Office of Administrative Hearings; and

(2) before the hearing date, notify the applicant in writing of:

(A) the charges alleged or the question to be determined at the hearing; and

(B) the date and location of the hearing.

(b) At a hearing under this section, the applicant may:

(1) be present and be heard in person or by counsel; and

(2) have an opportunity to offer evidence by oral testimony, affidavit, or deposition.

(c) Written notice may be served by personal delivery to the applicant or by certified mail to the last known mailing address of the applicant.

[Sections 7.303-7.350 reserved for expansion]

SUBCHAPTER H. CRIMINAL PENALTIES

Sec. 7.351. PRACTICING WITHOUT LICENSE; OFFENSE. (a) A person commits an offense if the person acts as a licensing agent without a license.

(b) An offense under this section is a Class B misdemeanor.

Sec. 7.352. GENERAL CRIMINAL PENALTY. (a) A person commits an offense if the person violates a provision of this chapter or a rule adopted by the commission under this chapter for which a penalty is not provided.

(b) An offense under this section is a Class C misdemeanor.

SECTION ____. On or before November 1, 2007, the Alcoholic Beverage Commission shall adopt all rules necessary to implement Chapter 7, Alcoholic Beverage Code, as added by this Act.

SECTION ____. A person is not required to hold a license under Chapter 7, Alcoholic Beverage Code, as added by this Act, before January 1, 2008, to engage in activity regulated by that chapter.

SECTION ____. Notwithstanding any other section of this Act, Sections 7.101, 7.351, and 7.352, Alcoholic Beverage Code, as added by this Act, take effect January 1, 2008.

Representative Truitt moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 776): 100 Yeas, 20 Nays, 2 Present, not voting.

Yeas — Alonzo; Aycock; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crownover; Darby; Davis, Y.; Delisi; Driver; Dukes; Dunnam; Eiland; Eissler; Elkins; England; Farabee; Flynn; Gallego; Geren; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Hamilton; Hardcastle; Harless; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Latham; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Miller; Morrison; Mowery; Murphy; Naishtat; O'Day; Oliveira; Orr; Ortiz; Otto; Patrick; Paxton; Phillips; Puente; Quintanilla; Raymond; Rodriguez; Rose; Smith, T.; Smith, W.; Strama; Straus; Swinford; Talton; Taylor; Truitt; Vaught; Veasey; Vo; West; Zedler; Zerwas.

Nays — Bailey; Burnam; Coleman; Crabb; Davis, J.; Deshotel; Dutton; Escobar; Farias; Flores; Gattis; Hancock; Hartnett; Kuempel; Merritt; Miles; Peña; Riddle; Solomons; Villarreal.

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

Absent, Excused — Berman; Farrar; Frost; Garcia; Krusee; Moreno; Parker; Pickett; Pierson; Pitts; Ritter; Van Arsdale; Woolley.

Absent — Allen; Anderson; Creighton; Giddings; Haggerty; Harper-Brown; Hughes; Jones; Laubenberg; Menendez; Noriega; Olivo; Smithee; Thompson; Turner.

STATEMENTS OF VOTE

When Record No. 776 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

When Record No. 776 was taken, I was in the house but away from my desk. I would have voted yes.

Olivo

When Record No. 776 was taken, I was in the house but away from my desk. I would have voted no.

Thompson

SB 904 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSSB 483 ON SECOND READING (P. King - House Sponsor)

CSSB 483, A bill to be entitled An Act relating to regulation of electric generation capacity ownership in the electric power market.

CSSB 483 - POINT OF ORDER

Representative Talton raised a point of order against further consideration of **CSSB 483** 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 P. King moved to postpone consideration of **CSSB 483** until the end of today's calendar.

The motion prevailed.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 3430 ON SECOND READING
(by Strama, Hughes, Van Arsdale, Garcia, Paxton, et al.)**

CSHB 3430, A bill to be entitled An Act relating to the online availability of information about state expenditures, including the creation of a state database containing information on state expenditures.

Representative Strama moved to postpone consideration of **CSHB 3430** until the end of today's calendar.

The motion prevailed.

**CSHB 2201 ON SECOND READING
(by Kolkhorst)**

CSHB 2201, A bill to be entitled An Act relating to the creation of a judicial district composed of Grimes and Waller Counties, the composition of the 9th, 12th, and 278th Judicial Districts, the district attorneys for the 12th and 278th Judicial Districts, and the juvenile board of Leon County.

CSHB 2201 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **CSHB 2201** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Kolkhorst moved to postpone consideration of **CSHB 2201** until the end of today's calendar.

The motion prevailed.

**HB 2278 ON SECOND READING
(by Deshotel)**

HB 2278, A bill to be entitled An Act relating to a nonsubstantive revision of statutes relating to business and commerce; including conforming amendments.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Morrison, Representative Deshotel offered the following committee amendment to **HB 2278**:

Amend **HB 2278** as follows:

(1) On page 365, between lines 1 and 2, insert the following:

CHAPTER 2002. LIQUEFIED PETROLEUM GAS CONTAINERS

Sec. 2002.001. DEFINITIONS

Sec. 2002.002. NOTICE TO PROSPECTIVE PURCHASERS AND USERS

Sec. 2002.003. SUPPLY CONTRACT REQUIREMENT

Sec. 2002.004. FILLING OR REFILLING OF CONTAINER BY NONOWNER

Sec. 2002.005. CRIMINAL PENALTIES

CHAPTER 2002. LIQUEFIED PETROLEUM GAS CONTAINERS

Sec. 2002.001. DEFINITIONS. In this chapter:

(1) "Liquefied petroleum gas" means the hydrocarbon product extracted from natural gas or crude oil and commonly known as butane or propane.

(2) "Person" means an individual, association, or corporation. (V.A.C.S. Art. 8610a, Sec. (a).)

Sec. 2002.002. NOTICE TO PROSPECTIVE PURCHASERS AND USERS. A person in the business of leasing or selling liquefied petroleum gas containers shall give to each prospective purchaser or user of a container a written notice of the purchase or use options provided by that business, including, as applicable, options to purchase, lease, or lease-purchase. The notice must include a written statement that other persons in the business of leasing or selling liquefied petroleum gas containers may provide purchase or use options that include purchase, lease, and lease-purchase. (V.A.C.S. Art. 8610a, Sec. (b).)

Sec. 2002.003. SUPPLY CONTRACT REQUIREMENT. If a person in the business of leasing or selling liquefied petroleum gas containers signs a supply contract with another person, a separate agreement on the face of the supply contract must state that the supplier gave to the user, before the user signed the supply contract, the notice required by Section 2002.002. (V.A.C.S. Art. 8610a, Sec. (c).)

Sec. 2002.004. FILLING OR REFILLING OF CONTAINER BY NONOWNER. A person who is not the owner of a liquefied petroleum gas container may fill or refill the container if the person who occupies the premises where the container is located:

(1) requests the service; and

(2) signs a written request stating that:

(A) an emergency exists; and

(B) the owner is unavailable to fill or refill the container, as applicable. (V.A.C.S. Art. 8610a, Sec. (e).)

Sec. 2002.005. CRIMINAL PENALTIES. (a) A person commits an offense if the person knowingly violates this chapter.

(b) A person who is not the owner of a liquefied petroleum gas container commits an offense if the person:

(1) except as provided by Section 2002.004, without written authorization of the owner of the container sells, fills, refills, delivers or permits to be delivered, or uses the container for any purpose;

(2) obtains a written request under Section 2002.004 through misrepresentation; or

(3) defaces, removes, or conceals a name, mark, initial, or device on the container without the written consent of the owner of the container.

(c) An offense under this section is a misdemeanor punishable by a fine of not less than \$25 and not more than \$200. (V.A.C.S. Art. 8610a, Secs. (d), (f), (g); Art. 8611 (part).)

(2) Strike page 390, line 12, through page 395, line 5, and renumber the subsequent sections of the article accordingly.

Amendment No. 1 was adopted.

HB 2278, 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 662 ON SECOND READING (by Dukes)

HB 662, A bill to be entitled An Act relating to the coordination and improvement of certain programs and services for the prevention of and early intervention in child abuse and neglect.

(Farabee in the chair)

Representative Raymond moved to postpone consideration of **HB 662** until the end of the today's calendar.

The motion prevailed.

HB 1183 ON SECOND READING (by Otto)

HB 1183, A bill to be entitled An Act relating to liability of landowners who allow their land to be used for radio control flying and related activities.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Miller, Representative Otto offered the following committee amendment to **HB 1183**:

Amend **HB 1183** by inserting the following appropriately numbered SECTION and renumbering existing SECTIONS of the bill accordingly:

SECTION _____. Section 75.002, Civil Practice and Remedies Code, is amended by adding Subsection (i) to read as follows:

(i) Subsections (b) and (c) do not affect any liability of an owner, lessee, or occupant of real property for an injury occurring outside the boundaries of the real property caused by an activity described by Section 75.001(3)(P) that originates within the boundaries of the real property.

Amendment No. 1 was adopted.

HB 1183, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero, Leibowitz, and Vaught recorded voting no.)

HB 1383 ON SECOND READING
(by Miles, Coleman, et al.)

HB 1383, A bill to be entitled An Act relating to territory included in, and the validation of acts of, the Greater Southeast Management District.

Representative Miles moved to postpone consideration of **HB 1383** until 7 a.m. Tuesday, May 1.

The motion prevailed.

(Speaker in the chair)

POSTPONED BUSINESS

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

HB 662 ON SECOND READING
(by Dukes)

HB 662, A bill to be entitled An Act relating to the coordination and improvement of certain programs and services for the prevention of and early intervention in child abuse and neglect.

HB 662 was read second time earlier today and was postponed until this time.

HB 662 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 180 - RECOMMENDED

Representative Zedler moved to recommit **HB 180** to the Committee on State Affairs.

The motion prevailed.

HR 1762 - ADOPTED
(by Turner)

Representative Turner moved to suspend all necessary rules to take up and consider at this time **HR 1762**.

The motion prevailed.

The following resolution was laid before the house:

HR 1762, Congratulating the Honorable Robert Puente on his 49th birthday.

HR 1762 was read and was adopted.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 1762** as signers thereof.

SB 430 ON SECOND READING
(Phillips - House Sponsor)

SB 430, A bill to be entitled An Act relating to a claim for reimbursement in a suit to dissolve a marriage.

SB 430 was considered in lieu of **HB 445**.

SB 430 was read second time and was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 445 - LAID ON THE TABLE SUBJECT TO CALL

Representative Phillips moved to lay **HB 445** on the table subject to call.

The motion prevailed.

SB 432 ON SECOND READING
(Phillips - House Sponsor)

SB 432, A bill to be entitled An Act relating to the consent to and annulment of certain marriages.

SB 432 was considered in lieu of **HB 443**.

SB 432 was read second time and was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 443 - LAID ON THE TABLE SUBJECT TO CALL

Representative Phillips moved to lay **HB 443** on the table subject to call.

The motion prevailed.

CSHB 3430 ON SECOND READING
(by Strama, Hughes, Van Arsdale, Garcia, Paxton, et al.)

CSHB 3430, A bill to be entitled An Act relating to the online availability of information about state expenditures, including the creation of a state database containing information on state expenditures.

CSHB 3430 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Strama offered the following amendment to **CSHB 3430**:

Amend **CSHB 3430** (house committee printing) as follows:

(1) On page 1, line 14, strike "(c)" and substitute "(d)".

(2) On page 1, line 20, strike "as appropriate" and substitute "to the extent maintained by state agency accounting systems in a reportable format".

