

# HOUSE JOURNAL

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EIGHTIETH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SEVENTY-SIXTH DAY — TUESDAY, MAY 15, 2007

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

The roll of the house was called and a quorum was announced present (Record 1402).

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

Absent, Excused — Branch; Moreno; Vaught.

Absent — Hartnett; Hilderbran.

The invocation was offered by Scott McIntosh, pastor, Westoak Woods Baptist Church, Austin, as follows:

Our Heavenly Father, what a singular honor these men and women have had bestowed on them by the people of the great State of Texas. They sit on our behalf and make decisions applying to each citizen of this glorious state. As they honor their obligations, may they ever remember your blessings on our state. May these men and women remain true to our citizens and stand fast in every test of honor, humility, and integrity for your sake and the sake of the State of Texas.

Most gracious God, we humbly thank you for the honor and privilege of living in a free and just nation at large, and the honorable State of Texas in particular. We thank you for the joy that is ours to live in a state where all people

are valued no matter what their history, their ethnicity, or their culture. We thank you for justice and mercy that so permeate our lives in this magnanimous state that we do not walk the streets in fear of our government and all can exercise true participation in that government.

Almighty and everlasting God, we humbly ask you, as for the people of the State of Texas in general, so especially for their representatives in this body assembled, that you would be pleased to direct and prosper all their consultations to the advancement, safety, honor, and welfare of the citizens of Texas; that all things may be so ordered and settled by their endeavors, upon the best and surest foundations, that peace and happiness, truth and justice, may be established among all Texans for all generations. Amen.

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

### **CAPITOL PHYSICIAN**

The chair recognized Representative Corte who presented Dr. Tamra Dominguez of San Antonio as the "Doctor for the Day."

The house welcomed Dr. Dominguez and thanked her for her participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

### **MESSAGE FROM THE SENATE**

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

### **LEAVES OF ABSENCE GRANTED**

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

Vaught on motion of Harless.

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

Moreno on motion of Escobar.

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

Branch on motion of Hamilton.

### **HR 1304 - READ (by Farrar)**

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

**HR 1304**, Honoring Beaumont native Glenna Bell for her accomplishments as a singer and songwriter.

### **HR 1304 - MOTION TO ADD NAMES**

On motion of Representative Farrar, the names of all the members of the house were added to **HR 1304** as signers thereof.

### INTRODUCTION OF GUESTS

The chair recognized Representative Farrar who introduced Glenna Bell and members of her family.

### BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 39).

#### **HR 2133 - ADOPTED (by Giddings)**

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 2133**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2133**, Commending Janine Burman Nicolau for her work as a participant in the Texas Legislative Internship Program.

**HR 2133** was read and was adopted.

### INTRODUCTION OF GUEST

The chair recognized Representative Giddings who introduced Janine Burman Nicolau.

#### **HR 2035 - ADOPTED (by Christian)**

Representative Christian moved to suspend all necessary rules to take up and consider at this time **HR 2035**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2035**, Congratulating Dr. James O. Standley on his 28 years of service as an academic dean at Stephen F. Austin State University.

**HR 2035** was read and was adopted.

### INTRODUCTION OF GUESTS

The chair recognized Representative Christian who introduced Dr. James O. Standley and his wife.

#### **HR 2157 - ADOPTED (by Bonnen)**

Representative Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 2157**.

The motion prevailed.

The following resolution was laid before the house:

**HR 2157**, Honoring Jordan "Bear" Barrett of Columbia High School for his achievements in powerlifting.

**HR 2157** was read and was adopted.

On motion of Representative O'Day, the names of all the members of the house were added to **HR 2157** as signers thereof.

#### **INTRODUCTION OF GUESTS**

The chair recognized Representative Bonnen who introduced Jordan Barrett, Brian Lane, and Leland Surovik.

#### **PROVIDING FOR A LOCAL, CONSENT, AND RESOLUTIONS CALENDAR**

Representative C. Howard moved to suspend all necessary rules, including the 48 hour layout rule, to set a local, consent, and resolutions calendar for 9 a.m. Thursday, May 17.