(3) On page 2, strike lines 10-18 and substitute the following:

(d) The comptroller may not allow public access under this section to a payee's address, except that the comptroller may allow public access under this section to information identifying the county in which the payee is located. The comptroller may not allow public access under this section to information that is identified by a state agency as excepted from required disclosure under Chapter 552 or as confidential. It is an exception to the application of Section 552.352(a) that the comptroller or an officer or employee of the comptroller's office posted information under this section in reliance on a determination made by a state agency about the confidentiality of information relating to the agency's expenditures. The comptroller or an officer or employee of the comptroller's office is immune from any civil liability for posting confidential information under this section if the comptroller, officer, or employee posted the information in reliance on a determination made by a state agency about the confidentiality of information relating to the agency's expenditures.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Gallego offered the following amendment to **CSHB 3430**:

Amend **CSHB 3430** by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS of the bill as appropriate:

SECTION _____. Subchapter A, Chapter 313, Tax Code, is amended by adding Section 313.008 to read as follows:

Sec. 313.008. REPORT ON COMPLIANCE WITH AGREEMENTS. Before the beginning of each regular session of the legislature, the comptroller shall submit to the lieutenant governor, the speaker of the house of representatives, and each member of the legislature, a report on each agreement entered into under this chapter. The report must state for each agreement:

(1) the number of qualifying jobs each recipient of a limitation on appraised value committed to create;

(2) the number of qualifying jobs each recipient created;

(3) the median wage of the new jobs each recipient created;

(4) the amount of the qualified investment each recipient committed to expend or allocate per project;

(5) the amount of the qualified investment each recipient expended or allocated per project;

(6) the market value of the qualified property of each recipient;

(7) the limitation on appraised value for the qualified property of each recipient;

(8) the dollar amount of the ad valorem taxes that would have been imposed on the market value of the qualified property;

(9) the dollar amount of the ad valorem taxes imposed on the qualified property;

(10) the number of new jobs created by each recipient in each sector of the North American Industry Classification System (NAICS); and

(11) of the number of new jobs each recipient created, the number of positions created that provide health benefits for employees.

(b) The report may not include information that is made confidential by law.

(c) The comptroller may require a recipient to submit, on a form provided by the comptroller, information required to complete the report.

Amendment No. 2 was adopted.

CSHB 3430, 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 2201 ON SECOND READING
(by Kolkhorst)

CSHB 2201, A bill to be entitled An Act relating to the creation of a judicial district composed of Grimes and Waller Counties, the composition of the 9th, 12th, and 278th Judicial Districts, the district attorneys for the 12th and 278th Judicial Districts, and the juvenile board of Leon County.

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

CSHB 2201 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **CSHB 2201** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The speaker sustained the point of order.

CSHB 2201 was returned to the Committee on Judiciary.

CSSB 483 ON SECOND READING
(P. King - House Sponsor)

CSSB 483, A bill to be entitled An Act relating to regulation of electric generation capacity ownership in the electric power market.

CSSB 483 was read second time earlier today and was postponed until this time.

CSSB 483 - POINT OF ORDER

Representative Talton raised a point of order against further consideration of **CSSB 483** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker overruled the point of order.

Amendment No. 1

Representative P. King offered the following amendment to **CSSB 483**:

Amend **CSSB 483** (House Committee Report) as follows:

(1) In SECTION 1 of the bill, added Section 39.152(a-1)(2), Utilities Code (page 2, line 4), strike "the commission has approved the agreement" and substitute "the person has submitted the agreement under Subdivision (1) to the commission for approval and the agreement is approved as the person's market power mitigation plan in accordance with Section 39.156(f) or (f-4)".

(2) In SECTION 2 of the bill, added Section 39.153(a-2)(2), Utilities Code (page 3, line 1), strike "the commission has approved the agreement" and substitute "the utility or company has submitted the agreement under Subdivision (1) to the commission for approval and the agreement is approved as the utility's or company's market power mitigation plan in accordance with Section 39.156(f) or (f-4)".

(3) In the recital to SECTION 3 of the bill (page 4, line 19), strike "(a) and (c)" and substitute "(a), (c), and (e)".

(4) In SECTION 3 of the bill, added Section 39.154(a-1)(2), Utilities Code (page 5, line 4), strike "the commission has approved the agreement" and substitute "the power generation company has submitted the agreement under Subdivision (1) to the commission for approval and the agreement is approved as the company's market power mitigation plan in accordance with Section 39.156(f) or (f-4)".

(5) In SECTION 3 of the bill, in amended Section 39.154, Utilities Code (page 5, between lines 12 and 13), insert the following:

(e) In determining the percentage shares of installed generation capacity owned, controlled, or owned and controlled in any combination by a power generation company under this section and Section 39.156, the commission shall, for purposes of calculating the numerator, reduce the installed generation capacity owned, controlled, or owned and controlled in any combination by that power generation company by the installed generation capacity from wind generation renewable energy technologies built or acquired by ~~[of any "grandfathered facility" within an ozone nonattainment area as of September 1, 1999, for which]~~ that power generation company after January 1, 2006 ~~[has commenced complying or made a binding commitment to comply with Section 39.264. This subsection applies only to a power generation company that is affiliated with an electric utility that owned and controlled more than 27 percent of the installed generation capacity in the power region on January 1, 1999].~~

(6) In SECTION 5 of the bill (page 6, lines 2 and 3), strike "Sections 39.156(a), (b), (f), and (g), Utilities Code, are amended" and substitute "Section 39.156, Utilities Code, is amended by amending Subsections (a), (b), (f), and (g) and adding Subsections (f-1), (f-2), (f-3), and (f-4)".

(7) In SECTION 5 of the bill, strike added Section 39.156(a)(2), Utilities Code (page 6, lines 10 and 11), and substitute the following:

(2) an agreement with the wholesale electric market monitor to mitigate the potential for market power abuse.

(8) In SECTION 5 of the bill, in amended Section 39.156(b), Utilities Code (page 6, lines 16 and 17), strike "utility's or company's" and substitute "utility or company knew or should have known that its".

(9) In SECTION 5 of the bill, in amended Section 39.156(b)(1), Utilities Code (page 6, line 19), between "mitigation plan" and "with the", insert "described by Subsection (a)(1)".

(10) In SECTION 5 of the bill, in amended Section 39.156(b)(2), Utilities Code (page 6, lines 22 and 23), strike "enter into an agreement to mitigate the potential for market power abuse with the wholesale electric power monitor" and substitute "file a market power mitigation plan described by Subsection (a)(2) with the commission".

(11) In SECTION 5 of the bill, strike amended Section 39.156(f), Utilities Code (page 6, line 26 through page 7, line 5), and substitute the following:

(f) The commission shall approve~~[-, modify,]~~ or reject a plan within 90 ~~[+80]~~ days after the date ~~[of]~~ a utility or company files a plan ~~[filing]~~ under Subsection (b)(1) or (2) ~~[+]~~.

(f-1) In determining whether to approve or reject a plan under Subsection (f), the commission shall give substantial deference to a plan described by Subsection (a)(2), and may reject that plan only if the commission finds by clear and convincing evidence that the plan does not reduce the utility's or company's ability to influence prices.

(f-2) If the commission rejects a plan under Subsection (f), the commission shall issue an order that includes specific findings identifying all changes to the plan that would be required for commission approval, provided that the ~~[The]~~ commission may not ~~[modify a plan to]~~ require divestiture or auction of generation capacity by the electric utility or the power generation company if the divestiture or auction was not included in the plan filed by the utility or company.

(f-3) An electric utility or power generation company does not violate this chapter if the utility or company operates in accordance with a plan described by Subsection (a)(2) that is subsequently rejected by the commission if the utility or company ceases to operate in accordance with the plan not later than the 45th day after the date the commission issues an order rejecting the plan.

(f-4) If the commission does not approve or reject a plan within 90 days after the date the plan is filed with the commission, the plan is considered to be approved.

(12) In SECTION 6 of the bill, in amended Section 39.157(a), Utilities Code (page 8, line 8), between "disgorgement of" and "revenues received" insert "excess".

(13) In SECTION 6 of the bill, in amended Section 39.157(a), Utilities Code (page 8, line 10), between "capacity" and ",", by imposing" insert "if the person does not agree to a market power mitigation plan under Section 39.156(b)".

(14) In SECTION 6 of the bill, in added Section 39.157(j), Utilities Code (page 14, line 6), between "competitive affiliate" and "may not" insert "and a utility".

(15) In SECTION 6 of the bill, in added Section 39.157(j), Utilities Code (page 14, line 7), strike "utility's corporate" and substitute "same".

(16) In SECTION 6 of the bill, in added Section 39.157(j), Utilities Code (page 14, line 8), strike "utility's corporate" and substitute "same".

(17) On page 16, lines 16 and 17, strike all of SECTION 9 and substitute "SECTION 9. Section 39.153(b), Utilities Code, is repealed."

(18) Add the following appropriately numbered SECTIONS to read as follows:

SECTION _____. Chapter 31, Utilities Code, is amended by adding Section 31.006 to read as follows:

Sec. 31.006. ELECTRIC ENERGY AND ENVIRONMENTAL IMPACT TASK FORCE. (a) In this section, "task force" means the electric energy and environmental impact task force.

(b) The task force shall meet quarterly to:

(1) study the state's long-term demand for electric generation capacity and the infrastructure and technology available and necessary for meeting that demand;

(2) study the environmental effects of existing and proposed electric generating facilities;

(3) inventory all existing electric generating facilities operating in this state; and

(4) review changes to state statutes, administrative rules and regulations, judicial decisions, and executive branch policies regarding electric energy generation.

(c) The task force is composed of:

(1) a member of the commission appointed by the chairman of the commission;

(2) a member of the Texas Commission on Environmental Quality appointed by the chairman of the Texas Commission on Environmental Quality; and

(3) the president and chief executive officer of ERCOT.

(d) The members of the task force shall elect a presiding officer from among the members and shall adopt rules governing the operation of the task force.

(e) All meetings of the task force shall be conducted in accordance with Chapter 551, Government Code.

SECTION _____. Not later than October 1, 2007, the electric energy and environmental impact task force established under Section 31.006, Utilities Code, as added by this Act, shall conduct an organizational meeting.

SECTION _____. Section 37.057, Utilities Code, is amended to read as follows:

Sec. 37.057. DEADLINE FOR APPLICATION FOR NEW TRANSMISSION FACILITY. (a) Except as provided by Section 37.0575, the [The] commission must approve or deny an application for a certificate for a new transmission facility not later than the first anniversary of the date the application is filed. If the commission does not approve or deny the application on or before that date, a party may seek a writ of mandamus in a district court of Travis County to compel the commission to decide on the application.

SECTION _____. Subchapter B, Chapter 37, Utilities Code, is amended by adding Section 37.0575 to read as follows:

Sec. 37.0575. FACILITIES THAT ARE CRITICAL FOR RESOURCE ADEQUACY. (a) The commission may designate certain transmission facility projects as projects critical for resource adequacy if the project seeks to connect to ERCOT electric generation facilities in this state that were in operation on January 1, 2007. In determining whether the commission should designate a project as a project critical for resource adequacy, the commission shall consider:

(1) the estimates of future electric reserve margins published by the ERCOT independent system operator;

(2) the amount of electricity the proposed project could potentially add to the reserve margins in ERCOT; and

(3) how quickly the proposed transmission facility project can be constructed to add that electricity to the ERCOT market.

(b) The commission must approve or deny an application for a certificate of convenience and necessity for a transmission facility project the commission designates as a project critical for resource adequacy not later than the 180th day after the date a complete application is filed unless good cause is shown for extending that deadline. If the commission does not approve or deny the application on or before that date, a party may seek a writ of mandamus in a district court of Travis County to compel the commission to decide on the application.

(c) This section expires September 1, 2009.

SECTION ____. (a) The legislature finds that:

(1) the "filed rate" doctrine is at odds with the intent of the state legislature to restructure the electric industry in this state;

(2) the "filed rate" doctrine in a private right of action for a violation of Section 39.157, Utilities Code, or of Sections 15.01 through 15.26, Business & Commerce Code, is abolished; and

(3) the deregulated wholesale and retail markets in ERCOT are the relevant markets for the purposes of determining standing to sue and the existence of market power abuses under Section 39.157, Utilities Code.

(b) Section 39.157, Utilities Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) To prevent market power abuses or other violations of this section, the [The] commission shall monitor market power associated with the generation, transmission, distribution, and sale of electricity in this state. On a finding that market power abuses or other violations of this section are occurring, the commission shall require reasonable mitigation of the market power by ordering the construction of additional transmission or distribution facilities, by seeking an injunction or civil penalties as necessary to eliminate or to remedy the market power abuse or violation as authorized by Chapter 15, by imposing an administrative penalty as authorized by Chapter 15, or by suspending, revoking, or amending a certificate or registration as authorized by Section 39.356. Section 15.024(c) does not apply to an administrative penalty imposed under this section. For purposes of this subchapter, market power abuses are practices by persons possessing market power that are unreasonably discriminatory or tend to unreasonably restrict, impair, or reduce the level of competition, including

practices that tie unregulated products or services to regulated products or services or unreasonably discriminate in the provision of regulated services. For purposes of this section, "market power abuses" include predatory pricing, withholding of production, precluding entry, and collusion. A violation of the code of conduct provided by Subsection (d) that materially impairs the ability of a person to compete in a competitive market shall be deemed to be an abuse of market power. The possession of a high market share in a market open to competition may not, of itself, be deemed to be an abuse of market power; however, this sentence shall not affect the application of state and federal antitrust laws.

(a-1) Notwithstanding any other law, a qualifying person may pursue a private right of action under Section 39.158(b) or under Sections 15.01 through 15.26, Business & Commerce Code, based on a violation of this section, for damages or for injunctive relief, against a power generation company, a power marketer, a retail electric provider, or any other supplier of wholesale or retail electricity, other than a transmission and distribution utility, operating in ERCOT. A qualifying person is not required to bring an administrative action before pursuing a private right of action. In this subsection, "qualifying person" means a retail electric provider that meets the requirements for standing to sue for market power abuses under Sections 15.01 through 15.26, Business & Commerce Code.

(19) Renumber SECTIONS of the bill accordingly.

Amendment No. 2

Representative P. King offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Smith to **CSSB 483** (House Committee printing) as follows:

according to Section 39.154, provided that in determining the percentage of total installed generation capacity owned or controlled by a person under this subdivision, the commission shall, for purposes of calculating the numerator and notwithstanding any other provision of this chapter, exclude capacity:

(B) from a coal-fired generating facility that uses integrated gasification combined cycle technology or undiluted high-flame temperature oxygen combustion technology that excludes air.

Amendment No. 2 was withdrawn.

CSSB 483 - POINT OF ORDER

Representative Talton raised a point of order against further consideration of **CSSB 483** under Rule 4, Section 32(c) and Rule 4, Section 32(c)(3) of the House Rules on the grounds that the bill analysis is incorrect and the rulemaking authority statement is incorrect.

HOUSE AT EASE

At 1:26 p.m., the speaker announced that the house would stand at ease.

The speaker called the house to order at 1:53 p.m.

MESSAGE FROM THE SENATE

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

LEAVE OF ABSENCE GRANTED

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

Elkins on motion of Kuempel.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hartnett requested permission for the Committee on Judiciary to meet while the house is in session, at 2:05 p.m. today, in 3W.9, for a formal meeting, to consider pending bills.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Judiciary, 2:05 p.m. today, 3W.9, for a formal meeting, to consider pending bills.

CSSB 483 - (consideration continued)**CSSB 483 - POINT OF ORDER DISPOSITION**

The speaker overruled the point of order, and read the following statement:

The chair finds the analysis is not materially or substantially misleading. The point of order is respectfully overruled.

Amendment No. 3

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

Amend proposed Amendment No. 1 by P. King to **CSSB 483** (house committee printing) as follows:

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

Sec. _____ . CONSIDERATION AND APPROVAL OF CERTAIN TRANSACTIONS. (a) To protect retail customers in this state, notwithstanding any other provision of this title, an electric utility or transmission and distribution utility must report to and obtain approval of the commission before closing any transaction in which:

(1) the electric utility or transmission and distribution utility will be merged or consolidated with another electric utility or transmission and distribution utility;

(2) at least 50 percent of the stock of the electric utility or transmission and distribution utility will be transferred or sold; or

(3) a controlling interest or operational control of the electric utility or transmission and distribution utility will be transferred.

(b) The commission shall approve a transaction under Subsection (a) if the commission finds that the transaction is in the public interest. In making its determination, the commission shall consider whether the transaction will adversely affect the reliability of service, availability of service, or cost of service of the electric utility or transmission and distribution utility. The commission shall make the determination concerning a transaction under this subsection not later than the 180th day after the date the commission receives the relevant report. If the commission has not made a determination before the 181st day after that date, the transaction is considered approved.

(c) Subsections (a) and (b) do not apply to a transaction described by Subsection (a) for which a definitive agreement was executed before April 1, 2007, if an electric utility or transmission and distribution utility or a person seeking to acquire or merge with an electric utility or transmission and distribution utility made a filing for review of the transaction under Section 14.101 before May 1, 2007, and the resulting proceeding was not withdrawn.

(d) If an electric utility or transmission and distribution utility or a person seeking to acquire or merge with an electric utility or transmission and distribution utility files with the commission a stipulation, representation, or commitment in advance of or as part of a filing under this section or under Section 14.101, the commission may enforce the stipulation, representation, or commitment to the extent that the stipulation, representation, or commitment is consistent with the standards provided by this section and Section 14.101. The commission may reasonably interpret and enforce conditions adopted pursuant to this subsection.

Amendment No. 3 was withdrawn.

Amendment No. 4

Representatives T. Smith, Dunnam, Merritt, Oliveira, Goolsby, McCall, Burnam, and Hancock offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by P. King to **CSSB 483** (house committee printing) by striking the text of the amendment after page 1, line 2, and substituting the following:

(1) Add the following appropriately numbered items to read as follows:

In the recital to SECTION 1 of the bill (page 1, line 6), strike "adding Subsection (a-1)" and substitute "adding Subsections (a-1) and (a-2)".

In Section 39.152(a)(2), Utilities Code, as amended by SECTION 1 of the bill (page 1, line 15), strike "and" and substitute "[~~and~~]".

In Section 39.152(a)(3), Utilities Code, as amended by SECTION 1 of the bill (page 1, line 19), strike the period and substitute the following:

; and

(4) no person owns, controls, or owns and controls in any combination more than 40 percent of the installed generation capacity located in an ERCOT zone as provided by Subsection (a-2) and as determined according to Section 39.154(a)(2).

In Section 39.152, Utilities Code, as amended by SECTION 1 of the bill (page 2, between lines 4 and 5), insert the following:

(a-2) For purposes of Subsection (a)(4), the ERCOT zones are the congestion zones determined by the ERCOT independent organization and in effect as of January 1, 2007. This zonal restriction expires on the later of the first anniversary of the date of the implementation of the ERCOT nodal market or December 31, 2009. In determining the percentage of installed generation capacity owned or controlled by a person under Subsection (a)(4), the commission shall, for purposes of calculating the numerator and notwithstanding any other provision of this chapter, exclude capacity:

(1) from a generating facility that uses nuclear energy to generate electricity for sale and that is constructed after January 1, 2007;

(2) from a coal-fired generating facility that uses integrated gasification combined cycle technology or undiluted high-flame temperature oxygen combustion technology that excludes air; or

(3) from a generating facility that uses a renewable energy technology, as that term is defined by Section 39.904(d), and that is not dispatchable;

(4) from a generating facility owned by a municipally owned utility or electric cooperative, provided that if the facility is owned only partly by the municipally owned utility or electric cooperative, the commission shall exclude only the proportion of that capacity that is equal to the proportion the municipality's or electric cooperative's ownership bears to the total ownership;

(5) in an amount equivalent to the sum of firm bilateral energy or capacity sales for delivery in the relevant ERCOT zone that are not indexed to real time energy clearing prices and that are for a term of, or consecutive or overlapping terms adding up to, 12 months or longer by the power generation company or through its marketing affiliate to unaffiliated third parties as reduced by firm bilateral energy or capacity purchases for delivery in the same ERCOT zone that are not indexed to real time energy clearing prices for a term of, or consecutive or overlapping terms adding up to, 12 months or longer, provided that the power generation company and marketing affiliate shall certify to the commission each month the amounts excluded under this subdivision; and

(6) from generating facilities that were mothballed as of January 1, 2007, and remain mothballed.

() In Section 39.152(a-1), Utilities Code, as added by SECTION 1 of the bill (page 1, lines 20-24), strike "Notwithstanding Subsection (a)(3), the commission may certify a power region in which a person owns, controls, or owns and controls in any combination more than 20 percent of the installed generation capacity located in or capable of delivering electricity to the power region" and substitute "Notwithstanding Subsections (a)(3) and (4), the commission may certify a power region in which a person owns, controls, or owns and controls in any combination more than 20 percent of the total installed generation capacity located in or capable of delivering electricity to the power region".

(2) On page 1 of the amendment, strike lines 15 and 16 and substitute the following:

(3) In the recital to SECTION 3 of the bill (page 4, line 19), strike "Subsections (a) and (c) and adding Subsection (a-1)" and substitute "Subsections (a), (c), and (e), and adding Subsections (a-1) and (a-2)".

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

() In Section 39.154(a), Utilities Code, as amended by SECTION 3 of the bill (page 4, lines 23-25), strike "control in any combination more than 20 percent of the installed generation capacity located in, or capable of delivering electricity to, a power region." and substitute:

control in any combination more than:

(1) 20 percent of the installed generation capacity located in, or capable of delivering electricity to, a power region; or

(2) 40 percent of the installed generation capacity located in an ERCOT zone as provided by Subsection (a-2).

() In Section 39.154, Utilities Code, as amended by SECTION 3 of the bill (page 5, between lines 4 and 5), insert the following:

(a-2) For purposes of Subsection (a)(2), the ERCOT zones are the congestion zones determined by the ERCOT independent organization and in effect as of January 1, 2007. This zonal restriction expires on the later of the first anniversary of the date of the implementation of the ERCOT nodal market or December 31, 2009. In determining the percentage of total installed generation capacity owned or controlled by a power generation company under Subsection (a)(2), the commission shall, for purposes of calculating the numerator and notwithstanding any other provision of this chapter, exclude capacity:

(1) from a generating facility that uses nuclear energy to generate electricity for sale and that is constructed after January 1, 2007;

(2) from a coal-fired generating facility that uses integrated gasification combined cycle technology;

(3) from a generating facility that uses a renewable energy technology, as that term is defined by Section 39.904(d), and that is not dispatchable;

(4) from a generating facility owned by a municipally owned utility or electric cooperative, provided that if the facility is owned only partly by the municipally owned utility or electric cooperative, the commission shall exclude only the proportion of that capacity that is equal to the proportion the municipality's or electric cooperative's ownership bears to the total ownership;

(5) in an amount equivalent to the sum of firm bilateral energy or capacity sales for delivery in the relevant ERCOT zone that are not indexed to real time energy clearing prices and that are for a term of, or consecutive or overlapping terms adding up to, 12 months or longer by the power generation company or through its marketing affiliate to unaffiliated third parties as reduced by firm bilateral energy or capacity purchases for delivery in the same ERCOT zone that are not indexed to real time energy clearing prices for a term of, or consecutive or overlapping terms adding up to, 12 months or longer, provided that the power generation company and marketing affiliate shall certify to the commission each month the amounts excluded under this subdivision; and

(6) from generating facilities that were mothballed as of January 1, 2007, and remain mothballed.