The motion prevailed.

(Hartnett now present)

#### **HB 2261 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED**

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

**HB 2261**, A bill to be entitled An Act relating to the regulation of certain service contracts.

Representative Callegari moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2261**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2261**: Callegari, chair; Aycock, Miles, O'Day, and Taylor.

#### **HB 716 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 716**, A bill to be entitled An Act relating to mortgage fraud; providing criminal penalties.

Representative Solomons moved to concur in the senate amendments to **HB 716**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1403): 139 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Branch; Moreno; Vaught.

Absent — Herrero; Hilderbran; King, S.; Martinez Fischer; Olivo; Veasey.

### STATEMENTS OF VOTE

When Record No. 1403 was taken, I was temporarily out of the house chamber. I would have voted yes.

Herrero

When Record No. 1403 was taken, I was in the house but away from my desk. I would have voted yes.

Olivo

### Senate Committee Substitute

**CSHB 716**, A bill to be entitled An Act relating to mortgage fraud; providing criminal penalties.

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

SECTION 1. Subchapter B, Chapter 343, Finance Code, is amended by adding Section 343.105 to read as follows:

Sec. 343.105. NOTICE OF PENALTIES FOR MAKING FALSE OR MISLEADING WRITTEN STATEMENT. (a) A lender, mortgage banker, or licensed mortgage broker shall provide to each applicant for a home loan a written notice at closing.

(b) The notice must:

- (1) be provided on a separate document;
- (2) be in at least 14-point type; and

(3) have the following or substantially similar language:

"Warning: Intentionally or knowingly making a materially false or misleading written statement to obtain property or credit, including a mortgage loan, is a violation of Section 32.32, Texas Penal Code, and, depending on the amount of the loan or value of the property, is punishable by imprisonment for a term of 2 years to 99 years and a fine not to exceed \$10,000.

"I/we, the undersigned home loan applicant(s), represent that I/we have received, read, and understand this notice of penalties for making a materially false or misleading written statement to obtain a home loan.

"I/we represent that all statements and representations contained in my/our written home loan application, including statements or representations regarding my/our identity, employment, annual income, and intent to occupy the residential real property secured by the home loan, are true and correct as of the date of loan closing."

(c) On receipt of the notice, the loan applicant shall verify the information and execute the notice.

(d) The failure of a lender, mortgage banker, or licensed mortgage broker to provide a notice complying with this section to each applicant for a home loan does not affect the validity or enforceability of the home loan by any holder of the loan.

SECTION 2. Subchapter B, Chapter 402, Government Code, is amended by adding Sections 402.031 and 402.032 to read as follows:

Sec. 402.031. REPORTING FRAUDULENT ACTIVITIES. (a) In this section:

(1) "Authorized governmental agency" means:

(A) the attorney general;

(B) a local or state law enforcement agency of this state or a federal law enforcement agency;

(C) a prosecuting attorney of the United States or of a county or judicial district of this state; or

(D) the Department of Public Safety, the Texas Department of Insurance, the Office of Consumer Credit Commissioner, the Texas Department of Banking, the credit union department, the Department of Savings and Mortgage Lending, the Texas Real Estate Commission, or the Texas Appraiser Licensing and Certification Board.

(2) "Fraudulent activity" means any act that constitutes a violation of a penal law and is part of an attempt or scheme to defraud any person.

(b) If a person determines or reasonably suspects that fraudulent activity has been committed or is about to be committed, the person shall report the information to an authorized governmental agency. If a person reports the information to the attorney general, the attorney general shall notify each agency with representation on the residential mortgage fraud task force under Section 402.032. If a financial institution or person voluntarily or pursuant to this section reports fraudulent activity to an authorized governmental agency, the financial institution or person may not notify any person involved in the fraudulent activity

that the fraudulent activity has been reported, and the authorized governmental agency who has any knowledge that such report was made shall not disclose to any person involved in the fraudulent activity that the fraudulent activity has been reported. Any financial institution or person that makes a voluntary report of any possible violation of law or regulation to an authorized governmental agency shall not be liable to any person under any law or regulation of the state or the United States for such report.