() In Section 39.154(c), Utilities Code, as amended by SECTION 3 of the bill (page 5, line 9), between "power region" and ", reduced", insert "or the ERCOT zone".

(4) On page 2, line 18 of the amendment, between "Subsections" and "(f-1)", insert "(b-1)".

(5) On page 3 of the amendment, strike lines 2-5 and substitute the following:

"enter into an agreement to mitigate the potential for market power abuse with the wholesale electric market monitor" and substitute "file a market power mitigation plan described by Subsection (a)(2) with the commission, which shall apply to generation capacity offered into any market operated by the independent organization and must be designed to provide recovery for incremental costs, including operational and start-up costs, provided that this subsection does not restrict a person subject to a mitigation plan from receiving the market clearing price for services offered in any market operated by the independent organization,".

(6) Add the following appropriately numbered item to read as follows and renumber subsequent items accordingly:

() In Section 39.156, Utilities Code, as amended by SECTION 5 of the bill (page 6, between lines 25 and 26), insert the following:

(b-1) An electric utility or power generation company that owns, controls, or owns and controls in any combination more than 40 percent of the total installed generation capacity located in an ERCOT zone, as defined by Section 39.154(a)(2), not later than the 90th day after the date the utility or company knew or should have known that its generation capacity exceeds the 40 percent limitation prescribed by this subsection, shall file a market power mitigation plan described by Subsection (b)(2). Subsections (f), (f-1), (f-2), (f-3), and (f-4) apply to the filing. The commission may not require divestiture or auction of installed generation capacity described by this subsection or take any action under this section that prohibits an electric utility or power generation company from constructing additional generating facilities. For purposes of this subsection, the ERCOT zones are the congestion zones determined by the ERCOT independent organization and in effect as of January 1, 2007. This zonal restriction expires on the later of the first anniversary of the date of the implementation of the ERCOT nodal market or December 31, 2009. In determining the percentage of total installed generation capacity owned or controlled by a power generation company under this subsection, the commission shall, for purposes of calculating the numerator and notwithstanding any other provision of this chapter, exclude capacity:

(1) from a generating facility that uses nuclear energy to generate electricity for sale and that is constructed after January 1, 2007;

(2) from a coal-fired generating facility that uses integrated gasification combined cycle technology;

(3) from a generating facility that uses a renewable energy technology, as that term is defined by Section 39.904(d), and that is not dispatchable;

(4) from a generating facility owned by a municipally owned utility or electric cooperative, provided that if the facility is owned only partly by the municipally owned utility or electric cooperative, the commission shall exclude only the proportion of that capacity that is equal to the proportion the municipality's or electric cooperative's ownership bears to the total ownership;

(5) in an amount equivalent to the sum of firm bilateral energy or capacity sales for delivery in the relevant ERCOT zone that are not indexed to real time energy clearing prices and that are for a term of, or consecutive or overlapping terms adding up to, 12 months or longer by the power generation company or through its marketing affiliate to unaffiliated third parties as reduced by firm bilateral energy or capacity purchases for delivery in the same ERCOT zone that are not indexed to real time energy clearing prices for a term of, or consecutive or overlapping terms adding up to, 12 months or longer, provided that the power generation company and marketing affiliate shall certify to the commission each month the amounts excluded under this subdivision; and

(6) from generating facilities that were mothballed as of January 1, 2007, and remain mothballed.

Amendment No. 4 was adopted.

Amendment No. 5

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

Amend proposed Amendment No. 1 by P. King to **CSSB 483** (house committee printing) as follows:

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

Sec. . CONSIDERATION AND APPROVAL OF CERTAIN TRANSACTIONS. (a) To protect retail customers in this state, notwithstanding any other provision of this title, an electric utility or transmission and distribution utility must report to and obtain approval of the commission before closing any transaction in which:

(1) the electric utility or transmission and distribution utility will be merged or consolidated with another electric utility or transmission and distribution utility;

(2) at least 50 percent of the stock of the electric utility or transmission and distribution utility will be transferred or sold; or

(3) a controlling interest or operational control of the electric utility or transmission and distribution utility will be transferred.

(b) The commission shall approve a transaction under Subsection (a) if the commission finds that the transaction is in the public interest. In making its determination, the commission shall consider whether the transaction will adversely affect the reliability of service, availability of service, or cost of service of the electric utility or transmission and distribution utility. The commission shall make the determination concerning a transaction under this subsection not

later than the 180th day after the date the commission receives the relevant report. If the commission has not made a determination before the 181st day after that date, the transaction is considered approved.

(c) Subsections (a) and (b) do not apply to a transaction described by Subsection (a) for which a definitive agreement was executed before April 1, 2007, if an electric utility or transmission and distribution utility or a person seeking to acquire or merge with an electric utility or transmission and distribution utility made a filing for review of the transaction under Section 14.101 before May 1, 2007, and the resulting proceeding was not withdrawn.

(d) If an electric utility or transmission and distribution utility or a person seeking to acquire or merge with an electric utility or transmission and distribution utility files with the commission a stipulation, representation, or commitment in advance of or as part of a filing under this section or under Section 14.101, the commission may enforce the stipulation, representation, or commitment to the extent that the stipulation, representation, or commitment is consistent with the standards provided by this section and Section 14.101. The commission may reasonably interpret and enforce conditions adopted pursuant to this subsection.

A record vote was requested.

Amendment No. 5 was adopted by (Record 777): 100 Yeas, 27 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Aycok; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Castro; Chavez; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; England; Escobar; Farabee; Farias; Flynn; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Hamilton; Hancock; Harless; Harper-Brown; Hernandez; Herrero; Hilderbran; Hill; Hodge; Homer; Hopson; Howard, D.; Hughes; Jackson; Jones; King, S.; King, T.; Kolkhorst; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Mowery; Murphy; Naishtat; Olivo; Orr; Ortiz; Paxton; Puente; Quintanilla; Rodriguez; Rose; Smith, T.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; Zerwas.

Nays — Alonzo; Anderson; Callegari; Chisum; Christian; Crabb; Gallego; Goolsby; Hardcastle; Hartnett; Hochberg; Howard, C.; Isett; Keffer; King, P.; Macias; Miller; Morrison; O'Day; Oliveira; Otto; Patrick; Phillips; Raymond; Riddle; Smith, W.; West.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Berman; Elkins; Farrar; Frost; Garcia; Krusee; Moreno; Parker; Pickett; Pierson; Pitts; Ritter; Van Arsdale; Woolley.

Absent — Bailey; Flores; Heflin; Madden; Miles; Noriega; Peña; Zedler.

Amendment No. 6

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

Amend Amendment No. 1 by P. King to **CSSB 483** (house committee printing), by striking page 4, line 26, through page 5, line 27 of the amendment.

Amendment No. 6 was adopted.

Amendment No. 1, as amended, was adopted.

Amendment No. 7

Representatives Coleman and Dunnam offered the following amendment to **CSSB 483**:

Amend **CSSB 483** as follows:

(1) On page 4, line 19, strike "Subsection (a-1)" and substitute "Subsections (a-1), (e), (f), and (g)".

(2) On page 5, between lines 12 and 13, insert the following:

"(e) All new electric generating units permitted to emit nitrogen oxides, sulfur dioxide, and mercury shall have each emission offset by equivalent reductions of each emission equal to 115 percent of the actual annual values. The reductions required by this subsection:

(1) must be made within the confines of the Non-Attainment Impact Region;

(2) shall be achieved by the end of the second full year of commercial operation of the new electric generating unit; and

(3) may be achieved from other electric generating units or from any other stationary sources with certified and operating continuous emission monitoring systems.

(f) Subsection (e) applies only to:

(1) new solid fuel electric generating units located within the Non-Attainment Impact Region for which an air permit application is:

(A) filed after January 1, 2007; or

(B) filed before January 1, 2007, and voluntarily suspended before April 1, 2007; and

(2) new electric generating units located in the Non-Attainment Impact Region that:

(A) begin commercial operation after September 1, 2007;

(B) use lignite as its primary fuel source; and

(C) are owned by a power generation company that upon commercial operation, has more than 1200 megawatts of owned electric generating capacity in Texas.

(g) As used in this section:

(1) "Lignite" has the meaning assigned by Section 12.3(32), Title 16, Texas Administrative Code and ASTM standard D 388-77.

(2) "Non-Attainment Impact Region" means the counties in the area bounded by and included within:

(A) the Texas-Oklahoma border to the north;

(B) the Texas-Louisiana border to the east;

(C) the Gulf Coast to the southeast;

(D) the counties of Clay, Jack, Palo Pinto, Erath, Hamilton, Lampasas, Burnet, Blanco, and Comal on the west; and

(E) the counties of Guadalupe, Gonzales, Lavaca, Colorado, Wharton, and Matagorda to the south.

AMENDMENT NO. 7 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE D. HOWARD: Representative Dunnam, I wanted to inquire as to whether or not the amendment we're working on requires certain electric generating units being built in this state to offset the amount of nitrogen oxide, sulphur dioxide, and mercury emissions that they emit by 15 percent.

REPRESENTATIVE DUNNAM: That's correct.

D. HOWARD: I have here a news release dated February 26, 2007, announcing that TXU Corporation together with Kolbert, Kravis & Roberts and Company and the Texas Pacific Group announced the execution of the definitive merger agreement under which an investor group led by KKR and TPG will acquire TXU. The release goes on to say to satisfy ERCOT's requirement for additional immediate capacity to meet the state's increasing electricity demands, that TXU expects to build two coal units at the Oak Grove site and one coal unit at the Sandale site. TXU will immediately seek to suspend the permit application process for the other eight units. I read this amendment, Mr. Dunnam, to apply to the Oak Grove units and the Sandale site. Is that your understanding?

DUNNAM: That's my understanding.

D. HOWARD: Just one more question please, Mr. Dunnam, I also understand that in this amendment that there will be a 15 percent minimum reduction in emissions, but TXU in their releases and in communications have actually agreed to 20 percent reductions, and that is what we expect to happen. Is that your understanding?

DUNNAM: That's what they represented, yes.

REMARKS ORDERED PRINTED

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

The motion prevailed.

Amendment No. 8

Representative Dunnam offered the following amendment to Amendment No. 7:

Amend Amendment No. 7 by Dunnam to **CSSB 483** as follows:

Between lines 33 and 34, insert subsection (g) to read as follows:

(g) This section does not apply to the federal project sponsored by the U.S. Department of Energy commonly referred to as FutureGen.

On line 34, strike "(g)" and substitute "(h)".

Amendment No. 8 was adopted.

Amendment No. 9

Representative Swinford offered the following amendment to Amendment No. 7:

Amend Amendment No. 7 by Dunnam and Coleman to **CSSB 483**, on page 1, line 32, by striking "1200" and substituting "1,950".

Amendment No. 9 was adopted.

(O'Day in the chair)

MESSAGE FROM THE SENATE

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

HB 345 - RECOMMITTED

Representative Solomons moved to recommit **HB 345** to the Committee on Financial Institutions.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Solomons requested permission for the Committee on Financial Institutions to meet while the house is in session, at 2:50 p.m. today, in 3W.9, for a formal meeting, to consider **HB 345** and pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Financial Institutions, at 2:50 p.m. today, 3W.9, for a formal meeting, to consider **HB 345** and pending business.

(Speaker in the chair)

LEAVES OF ABSENCE GRANTED

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

Bonnen on motion of Swinford.

Haggerty on motion of Truitt.

Heflin on motion of Hodge.

Hernandez on motion of Creighton.

Homer on motion of Farabee.

Hopson on motion of Swinford.

C. Howard on motion of W. Smith.

Mallory Caraway on motion of Hodge.

Miller on motion of Callegari.

Ortiz on motion of Vo.