(c) This section does not eliminate or diminish any common law or statutory privilege or immunity.

Sec. 402.032. RESIDENTIAL MORTGAGE FRAUD TASK FORCE. (a) In this section, "task force" means the residential mortgage fraud task force.

(b) The office of the attorney general shall establish the task force to form a strategic partnership between state, federal, and local law enforcement agencies to better enable law enforcement and state agencies to take a proactive stance towards tracking and prosecuting mortgage fraud and the perpetrators of mortgage fraud statewide.

(c) The task force consists of the following persons or their appointees:

- (1) the attorney general;
- (2) the consumer credit commissioner;
- (3) the banking commissioner;
- (4) the credit union commissioner;
- (5) the commissioner of insurance;
- (6) the savings and mortgage lending commissioner;
- (7) the presiding officer of the Texas Real Estate Commission; and
- (8) the presiding officer of the Texas Appraiser Licensing and

Certification Board.

(d) The task force may request assistance from the Federal Bureau of Investigation, United States Secret Service, United States Department of Justice, United States Department of Homeland Security, Internal Revenue Service, and the United States Postal Service.

(e) The task force shall focus its efforts in:

- (1) sharing information and resources; and
- (2) successfully enforcing administrative and criminal actions against perpetrators of mortgage fraud.

(f) The agencies of the persons listed in Subsection (c) may share confidential information or information to which access is otherwise restricted by law with one or more of the other agencies of the persons listed in Subsection (c) for investigative purposes described by Subsection (b). Except as provided by this subsection, confidential information that is shared under this subsection remains confidential and legal restrictions on access to the information apply.

(g) The task force shall submit to the governor, lieutenant governor, and speaker of the house of representatives an annual report on the progress of each agency of the persons listed in Subsection (c) in accomplishing the purposes described by Subsection (b).

(h) The office of the attorney general shall oversee the administration of the task force. The attorney general shall provide the necessary staff and facilities to assist the task force in performing its duties.

(i) The attorney general may solicit and accept gifts, grants, and donations of money, services, or property on behalf of the state for disbursement to any state agency or local law enforcement agency to aid the task force in the investigation and prosecution of mortgage fraud in this state.

SECTION 3. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.1407 to read as follows:

Sec. 411.1407. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: CREDIT UNION DEPARTMENT. (a) The credit union commissioner is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an individual who applies to incorporate a credit union under Subtitle D, Title 3, Finance Code;

(2) a board member of a credit union incorporated under Subtitle D, Title 3, Finance Code;

(3) an applicant for employment by the credit union department; or

(4) an employee of the credit union department.

(b) Criminal history record information obtained by the credit union commissioner under this section may not be released by any person except:

(1) on court order, unless the information is entered into evidence by the credit union department or a court at an administrative proceeding or a civil or criminal action under Subtitle D, Title 3, Finance Code; or

(2) with the consent of the person who is the subject of the criminal history record information.

SECTION 4. Section 555.051(a), Government Code, is amended to read as follows:

(a) This section applies only to information held by or for the office of the attorney general, the Texas Department of Insurance, the Texas State Board of Public Accountancy, the Public Utility Commission of Texas, [✗] the State Securities Board, the Department of Savings and Mortgage Lending, the Texas Real Estate Commission, the Texas Appraiser Licensing and Certification Board, the Texas Department of Banking, the credit union department, or the Office of Consumer Credit Commissioner that relates to the possible commission of corporate fraud or mortgage fraud by a person who is licensed or otherwise regulated by any of those state agencies. In this subsection, "corporate fraud" means a violation of state or federal law or rules relating to fraud committed by a corporation, limited liability company, or registered limited liability partnership or an officer, director, or partner of those entities while acting in a representative capacity.