Paxton on motion of Laubenberg.

Riddle on motion of Crabb.

Villarreal on motion of Truitt.

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

B. Cook on motion of Jones.

Corte on motion of Hilderbran.

Eiland on motion of McCall.

Flores on motion of Guillen.

Gonzales on motion of Guillen.

Goolsby on motion of Giddings.

Herrero on motion of Leibowitz.

Lucio on motion of Guillen.

Martinez on motion of Guillen.

Peña on motion of Guillen.

Phillips on motion of D. Howard.

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

Allen on motion of Leibowitz.

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

Gallego on motion of Hochberg.

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

Naishtat on motion of Rodriguez.

CSSB 483 - (consideration continued)

A record vote was requested.

The vote of the house was taken on the adoption of Amendment No. 7, as amended, and the vote was announced yeas 86, nays 11.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 778): 75 Yeas, 11 Nays, 1 Present, not voting.

Yeas — Alonzo; Anchia; Anderson; Aycock; Bailey; Bohac; Bolton; Branch; Burnam; Callegari; Chavez; Coleman; Cook, R.; Crabb; Creighton; Crownover; Davis, J.; Delisi; Deshotel; Dukes; Dunnam; Dutton; Eissler; England; Escobar; Farabee; Farias; Flynn; Gattis; Giddings; Gonzalez Toureilles; Guillen; Hamilton; Hancock; Hardcastle; Harper-Brown; Hill; Hochberg; Hodge; Howard, D.; Jackson; Jones; King, P.; King, S.; King, T.; Kolkhorst; Kuempel; Latham; Leibowitz; Macias; Madden; McCall; McClendon; Menendez; Merritt; Morrison; Murphy; Oliveira; Olivo; Patrick; Puente; Quintanilla; Raymond; Rodriguez; Rose; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Taylor; Truitt; Turner; Zerwas.

Nays — Brown, B.; Brown, F.; Chisum; Christian; Darby; Hughes; Isett; McReynolds; Talton; West; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Berman; Bonnen; Cook, B.; Eiland; Elkins; Farrar; Flores; Frost; Gallego; Garcia; Gonzales; Goolsby; Haggerty; Heflin; Hernandez; Herrero; Homer; Hopson; Howard, C.; Krusee; Lucio; Mallory Caraway; Martinez; Miller; Moreno; Mowery; Naishtat; Ortiz; Parker; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Riddle; Ritter; Van Arsdale; Villarreal; Woolley.

Absent — Castro; Cohen; Corte; Davis, Y.; Driver; Geren; Harless; Hartnett; Hilderbran; Keffer; Laubenberg; Martinez Fischer; Miles; Noriega; O'Day; Orr; Otto; Smithee; Thompson; Vaught; Veasey; Vo.

The speaker stated that Amendment No. 7, as amended, was adopted by the above vote.

STATEMENTS OF VOTE

When Record No. 778 was taken, I was temporarily out of the house chamber. I would have voted yes.

Castro

When Record No. 778 was taken, I was in the house but away from my desk. I would have voted yes.

Y. Davis

I was shown voting yes on Record No. 778. I intended to vote no.

Flynn

When Record No. 778 was taken, I was in the house but away from my desk. I would have voted present, not voting.

Harless

When Record No. 778 was taken, I was in the house but away from my desk. I would have voted no.

Hilderbran

When Record No. 778 was taken, I was temporarily out of the house chamber. I would have voted yes.

Laubenberg

When Record No. 778 was taken, my vote failed to register. I would have voted yes.

Martinez Fischer

When Record No. 778 was taken, I was in the house but away from my desk. I would have voted yes.

Miles

When Record No. 778 was taken, I was in the house but away from my desk. I would have voted yes.

O'Day

When Record No. 778 was taken, I was in the house but away from my desk. I would have voted yes.

Vaught

When Record No. 778 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

When Record No. 778 was taken, my vote failed to register. I would have voted yes.

Vo

LEAVE OF ABSENCE GRANTED

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

Mowery on motion of Olivo.

CSSB 483 - (consideration continued)

(Allen now present)

Amendment No. 10

Representative Turner offered the following amendment to **CSSB 483**:

Amend **CSSB 483** (House Committee Report), in SECTION 6 of the bill, added Subsection (j), Section 39.157, Utilities Code (page 14, lines 9-10), by striking "if the commission determines that the use may be misleading to a customer" and substituting "unless the commission determines that the use is not misleading to customers".

AMENDMENT NO. 10 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BRANCH: Now Mr. Speaker pro tempore, you know how much respect I have for you.

REPRESENTATIVE TURNER: I appreciate it.

BRANCH: But this has got to be the worst amendment that you've ever brought since I've been down here.

TURNER: Based on?

BRANCH: Well, asking someone to change their name and then come back and try and convince the PUC to get their name back and the dislocation that would cause and the cost to consumers and rates and to signage and to relocation and destabilizing the market, let alone taking away their branding.

TURNER: But Branch—

BRANCH: Did we do this to Reliant?

TURNER: What are you basing it on?

BRANCH: Did we do this to AT&T or SBC?

TURNER: But your facts are wrong.

BRANCH: You're changing the standard.

TURNER: We're trying to create a competitive market.

BRANCH: Exactly.

TURNER: If you consider the competitive market, you have the wholesale, the retail, and then you have transmission and distribution—

BRANCH: I highly disagree with this.

(Keffer in the chair)

LEAVE OF ABSENCE GRANTED

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

Talton on motion of Madden.

CSSB 483 - (consideration continued)

Representative Christian moved to table Amendment No. 10.

A record vote was requested.

The motion to table prevailed by (Record 779): 74 Yeas, 26 Nays, 2 Present, not voting.

Yeas — Alonzo; Anchia; Anderson; Aycock; Bohac; Branch; Brown, B.; Brown, F.; Chisum; Christian; Coleman; Cook, R.; Creighton; Crownover; Darby; Davis, J.; Deshotel; Driver; Dunnam; Eissler; England; Escobar; Farabee; Farias; Flynn; Gattis; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Hochberg; Howard, D.; Hughes; Isett; Jackson; Jones; King, P.; King, S.; King, T.; Kolkhorst; Latham; Laubenberg; Macias; Madden; Martinez Fischer; McCall; McClendon; Merritt; Morrison;

Murphy; O'Day; Oliveira; Orr; Otto; Patrick; Quintanilla; Raymond; Rodriguez; Smith, W.; Solomons; Strama; Swinford; Taylor; Truitt; Vaught; Vo; West; Zedler; Zerwas.

Nays — Allen; Bolton; Burnam; Callegari; Castro; Chavez; Cohen; Crabb; Davis, Y.; Dukes; Dutton; Geren; Giddings; Gonzalez Toureilles; Hodge; Kuempel; Leibowitz; McReynolds; Menendez; Miles; Olivo; Puente; Rose; Smith, T.; Turner; Veasey.

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

Absent, Excused — Berman; Bonnen; Cook, B.; Eiland; Elkins; Farrar; Flores; Frost; Gallego; Garcia; Gonzales; Goolsby; Haggerty; Heflin; Hernandez; Herrero; Homer; Hopson; Howard, C.; Krusee; Lucio; Mallory Caraway; Martinez; Miller; Moreno; Mowery; Naishtat; Ortiz; Parker; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Riddle; Ritter; Talton; Van Arsdale; Villarreal; Woolley.

Absent — Bailey; Corte; Delisi; Noriega; Smithee; Straus; Thompson.

Amendment No. 11

Representatives Swinford and R. Cook offered the following amendment to **CSSB 483**:

Amend **CSSB 483** (House Committee Printing) by adding the following SECTION, appropriately numbered, and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 35, Utilities Code, is amended by adding Section 35.009 to read as follows:

Sec. 35.009. BILLING DEMAND FOR RETAIL SEASONAL AGRICULTURAL CUSTOMERS. (a) In this section, "retail seasonal agricultural customer" means a retail customer that is an establishment primarily engaged in producing crops or performing services on harvested crops with the intent of preparing or storing the crops for market or further processing, including cotton ginneries, rice dryers, and grain dryers. The term also includes an electric service identifier used for irrigating agricultural products.

(b) Notwithstanding any other provision of this code, a transmission and distribution utility shall exclude retail seasonal agricultural customers from the application of any ratchet provision contained in a tariff relating to distribution service.

(c) The commission shall adopt rules as necessary to implement this section.

Amendment No. 11 was adopted.

Amendment No. 12

Representative Thompson offered the following amendment to **CSSB 483**:

Amend **CSSB 483** (House Committee Printing) as follows:

(1) In the recital to SECTION 6 of the bill (page 7, line 24), strike "Subsection (j)" and substitute "Subsections (a-1) and (j)".

(2) In SECTION 6 of the bill, in amended Section 39.157(a), Utilities Code (page 8, line 3), between "shall require" and "reasonable mitigation", insert ", to the extent feasible, refunds to retail customers, disgorgement of revenues received as a result of market power abuses, and"".

(3) In SECTION 6 of the bill, in amended Section 39.157, Utilities Code (page 9, between lines 1 and 2), insert the following:

(a-1) Instead of seeking a civil penalty to eliminate or to remedy the market power abuse or violation under Subsection (a), the commission may require that a person who has been found by the commission to have engaged in market power abuse pay equivalent funds directly to an existing emergency bill payment assistance program operated by local assistance agencies that are supported by the Texas Department of Housing and Community Affairs.

Amendment No. 12 was adopted.

LEAVE OF ABSENCE GRANTED

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

Cohen on motion of Bolton.

HB 13 - RECOMMITTED

Representative Swinford moved to recommit **HB 13** to the Committee on State Affairs.

The motion prevailed.

FIVE DAY POSTING RULE SUSPENDED

Representative Swinford moved to suspend the five day posting rule to allow the Committee on State Affairs to consider **HB 13** and **HB 180** at 8 a.m. Monday, April 30 in E2.010.

The motion prevailed.

CSSB 483 - (consideration continued)

(Speaker in the chair)

Amendment No. 13

Representative Solomons offered the following amendment to **CSSB 483**:

Amend **CSSB 483** (House Committee Printing) by adding the following appropriately numbered SECTION and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 39, Utilities Code, is amended by adding Section 39.1514 to read as follows:

Sec. 39.1514. APPLICATION OF SUNSET PROVISION. An independent organization certified under Section 39.151 is subject to review under Chapter 325, Government Code (Texas Sunset Act), as if the organization were a state agency subject to review under that chapter, but the organization is not abolished under that chapter. The review shall be conducted as if the independent

organization was scheduled to be abolished September 1, 2009. The independent organization shall pay the cost of the review as determined by the Sunset Advisory Commission.

Amendment No. 13 was adopted.

Amendment No. 14

Representative Burnam offered the following amendment to **CSSB 483**:

Amend **CSSB 483** by adding the following SECTION to the bill, appropriately numbered, and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 36.062, Utilities Code, is amended to read as follows:

Sec. 36.062. CONSIDERATION OF CERTAIN EXPENSES. The regulatory authority may not consider for ratemaking purposes:

(1) an expenditure for legislative advocacy, made directly or indirectly, including legislative advocacy expenses included in trade association dues;

(2) a payment made to cover costs of an accident, equipment failure, or negligence at a utility facility owned by a person or governmental entity not selling power in this state, other than a payment made under an insurance or risk-sharing arrangement executed before the date of loss;

(3) an expenditure for costs of processing a refund or credit under Section 36.110; ~~or~~

(4) an expenditure in satisfaction of an administrative penalty imposed for market power abuse or other violations under Section 39.157; or

(5) any other expenditure, including an executive salary, advertising expense, legal expense, or civil penalty or fine, the regulatory authority finds to be unreasonable, unnecessary, or not in the public interest.

(b) Section 36.062, Utilities Code, as amended by this Act, applies to an administrative penalty imposed for market power abuse or other violations under Section 39.157, Utilities Code, regardless of the date the penalty was imposed.

Amendment No. 14 was adopted.

Amendment No. 15

Representative Hughes offered the following amendment to **CSSB 483**:

Amend **CSSB 483** by adding the following appropriately numbered SECTION to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION _____. Chapter 39, Utilities Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. STATUS OF COMPETITION IN CERTAIN NON-ERCOT AREAS

Sec. 39.501. APPLICABILITY. (a) This subchapter applies to an investor-owned electric utility:

(1) that is operating solely outside of ERCOT in areas of this state that were included in the Southwest Power Pool on January 1, 2004;

(2) that was not affiliated with the Southeastern Electric Reliability Council on January 1, 2004; and

(3) to which Subchapter I does not apply.

(b) The legislature finds that circumstances exist that require that areas served by an electric utility described by Subsection (a) not be transitioned to full retail customer choice at this time.

Sec. 39.502. REGULATION OF UTILITY AND TRANSITION TO COMPETITION. (a) Until the later of January 1, 2015, or the date on which an electric utility subject to this subchapter is authorized by the commission to implement customer choice, the rates of the electric utility shall be regulated under traditional cost of service regulation and the electric utility is subject to all applicable regulatory authority prescribed by this subtitle and Subtitle A, including Chapters 14, 32, 33, 36, and 37. Until the date on which an electric utility subject to this subchapter implements customer choice, the provisions of this chapter do not apply to that electric utility, other than this subchapter, Sections 39.904 and 39.905, and the provisions relating to the duty to obtain a permit from the Texas Commission on Environmental Quality for an electric generating facility and to reduce emissions from an electric generating facility.

(b) On or after January 1, 2015, the commission may require an electric utility subject to this subchapter to file a transition to competition plan with the commission. The transition to competition plan must identify how electric utilities subject to this subchapter intend to achieve full customer choice, including an evaluation of the transmission facilities, an explanation of how certification of the power region under Section 39.152 will be achieved, auctioning rights to generation capacity, or any other measure that is consistent with the public interest. The utility must also include in the transition to competition plan a provision to establish a price to beat for residential customers and commercial customers having a peak load of 1,000 kilowatts or less. The commission may prescribe additional information or provisions that must be included in the plan. The commission shall approve, modify, or reject a plan within 180 days after the date of a filing under this section unless a hearing is requested by any party to the proceeding. If a hearing is requested, the 180-day deadline will be extended one day for each day of the hearing. The transition to competition plan may be updated or amended, subject to commission approval, until the applicable power region is certified as a qualifying power region under Section 39.152 and the plan is approved.

(c) On implementation of customer choice, an electric utility subject to this subchapter is subject to the provisions of this subtitle and Subtitle A to the same extent as other electric utilities, including the provisions of Chapter 37 concerning certificates of convenience and necessity.

Sec. 39.503. CUSTOMER CHOICE AND RELEVANT MARKET AND RELATED MATTERS. The commission may not authorize customer choice until the later of January 1, 2015, or the date the applicable power region has been certified as a qualifying power region under Section 39.152.

Sec. 39.504. EXISTING RIGHTS AND OBLIGATIONS. This subchapter may not be construed to:

(1) interfere with or abrogate the rights or obligations of any party, including a retail or wholesale customer, to a contract with an investor-owned electric utility, federal power marketer, federal power marketing agency, river authority, municipally owned utility, or electric cooperative;

(2) interfere with or abrogate the rights or obligations of a party under a contract or agreement concerning certificated utility service areas; or

(3) result in a change in wholesale power costs to wholesale customers in this state purchasing electricity under wholesale power contracts the pricing provisions of which are based on formulary rates, fuel adjustments, or average system costs.

Amendment No. 15 was adopted.

Amendment No. 16

Representative Christian offered the following amendment to **CSSB 483**:

Amend **CSSB 483** by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Sections 39.904(a) and (c), Utilities Code, are amended to read as follows:

(a) It is the intent of the legislature that by January 1, 2015, an additional 5,000 megawatts of generating capacity from renewable energy technologies will have been installed in this state. The cumulative installed renewable capacity in this state shall total 5,880 megawatts by January 1, 2015, and the commission shall establish a target of 10,000 megawatts of installed renewable capacity by January 1, 2025. The cumulative installed renewable capacity in this state shall total 2,280 megawatts by January 1, 2007, 3,272 megawatts by January 1, 2009, 4,264 megawatts by January 1, 2011, 5,256 megawatts by January 1, 2013, and 5,880 megawatts by January 1, 2015. Of the cumulative renewable energy technology generating capacity installed to meet the goal of this subsection after September 1, 2007 ~~[2005]~~, a total of ~~[the commission shall establish a target of having]~~ at least 500 megawatts of capacity from ~~[a]~~ renewable energy technologies ~~[technology]~~ other than ~~[a source using]~~ wind energy technologies shall be installed by January 1, 2015.

(c) ~~The [Not later than January 1, 2000, the]~~ commission shall adopt rules necessary to administer and enforce this section. At a minimum, the rules shall:

(1) establish the minimum annual renewable energy requirement, including a minimum annual requirement for the installation of generating capacity from renewable energy technologies other than wind energy technologies, for each retail electric provider, municipally owned utility, and electric cooperative operating in this state in a manner reasonably calculated by the commission to produce, on a statewide basis, compliance with the requirement prescribed by Subsection (a); and

(2) specify reasonable performance standards that all renewable capacity additions must meet to count against the requirement prescribed by Subsection (a) and that:

(A) are designed and operated so as to maximize the energy output from the capacity additions in accordance with then-current industry standards; and

(B) encourage the development, construction, and operation of new renewable energy projects at those sites in this state that have the greatest economic potential for capture and development of this state's environmentally beneficial renewable resources.

Amendment No. 17

Representative Hughes offered the following amendment to Amendment No. 16:

Amend Amendment No. 16 by Christian to **CSSB 483** on page 1 by striking lines 2 and 3 and substituting:

numbered SECTIONS and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 36.203, Utilities Code, is amended by adding Subsection (g) to read as follows:

(g) The commission by rule shall consider the costs of renewable energy credits associated with complying with Section 39.904 as fuel costs subject to reconciliation if an investor-owned electric utility:

(1) is subject to the requirements of Section 39.904; and

(2) has not been authorized by the commission to implement retail competition.

Amendment No. 17 was adopted.

Amendment No. 16, as amended, was adopted.

Amendment No. 18

Representative Zerwas offered the following amendment to **CSSB 483**:

Amend **CSSB 483** (House Committee Report) by adding the following SECTION to the bill, appropriately numbered, and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 39.904, Utilities Code, is amended by adding Subsections (a-1) and (c-1) to read as follows:

(a-1) The cumulative renewable energy technology generating capacity installed to meet the goal under Subsection (a) may include capacity from an existing fossil-fueled generating plant that:

(1) has a capacity of less than 150 megawatts; and

(2) is repowered to use a renewable energy technology other than wind energy technology.

(c-1) In addition to the rules adopted by the commission under Subsection (c), the commission shall adopt rules that ensure an existing fossil-fueled generating plant is eligible to produce renewable energy credits under Subsection (b) if the generating plant:

(1) has a capacity of less than 150 megawatts; and

(2) is repowered to use a renewable energy technology other than wind energy technology.

Amendment No. 18 was adopted.

Amendment No. 19

Representative Farabee offered the following amendment to **CSSB 483**:

Amend **CSSB 483** (house committee printing) by adding the following appropriately numbered SECTION to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION _____. (a) In this section, "commission" means the Public Utility Commission of Texas.

(b) The commission shall conduct a study on the potential of electric energy storage devices to benefit the operation of transmission and distribution systems. In conducting the study, the commission shall consider any relevant issues, including:

(1) the effect of the devices on system reliability;

(2) the advantages and disadvantages of transmission and distribution utilities owning and operating those devices as transmission and distribution facilities;

(3) the manner in which the devices may be integrated into the ERCOT operating system, if applicable;

(4) the manner in which the devices may benefit power generation companies, retail electric providers, electric utilities, and transmission and distribution utilities; and

(5) the appropriate methods to bill and account for any costs and revenue associated with the electric energy that is used to charge, and that is later discharged from, a device.

(c) The commission shall prepare a report on the results of the study required by this section. The report must include the commission's conclusions on the potential of electric energy storage devices and, as appropriate, recommendations to the legislature on legislation or other action necessary to realize that potential. The commission shall include the report in the electric market scope of competition report required by Section 31.003, Utilities Code, that the commission submits to the 81st Legislature. The commission shall conduct the study and prepare the report as required by this section:

(1) with input from the ERCOT independent system operator; and

(2) after requesting comments and input from all interested parties.

(d) The commission may authorize one or more electric utilities or transmission or distribution utilities to operate demonstration projects that involve facilities capable of not more than two megawatts of electric energy storage for the purpose of obtaining a better understanding of the facilities':

(1) cost;

(2) value; and

(3) operational characteristics, including the efficient use of the transmission system and the facilities' effect on removing transmission constraints.

(e) The operation of a demonstration project under Subsection (d) of this section does not prejudice the study required by this section or any future determination relating to the appropriateness of an electric utility or transmission and distribution utility owning and operating electric energy storage facilities. This subsection and Subsection (d) of this section may not be interpreted to require an electric utility or transmission and distribution utility to install an electric energy storage facility.

Amendment No. 19 was adopted.

Amendment No. 20

Representative McReynolds offered the following amendment to **CSSB 483**:

Amend **CSSB 483** (house committee printing) as follows:

(1) Add the following SECTION to the substitute:

SECTION 1. Section 39.105, Utilities Code, is amended by adding Subsection (c) to read:

(c) An affiliated power generation company may not provide or make available electric service to a consuming facility located in an area in which an electric cooperative is providing electric service.

(2) Renumber subsequent sections of the substitute accordingly.

Amendment No. 20 was adopted.

Amendment No. 21

Representatives McReynolds, Hughes, Jones, Haggerty, Smithee, Chisum, and Ritter offered the following amendment to **CSSB 483**:

Amend **CSSB 483** (House Committee Printing) by adding the following SECTION to the bill, appropriately numbered, and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Subchapter A, Chapter 39, Utilities Code, is amended by adding Section 39.0015 to read as follows:

Sec. 39.0015. DELAY OF RETAIL COMPETITION. Notwithstanding any other provision of this chapter, the commission may not implement or consider the implementation of retail electric competition in an area in this state that is not currently engaged in retail electric competition unless a law enacted after the effective date of this section requires that action.

(b) Not later than the 180th day after the effective date of this Act, an electric utility operating in this state that is subject to traditional cost of service rate regulation and that on the effective date of this Act has a transition to competition plan on file with the Public Utility Commission of Texas shall:

(1) withdraw the plan from the commission;

(2) cease all activities related to the plan; and

(3) file with the commission an application for recovery of any costs incurred as a result of the preparation, filing, and implementation of the plan.

(c) An electric utility described by Section 39.0015, Utilities Code, as added by this section, is entitled to recover the costs described by Subsection (b)(3) of this section.

Amendment No. 21 was adopted.

Amendment No. 22

Representative Swinford offered the following amendment to **CSSB 483**:

Amend **CSSB 483** as follows:

SECTION _____. Subchapter Z, Chapter 39, Utilities Code, is amended by adding Section 39.9032 to read as follows:

Sec. 39.9032. INTERCONNECTION OF DISTRIBUTED RENEWABLE GENERATION. (a) In this section:

(1) "Distributed renewable generation" means electric generation with a capacity of not more than 2,000 kilowatts provided by a renewable energy technology, as defined by Section 39.904, that is installed on a retail electric customer's side of the meter.

(2) "Distributed renewable generation owner" means the owner of distributed renewable generation.