SECTION 5. Section 32.32, Penal Code, is amended by amending Subsections (a) and (b) and adding Subsections (d) and (e) to read as follows:

(a) For purposes of this section, "credit" includes:

(1) a loan of money;

(2) furnishing property or service on credit;



- (3) extending the due date of an obligation;
- (4) comaking, endorsing, or guaranteeing a note or other instrument for obtaining credit;
- (5) a line or letter of credit; ~~and~~
- (6) a credit card, as defined in Section 32.31 (Credit Card or Debit Card Abuse); and
- (7) a mortgage loan.

(b) A person commits an offense if he intentionally or knowingly makes a materially false or misleading written statement to obtain property or credit, including a mortgage loan [for himself or another].

(d) The following agencies shall assist a prosecuting attorney of the United States or of a county or judicial district of this state, a county or state law enforcement agency of this state, or a federal law enforcement agency in the investigation of an offense under this section involving a mortgage loan:

- (1) the office of the attorney general;
- (2) the Department of Public Safety;
- (3) the Texas Department of Insurance;
- (4) the Office of Consumer Credit Commissioner;
- (5) the Texas Department of Banking;
- (6) the credit union department;
- (7) the Department of Savings and Mortgage Lending;
- (8) the Texas Real Estate Commission; and
- (9) the Texas Appraiser Licensing and Certification Board.

(e) With the consent of the appropriate local county or district attorney, the attorney general has concurrent jurisdiction with that consenting local prosecutor to prosecute an offense under this section that involves a mortgage loan.

SECTION 6. Article 12.01, Code of Criminal Procedure, is amended to read as follows:

Art. 12.01. FELONIES. Except as provided in Article 12.03, felony indictments may be presented within these limits, and not afterward:

- (1) no limitation:
  - (A) murder and manslaughter;
  - (B) sexual assault, if during the investigation of the offense biological matter is collected and subjected to forensic DNA testing and the testing results show that the matter does not match the victim or any other person whose identity is readily ascertained; or
  - (C) an offense involving leaving the scene of an accident under Section 550.021, Transportation Code, if the accident resulted in the death of a person;
- (2) ten years from the date of the commission of the offense:
  - (A) theft of any estate, real, personal or mixed, by an executor, administrator, guardian or trustee, with intent to defraud any creditor, heir, legatee, ward, distributee, beneficiary or settlor of a trust interested in such estate;
  - (B) theft by a public servant of government property over which he exercises control in his official capacity;
  - (C) forgery or the uttering, using or passing of forged instruments;

- (D) injury to a child, elderly individual, or disabled individual punishable as a felony of the first degree under Section 22.04, Penal Code;
- (E) sexual assault, except as provided by Subdivision (1) or (5); or
- (F) arson;
- (3) seven years from the date of the commission of the offense:
- (A) misapplication of fiduciary property or property of a financial institution;
- (B) securing execution of document by deception; ~~or~~
- (C) a violation under Sections 162.403(22)-(39), Tax Code;
- (D) false statement to obtain property or credit; or
- (E) money laundering;
- (4) five years from the date of the commission of the offense:
- (A) theft, burglary, robbery;
- (B) kidnapping;
- (C) injury to a child, elderly individual, or disabled individual that is not punishable as a felony of the first degree under Section 22.04, Penal Code;
- (D) abandoning or endangering a child; or
- (E) insurance fraud;
- (5) ten years from the 18th birthday of the victim of the offense:
- (A) indecency with a child under Section 21.11(a)(1) or (2), Penal Code; or
- (B) except as provided by Subdivision (1), sexual assault under Section 22.011(a)(2), Penal Code, or aggravated sexual assault under Section 22.021(a)(1)(B), Penal Code; or
- (6) three years from the date of the commission of the offense: all other felonies.

SECTION 7. The change in law made by this Act to Article 12.01, Code of Criminal Procedure, does not apply to an offense if the prosecution of that offense became barred by limitation before the effective date of this Act. The prosecution of that offense remains barred as if this Act had not taken effect.

SECTION 8. To the extent of a conflict, this Act prevails over any other Act of the 80th Legislature, Regular Session, 2007, regardless of the relative dates of enactment.

SECTION 9. This Act takes effect September 1, 2007.

### **HB 421 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 421**, A bill to be entitled An Act relating to the creation of the office of criminal district attorney of Fannin County and to the abolition of the office of county attorney of Fannin County.

Representative Phillips moved to concur in the senate amendments to **HB 421**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1404):  
137 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Branch; Moreno; Vaught.

Absent — Bolton; Castro; Hilderbran; King, S.; Martinez Fischer; Olivo; Paxton; Smith, W.

### STATEMENT OF VOTE

When Record No. 1404 was taken, I was in the house but away from my desk. I would have voted yes.

Olivo

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

Amend **HB 421** (Senate Committee Printing) as follows:

(1) Strike SECTION 3 of the bill (page 1, line 42, through page 2, line 4) and renumber subsequent SECTIONS of the bill accordingly.

(2) In SECTION 5 of the bill (page 2, line 33), between "abolished" and the period, insert "on January 1, 2009".

(3) Strike SECTION 6 of the bill (page 2, line 34) and substitute the following appropriately numbered SECTIONS:

SECTION \_\_\_\_\_. Notwithstanding Section 41.010, Government Code, the initial vacancy in the office of criminal district attorney of Fannin County on creation of the office shall be filled by election. The office of criminal district attorney of Fannin County exists only for the purposes of the primary and general elections in 2008. The qualified voters of the county shall elect the initial criminal district attorney of Fannin County at the general election in 2008 for a four-year term beginning January 1, 2009. Thereafter, the criminal district attorney of Fannin County shall be elected for a four-year term as provided by Section 30, Article V, Texas Constitution. A vacancy after the initial vacancy is filled as provided by Section 12, Article IV, Texas Constitution.

SECTION \_\_\_\_\_. This Act takes effect January 1, 2008.

**HB 2683 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 2683**, A bill to be entitled An Act relating to funding for programs that support the development of healthy marriages or the strengthening of families.

Representative Chisum moved to concur in the senate amendments to **HB 2683**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1405): 130 Yeas, 11 Nays, 2 Present, not voting.

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

Nays — Allen; Alonzo; Anchia; Burnam; Davis, Y.; Dutton; Eiland; Farrar; Hernandez; Pierson; Rodriguez.

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

Absent, Excused — Branch; Moreno; Vaught.

Absent — Creighton; Herrero; King, S.; Ortiz.

**STATEMENTS OF VOTE**

When Record No. 1405 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

When Record No. 1405 was taken, I was temporarily out of the house chamber. I would have voted no.

Herrero

I was shown voting yes on Record No. 1405. I intended to vote no.

Leibowitz

I was shown voting yes on Record No. 1405. I intended to vote no.

Olivo

### Senate Committee Substitute

**CSHB 2683**, A bill to be entitled An Act relating to funding for programs that support the development of healthy marriages or the strengthening of families.

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

SECTION 1. Subchapter A, Chapter 31, Human Resources Code, is amended by adding Sections 31.017 and 31.018 to read as follows:

Sec. 31.017. HEALTHY MARRIAGES AND STRONG FAMILIES GRANT PROGRAM. (a) The Health and Human Services Commission may administer a grant program to provide grants in amounts not to exceed \$50,000 to programs that provide marriage education services and support the development of healthy marriages or strengthening of families. Grant recipients may use grant money to provide direct services to participants, develop a program, enlarge program capacity, or pay other program expenses, including provider training and technical assistance expenses.

(b) In selecting grant recipients, the Health and Human Services Commission shall give preference to applicants:

(1) whose programs will contribute to the geographic diversity of program locations; or

(2) who operate small programs, but who seek to maximize service delivery and build capacity.

(c) The Health and Human Services Commission shall require that each grant recipient provide program services at no cost to participants.