(3) "Interconnection" means the right of a distributed renewable generation owner to physically connect distributed renewable generation to an electricity distribution system, and the technical requirements, rules, or processes for the connection.

(b) A transmission and distribution utility or electric utility shall allow interconnection if:

(1) the distributed renewable generation to be interconnected has a five-year warranty against breakdown or undue degradation; and

(2) the rated capacity of the distributed renewable generation does not exceed the service entrance capacity.

(c) A customer may request interconnection by filing an application for interconnection with the transmission and distribution utility or electric utility. Procedures of a transmission and distribution utility or electric utility for the submission and processing of a customer's application for interconnection shall be consistent with rules adopted by the commission regarding interconnection.

(d) The commission by rule shall establish safety, technical, and performance standards for distributed renewable generation that may be interconnected. In adopting the rules, the commission shall consider standards published by the Underwriters Laboratories, the National Electric Code, the National Electric Safety Code, and the Institute of Electrical and Electronics Engineers.

(e) A transmission and distribution utility, electric utility, or retail electric provider may not require a distributed renewable generation owner whose distributed renewable generation meets the standards established by rule under Subsection (d) to purchase an amount, type, or classification of liability insurance the distributed renewable generation owner would not have in the absence of the distributed renewable generation.

(f) A transmission and distribution utility shall make available to a distributed renewable generation owner for purposes of this section metering required for services provided under this section, including separate meters that measure the load and generator output or a single meter capable of measuring separately in-flow and out-flow at the point of common coupling meter point.

The distributed renewable generation owner must pay the differential cost of the metering unless the meters are provided at no additional cost. Except as provided by this section, Section 39.107 applies to metering under this section.

(g) A renewable energy credit that is earned by a distributed renewable generation owner through the interconnection of a renewable electric system is the sole property of the distributed renewable generation owner unless the distributed renewable generation owner engages in a transaction to sell or trade the credit under Section 39.904.

(h) A transmission and distribution utility, an electric utility or retail electric provider shall provide for net metering and may contract with a distributed renewable generation owner so that:

(1) surplus electricity produced by distributed renewable generation is made available for sale to the transmission grid and distribution system; and

(2) the net value of that surplus electricity is credited to the distributed renewable generation owner.

(j) For distributed renewable generation owners in areas in which customer choice has been introduced, the distributed renewable generation owner must sell the owner's surplus electricity produced to the retail electric provider that serves the distributed renewable generation owner's load at a value agreed to between the distributed renewable generation owner and the provider that serves the owner's load. Without limiting any mutually agreed commercial arrangement, the agreed value may be based on the clearing price of energy at the time of day that the electricity is made available to the grid or may be a credit applied to an account during a billing period that may be carried over to subsequent billing periods until the credit has been redeemed. The independent organization identified in Section 39.151 shall develop procedures so that the amount of electricity purchased from a distributed renewable generation owner under this section is accounted for in settling the total load served by the provider that serves that owner's load by January 1, 2009. A distributed renewable generation owner requesting net metering services for purposes of this section must have metering devices capable of providing measurements consistent with the independent organization's settlement requirements.

SECTION _____. (a) This Act takes effect September 1, 2007.

(b) Section 39.9032, Utilities Code, as added by this Act, takes effect January 1, 2009.

Amendment No. 23

Representative Anchia offered the following amendment to Amendment No. 22:

Amend Floor Amendment No. 22 by Swinford to **CSSB 483** as follows:

(1) Add to the amendment the following item, numbered appropriately:

() Add the following SECTION, numbered appropriately:

SECTION _____. (a) The lieutenant governor and the speaker of the house of representatives shall appoint a study group that has expertise necessary to develop plans by which this state may:

(1) meet a goal of having 25 percent of all energy consumption in this state by January 1, 2025, be from renewable energy technology sources, as defined by Section 39.904, Utilities Code;

(2) provide incentives to build facilities for renewable energy storage or for conversion to hydrogen energy sources; and

(3) provide support for recovery of costs of building electric transmission infrastructure to facilitate exportation of electric power generated in this state by renewable energy technologies.

(b) The study group shall issue a report on the plans to the legislature not later than January 1, 2008.

(2) Renumber subsequent items of the amendment accordingly.

Amendment No. 23 was adopted.

Amendment No. 24

Representative Anchia offered the following amendment to Amendment No. 22:

Amend Floor Amendment No. 22 by Swinford to **CSSB 483** as follows:

(1) Add to the amendment the following item, numbered appropriately:

() Add the following SECTION, numbered appropriately:

SECTION _____. Section 39.904(b), Utilities Code, is amended to read as follows:

(b) The commission shall establish a renewable energy credits trading program. Any retail electric provider, municipally owned utility, or electric cooperative that does not satisfy the requirements of Subsection (a) by directly owning or purchasing capacity using renewable energy technologies shall purchase sufficient renewable energy credits to satisfy the requirements by holding renewable energy credits in lieu of capacity from renewable energy technologies. As part of the program, the commission by rule shall allow the renewable energy portion of the electric generating capacity of a generating technology that uses a hybrid of fossil fuels and renewable technology to be counted toward meeting the installed renewable energy technology goals established under Subsection (a). To be eligible to count for meeting the goals established under Subsection (a), the fossil-fueled portion of the hybrid technology must contribute not more than 25 percent of the capacity.

(2) Renumber subsequent items of the amendment accordingly.

Amendment No. 24 was adopted.

Amendment No. 22, as amended, was adopted.

Amendment No. 25

Representative Dunnam offered the following amendment to **CSSB 483**:

Amend **CSSB 483** by adding the following appropriately numbered SECTION to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subchapter A, Chapter 35, Utilities Code, is amended by adding Section 35.009 to read as follows:

Sec. 35.009. BILLING DEMAND FOR CERTAIN UTILITY CUSTOMERS. (a) Notwithstanding any other provision of this code, a transmission and distribution utility shall exclude from the application of any ratchet provision contained in a tariff relating to distribution service for any competition field and associated facility of public and private schools and nonprofit athletic and sports associations to the extent that electric service to the field and facilities can be separately accounted for.

(b) The commission shall adopt rules as necessary to implement this section.

(c) This section does not apply to an electric cooperative.

Amendment No. 25 was adopted.

CSSB 483, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSSB 483 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE SWINFORD: I would like to make a clarification in the journal concerning part of that bill. On the Coleman/Dunnam amendment, there is a statement—(A) on line 28, it says to be—in this bill—begin commercial operation after September 1, 2007; (B) use lignite as its primary fuel source; and (C) are owned by the power generation company that upon commercial operation, has more than—it was amended—to 1950 megawatts of owned electric generating power in Texas.

And what I want to make sure of is that all these three are included so that they can't be picked out, one or the other.

REMARKS ORDERED PRINTED

Representative Swinford moved to print remarks regarding Amendment No. 7 to **CSSB 483**.

The motion prevailed.

FIVE DAY POSTING RULE SUSPENDED

Representative Eissler moved to suspend the five day posting rule to allow the Committee on Public Education to consider **HB 3260** at the posted hearing at 8 a.m. Tuesday, May 1 in E2.036.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Appropriations is cancelled.

FIVE DAY POSTING RULE SUSPENDED

Representative Hancock moved to suspend the five day posting rule to allow the Committee on Environmental Regulation to consider **SB 1604** at 8 a.m. Tuesday, May 1 in E2.028.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Environmental Regulation, 8 a.m. Tuesday, May 1, E2.028, for a public hearing, to consider **SB 1604**.

PROVIDING FOR ADJOURNMENT

Representatives Alonzo, Garcia, Herrero, and Ortiz moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. Monday, April 30 in memory of Ruben Dario Cavada of Corpus Christi.

The motion prevailed.

(Truitt in the chair)

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

ADJOURNMENT

In accordance with a previous motion, the house, at 4:40 p.m., adjourned until 10 a.m. Monday, April 30.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 4124 (By Garcia), Relating to the creation of the Calhoun County Municipal Utility District No. 1; granting the power of eminent domain.
To Natural Resources.

HB 4125 (By Merritt), Relating to the compensation paid to a statutory county court judge in Gregg County.
To Judiciary.

HB 4126 (By Hilderbran), Relating to a pilot program to provide additional protection to the headwaters of the Upper Guadalupe River to be implemented by the Upper Guadalupe River Authority.

To Culture, Recreation, and Tourism.

HB 4127 (By Puente), Relating to the creation of the Southern Travis Special Utility District; providing authority to issue bonds; granting the power of eminent domain.

To Natural Resources.

HCR 209 (By Homer), In memory of Gracie Ray Anne Williams of Bogata.

To Rules and Resolutions.

HCR 213 (By J. Davis), Honoring 104-year-old Myrtle Perry McDaniel of Menard.

To Rules and Resolutions.

HCR 214 (By Homer), Honoring radio station KSST in Sulphur Springs on its 60th anniversary.

To Rules and Resolutions.

HCR 215 (By Homer), In memory of Mary Celeste Morrison Fasken Marcum of Midland.

To Rules and Resolutions.

HCR 216 (By Homer), Honoring nine-year-old Katie Chaix of Paris, Texas, for saving her little sister's life.

To Rules and Resolutions.

HCR 217 (By Homer), Honoring the building firm of Harrison, Walker & Harper for its award-winning restoration and construction projects in Texas.

To Rules and Resolutions.

HCR 218 (By Homer), In memory of James William "Billy" Daniel of Mount Pleasant.

To Rules and Resolutions.

HCR 219 (By Coleman), Recognizing April 24-29, 2007, as Cover the Uninsured Week 2007 at the State Capitol.

To Rules and Resolutions.

HR 1623 (By Allen), Congratulating Dr. Polly Turner on the occasion of her retirement from Texas Southern University.

To Rules and Resolutions.

HR 1624 (By Creighton), Recognizing the Montgomery County Hospital District and its dedicated emergency medical personnel on the occasion of National Emergency Medical Services Week, May 20-26, 2007.

To Rules and Resolutions.

HR 1626 (By Frost), Recognizing the Annual Pit Rassler BBQ Classic in Naples.

To Rules and Resolutions.

HR 1627 (By Krusee), Honoring Erin Davis of Round Rock for her success in the sport of gymnastics.

To Rules and Resolutions.

HR 1631 (By Dutton), Honoring the Association of Black Psychologists on the occasion of its 39th Annual International Convention in Houston on August 1-5, 2007.

To Rules and Resolutions.

HR 1632 (By Kolkhorst), Congratulating Ward Tomlinson of Brenham on winning Best of Fair at the 2007 Texas State Science and Engineering Fair.

To Rules and Resolutions.

HR 1634 (By Bonnen), Congratulating Cindy Hall on being named the Boys & Girls Club Youth of the Year for Brazoria County.

To Rules and Resolutions.

HR 1652 (By Jones), Commending Charles Britton of Lubbock for his service to the Texas Nursery and Landscape Association.

To Rules and Resolutions.

HR 1655 (By Delisi), Expressing support for the American Heart Association's Start! Walking at Work Day, April 25, 2007.

To Rules and Resolutions.

HR 1657 (By Goolsby), Commemorating the 75th anniversary of the founding of Credit Union of Texas.

To Rules and Resolutions.

HR 1658 (By Strama), Recognizing the 25th anniversary of Medicare hospice benefits and commending hospice professionals throughout the state.

To Rules and Resolutions.

HR 1659 (By Heflin), Honoring the city of Rotan on its centennial.

To Rules and Resolutions.

HR 1661 (By R. Cook), In memory of Sheriff Joe G. Goodson of Lee County.

To Rules and Resolutions.

HR 1662 (By McReynolds), In memory of Kenzy D. Hallmark, Sr., of Lufkin.

To Rules and Resolutions.

HR 1663 (By McReynolds), In memory of Dr. Bill Shelton of Lufkin.