(d) The Health and Human Services Commission may contract with private entities to provide marriage education training and curriculum, technical assistance, and other support to grant recipients. In selecting entities to provide these services, the commission shall consider whether a prospective provider has knowledge and understanding of the needs of grant recipients operating programs in different areas of this state.

(e) The executive commissioner of the Health and Human Services Commission may adopt rules to implement this section.

Sec. 31.018. MARRIAGE AND FAMILY PROGRAM FUNDING. To the extent authorized by federal law, the Health and Human Services Commission shall spend a minimum of one percent of money received under the federal Temporary Assistance for Needy Families block grant during each state fiscal year to fund programs that support the development of healthy marriages or the strengthening of families, including the healthy marriage development program under Section 31.015 and the healthy marriages and strong families grant program under Section 31.017.

SECTION 2. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 3. This Act takes effect September 1, 2007.

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

Amend **CSHB 2683** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 31.018, Human Resources Code (page 1, line 42), between "FUNDING." and "To", insert "(a)".

(2) In SECTION 1 of the bill, immediately following added Section 31.018, Human Resources Code (page 1, between lines 50 and 51), insert the following:

(b) Using not more than 10 percent of the money required to be spent as provided by Subsection (a), the Health and Human Services Commission, through a contract or agreement with a public senior college or university, as defined by Section 61.003, Education Code, shall establish a process for evaluating the best practices and outcomes of programs funded under Subsection (a).

**HB 2685 - MOTION TO CONCUR IN SENATE AMENDMENTS**

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

**HB 2685**, A bill to be entitled An Act relating to certain requirements for issuance of a marriage license, including an optional premarital education course.

Representative Chisum moved that the house concur in the senate amendments to **HB 2685**.

**HB 2685 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE BURNAM: Chairman Chisum, I have a number of questions for you that are intended to provide legislative intent.

REPRESENTATIVE CHISUM: Alright.

BURNAM: Under Section (1)(d), Section (1)(d) indicates that the curriculum for this course should come from the Department of Health and Human Services Healthy Marriage Initiative, the National Healthy Marriage Resource Center, developed by the Health and Human Services Commission, and other similar resources. Can you elaborate on what other similar resources means?

CHISUM: There are other similar resources out there for this education course, many of which are religious organizations that do that, or churches and other religious organizations as well as counselor groups out there that do the healthy marriage education course prior to marriage.

BURNAM: How will these religious and community organizations be included, say, for example, if their current course offering is not the same number of hours?

CHISUM: They have to have similar conditions in order to be qualified for that, so they have to have a qualified course to do that.

BURNAM: Will it be up to the commissioner to promulgate those guidelines defining whether or not they're similar?

CHISUM: Yes.

BURNAM: Previously, this legislation defined marriage educator as a mental health professional who holds at least a master's degree with a background in family therapy. That definition is now removed. How would you define a "marriage educator"?

CHISUM: Well, there are marriage educators that are qualified by the commissioner to do marriage education, and some of them are not master's degrees. Some of them are just bachelor's degrees that do that, and that's all we're doing.

BURNAM: This bill removes the requirement that the county clerk keep a roster of area course providers who meet the requirements of this section, and it also removes the requirement that the county clerk keep a list of providers who offer the course on a sliding scale without charge. You made the point when the bill came to the floor originally that this legislation would be especially helpful to the poor who suffer most from unhealthy marriages. Why, then, are we no longer providing a list of the courses that are offered at no charge?

CHISUM: I would hope that the senate didn't remove that, I don't know why they did.

BURNAM: Is it your hope that the commissioner will develop that in their rules and regulations?

CHISUM: That would be my hope, and I think that even if they don't, I think counties would certainly keep that there for them to—

BURNAM: You think, but can you declare that the intent is—

CHISUM: The intent is for the commissioner to make sure that information is available to people when they come to get their marriage licenses.

BURNAM: Thank you. The bill indicates that there will be an Internet website where providers can register. Can I assume that this website will be accessible to the public so they can search for a provider?

CHISUM: That is correct.

BURNAM: Will the county clerk's office be required to provide a computer with Internet access for public use in their offices, so those without their own computers or Internet access can search for a provider at the county clerk's office?