To Rules and Resolutions.

HR 1665 (By Dutton), Honoring the annual bazaar at Our Lady Star of the Sea Church in Houston.

To Rules and Resolutions.

HR 1668 (By Martinez), Honoring South Texas College for its contributions in the community.

To Rules and Resolutions.

HR 1669 (By Martinez), In memory of Isaac D. Rodriguez of Weslaco.
To Rules and Resolutions.

HR 1670 (By Creighton), Congratulating Nick and Ruth Peet of Conroe on their 65th wedding anniversary.
To Rules and Resolutions.

HR 1672 (By Quintanilla), In memory of Clint native Juana Perez Avelar.
To Rules and Resolutions.

HR 1677 (By Callegari), In memory of Michelle Lynette Schulle of San Marcos.
To Rules and Resolutions.

HR 1678 (By McReynolds), In memory of Reich O'Hara Chandler of Lufkin.
To Rules and Resolutions.

HR 1679 (By Heflin), Honoring the centennial of Post and Garza County on June 1, 2007.
To Rules and Resolutions.

HR 1680 (By Flynn), Honoring Dr. William H. Stewart on his retirement as superintendent of Wills Point Independent School District.
To Rules and Resolutions.

HR 1681 (By Flynn), Requesting Congress to pass and the president to sign legislation to revive previous authority on the use of national guard forces.
To Defense Affairs and State-Federal Relations.

HR 1682 (By Noriega), Honoring Dominion Exploration & Production for its volunteer work at the Sims Bayou Urban Nature Center in Houston.
To Rules and Resolutions.

HR 1684 (By Peña), Commemorating the opening of the Dustin Michael Sekula Memorial Library in Edinburg.
To Rules and Resolutions.

HR 1685 (By Farrar), Congratulating Patricia Flores on her designation by the Houston Metropolitan Paralegal Association as the 2006 Paralegal of the Year.
To Rules and Resolutions.

HR 1686 (By Eiland), In memory of Henry Peter Porretto, Jr., of Galveston.
To Rules and Resolutions.

HR 1687 (By Eiland), In memory of William Edmund Cross of Bonham.
To Rules and Resolutions.

HR 1688 (By Eiland), In memory of Mary L. Crowder of Texas City.
To Rules and Resolutions.

HR 1689 (By Isett), Recognizing April 26, 2007, as Get Up, Get Out, Get Involved! Day.
To Rules and Resolutions.

HR 1690 (By Zerwas), In memory of Needville ISD Chief of Police Ernest Valencia Mendoza of Wharton County.

To Rules and Resolutions.

HR 1692 (By J. Davis), Congratulating Allison Jo Dickson on her graduation from Baylor University School of Law.

To Rules and Resolutions.

HR 1693 (By Heflin), Honoring Plainview on the centennial of its founding.

To Rules and Resolutions.

HR 1694 (By Gonzales), Honoring Bob Boggus on his receipt of the 2007 Time Magazine Quality Dealer Award and the 2007 Northwood University Dealer Education Award.

To Rules and Resolutions.

HR 1695 (By Parker), Honoring Flower Mound Detective Eric LeFlore on being named the 2006 Team Member of the Year by the Children's Advocacy Center for Denton County.

To Rules and Resolutions.

HR 1696 (By Parker), Congratulating Monica Giles for earning an honorable mention in the 2007 Arbor Day Poster Contest.

To Rules and Resolutions.

HR 1697 (By Y. Davis), Honoring the Reverend Nyal Scott Bell on his installation as pastor of the Greater New Bethel Missionary Baptist Church in Dallas.

To Rules and Resolutions.

HR 1698 (By Dutton), Congratulating Linda Davis of Humble ISD on being named an honoree of the Lake Houston Science Collaborative for Excellence in Science Teaching.

To Rules and Resolutions.

HR 1699 (By Dutton), Congratulating Stefanie Giles of Humble ISD on being named an honoree of the Lake Houston Science Collaborative for Excellence in Science Teaching.

To Rules and Resolutions.

HR 1700 (By Dutton), Congratulating Tabitha Madrid of the Archdiocese of Galveston-Houston on being named an honoree of the Lake Houston Science Collaborative for Excellence in Science Teaching.

To Rules and Resolutions.

HR 1701 (By Riddle), Honoring Melissa English on being named the Buda Elementary School Teacher of the Year for 2007.

To Rules and Resolutions.

HR 1702 (By Anderson), Congratulating Garner Millard of Waco on achieving the rank of Eagle Scout.

To Rules and Resolutions.

HR 1703 (By Anderson), Congratulating Jonathan "Yoni" Kamenetsky of Waco on achieving the rank of Eagle Scout.

To Rules and Resolutions.

HR 1704 (By Anderson), Congratulating Wayne and Juanda Safley of Woodway on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1705 (By Anderson), Congratulating Mason and Erma Yarbrough of Waco on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1706 (By Anderson), Congratulating Roy and Jean Holt of Sunnyvale on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1707 (By Burnam), Welcoming the third-grade class from Como Elementary School in Fort Worth.

To Rules and Resolutions.

HR 1708 (By Hilderbran), Congratulating Marcus E. Hill of Fort Worth on being named board chair for the Agricultural Workers Mutual Auto Insurance Company.

To Rules and Resolutions.

HR 1709 (By Bolton), Congratulating Diane Cornwell of Bowie High School in Austin on her receipt of a UIL Sponsor Excellence Award.

To Rules and Resolutions.

HR 1710 (By Bolton), Honoring Mary Alice Deike of Akins High School in Austin on her selection as a finalist in the Lifetime Achievement category of the 2007 H-E-B Excellence in Education Awards.

To Rules and Resolutions.

HR 1711 (By Bolton), Honoring Debra Hurst of Austin on being named a finalist in the Lifetime Achievement category of the 2007 H-E-B Excellence in Education Awards.

To Rules and Resolutions.

HR 1712 (By Bolton), Recognizing Benjamin McKenzie of Austin on his accomplishments in the entertainment industry.

To Rules and Resolutions.

HR 1713 (By Macias), Honoring Russell "Mac" McDonald of New Braunfels for his military service and his contributions to his community.

To Rules and Resolutions.

HR 1714 (By Macias), In memory of James Howard Dunks of New Braunfels.

To Rules and Resolutions.

HR 1715 (By Craddick), Congratulating Leon and Elva Thompson of Midland on their 60th wedding anniversary.

To Rules and Resolutions.

HR 1716 (By Craddick), Honoring the students of Lamar Elementary School in Midland who participated in the "Cents in a Sock" campaign in 2006.
To Rules and Resolutions.

HR 1717 (By Callegari), Congratulating Mike Johnston on his induction into the Texas High School Coaches Association Hall of Honor.
To Rules and Resolutions.

HR 1718 (By Naishtat), Recognizing May 1, 2007, as Law Day in Texas.
To Rules and Resolutions.

SB 23 to Insurance.

SB 50 to Public Education.

SB 72 to Government Reform.

SB 105 to Higher Education.

SB 120 to Public Education.

SB 194 to Economic Development.

SB 262 to Corrections.

SB 309 to Higher Education.

SB 448 to Public Health.

SB 553 to Public Education.

SB 583 to Juvenile Justice and Family Issues.

SB 585 to Natural Resources.

SB 642 to Business and Industry.

SB 691 to Criminal Jurisprudence.

SB 714 to Natural Resources.

SB 799 to Law Enforcement.

SB 820 to Judiciary.

SB 840 to Public Education.

SB 877 to Criminal Jurisprudence.

SB 932 to Elections.

SB 959 to Transportation.

SB 1052 to Higher Education.

SB 1058 to Defense Affairs and State-Federal Relations.

SB 1063 to Local Government Ways and Means.

SB 1200 to Licensing and Administrative Procedures.

SB 1295 to Juvenile Justice and Family Issues.

SB 1349 to Land and Resource Management.

SB 1384 to Transportation.
SB 1447 to Pensions and Investments.
SB 1464 to Elections.
SB 1488 to Higher Education.
SB 1592 to Environmental Regulation.
SB 1700 to Public Education.
SB 1723 to Law Enforcement.
SB 1736 to Culture, Recreation, and Tourism.
SB 1740 to Criminal Jurisprudence.
SB 1761 to Government Reform.
SB 1790 to Environmental Regulation.
SB 1814 to Judiciary.
SB 1816 to Ways and Means.
SB 1832 to State Affairs.
SB 1865 to Human Services.
SB 1870 to Human Services.
SB 1879 to Public Health.
SB 1937 to Public Health.
SB 2009 to Judiciary.
SJR 49 to State Affairs.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

SB 1499 to Defense Affairs and State-Federal Relations.

SIGNED BY THE SPEAKER

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

Senate List No. 29

SCR 55, SCR 59, SCR 66

MESSAGES FROM THE SENATE

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

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, April 27, 2007 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 308 Deuell
Relating to disease control programs to reduce the risk of certain communicable diseases.

SB 513 Harris
Relating to the requirement that certain applicants for a vehicle dealer general distinguishing number complete a dealer education course.

SB 887 Shapiro
Relating to the use of certain revenue generated by Texas Department of Transportation toll projects and to the membership and functions of metropolitan planning organizations.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, April 27, 2007 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 1892 Smith, Wayne SPONSOR: Williams
Relating to the authority of certain counties and other entities with respect to certain transportation projects; providing penalties.
(Committee Substitute/Amended)

THE SENATE HAS REFUSED TO CONCUR IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 482

Senate Conferees: Fraser - Chair/Brimer/Eltife/Harris/Whitmire

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 26

County Affairs - **HB 2283**

Criminal Jurisprudence - **HB 10**

Culture, Recreation, and Tourism - **HB 12**

Energy Resources - **HB 3739, HB 3837, HB 3838**

Financial Institutions - **HB 2709**

Insurance - **HB 2761, HB 3839**

Land and Resource Management - **HB 328, HB 535, HB 1649, HB 2091**

Law Enforcement - **HB 3341, SB 1315**

Licensing and Administrative Procedures - **HB 2216, SB 1340**

Local Government Ways and Means - **HB 1655, HB 1680, HB 3583, SB 1405**

Natural Resources - **HB 1573, HB 2384, HB 2892, HB 3438, HB 3776, HB 3862**

Pensions and Investments - **HB 3355**

Public Education - **HB 454, HB 850, HB 1287, HB 1563, HB 1675, HB 2563**

Public Health - **HB 1834, HB 3284, HB 3466, HB 3792**

Regulated Industries - **HB 1659**

State Affairs - **HB 21, HB 767, HB 859, HB 1842, HB 2564, HB 3632, HB 3649**

Transportation - **HB 727, HB 1638, HB 1757, HB 2715, HB 3710, HB 3832**

Urban Affairs - **HB 4053, SB 125**

ENGROSSED

April 26 - HB 317, HB 461, HB 521, HB 551, HB 647, HB 782, HB 814, HB 872, HB 913, HB 946, HB 1038, HB 1268, HB 1297, HB 1365, HB 1386, HB 1460, HB 1470, HB 1526, HB 1579, HB 1602, HB 1886, HB 2120, HB 2138, HB 2265, HB 2308, HB 2439, HB 2445, HB 2462, HB 2482, HB 2491, HB 2534, HB 2636, HB 2655, HB 2713, HB 2770, HB 2823, HB 2910, HB 2978, HB 2994, HB 3011, HB 3060, HB 3063, HB 3249, HB 3322, HB 3350, HB 3446, HB 3564, HB 3694, HB 3732, HB 3765, HCR 96, HJR 72, HJR 103

ENROLLED

April 26 - HB 84, HB 1098, HB 1518, HCR 211

SENT TO THE GOVERNOR

April 26 - HB 84, HB 1098, HB 1518, HCR 158, HCR 170