CHISUM: That would be my intent.

BURNAM: That is your intent. Will the providers be required to list the cost of the course on the website?

CHISUM: Absolutely, yes.

BURNAM: This bill still doubles the cost of a marriage license for those who do not take the state-approved course. Many houses of worship require that a couple getting married in their facility take a course from one of their clergy. If the house of worship does not offer a course that is state-approved, you would be forcing this couple to either pay for an additional course that is approved by the state, or pay a \$60 fee for the marriage license. You're essentially taxing the couple for their religious convictions. Do you feel like it is appropriate for the state to not only tax marriage, but also punish those couples who choose to take their premarital instruction from an organization or house of worship that the state has not met your agenda?

CHISUM: Well, I don't see that it's a punishment. Actually what we're doing is saying that if you do this, that it is in the interest of the State of Texas that you have this course, and if you do that, we'll reward you for it. If you choose not to do it, then it's a choice you make, and it's not anything you have to do. The choice is the couples' that comes before them.

BURNAM: So it's your intent to enable any faith community to provide this marriage counseling?

CHISUM: Absolutely.

REPRESENTATIVE BOLTON: I'm going to ask you to clarify, with the senate amendments, what the fee now is in this bill. We just want to be really clear.

CHISUM: Okay. The fee would be \$30 if you take this course; if you do not take the course, it's \$60.

BOLTON: What is the fee right now for a marriage license in Texas?

CHISUM: \$30.

BOLTON: \$30?

CHISUM: Right.

BOLTON: So essentially, if you choose, for whatever personal religious reasons you might have not to take this course, that's a marriage tax of \$30 for each couple.

CHISUM: Correct. Our intent is to have healthy marriages, that's correct.

BOLTON: I'm still going to ask you again, I just want to be really clear.

CHISUM: Okay.

BOLTON: It's now going to cost \$60 to get married, if you don't take this course.

CHISUM: I believe that's correct, yes.

BOLTON: Okay, so the senate stripped out the amendment that we had put in in the house in that regard.

CHISUM: Right.



### REMARKS ORDERED PRINTED

Representative Burnam moved to print remarks between Representative Burnam and Representative Chisum, and Representative Bolton and Representative Chisum.

The motion prevailed.

(Hilderbran now present)

Representative Gallego offered a substitute motion that the house not concur and that a conference committee be requested to adjust the differences between the two houses on the bill.

Representative Chisum moved to table the motion to not concur in the senate amendments and to appoint a conference committee.

A record vote was requested.

The motion to table prevailed by (Record 1406): 75 Yeas, 66 Nays, 2 Present, not voting.

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

Nays — Allen; Alonzo; Anchia; Bolton; Bonnen; Burnam; Castro; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farias; Farrar; Flores; Frost; Gallego; Garcia; Geren; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Heflin; Hernandez; Herrero; Hochberg; Hodge; Hopson; Howard, D.; Jones; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Strama; Straus; Thompson; Turner; Veasey; Villarreal; Vo.

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

Absent, Excused — Branch; Moreno; Vaught.

Absent — Bailey; Creighton; Giddings; Pickett.

### STATEMENT OF VOTE

When Record No. 1406 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

**HB 2685 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

The motion to concur in the senate amendments to **HB 2685** prevailed by (Record 1407): 84 Yeas, 56 Nays, 2 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Eissler; Elkins; England; Farabee; Flynn; Gattis; Geren; Gonzales; Goolsby; Guillen; Haggerty; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Homer; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Kruse; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pitts; Quintanilla; Riddle; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Cohen; Coleman; Cook, R.; Davis, Y.; Dukes; Dunnam; Dutton; Eiland; Escobar; Farias; Farrar; Flores; Frost; Gallego; Garcia; Gonzalez Toureilles; Hernandez; Herrero; Hochberg; Hodge; Hopson; Howard, D.; Jones; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miles; Naishtat; Oliveira; Olivo; Ortiz; Puente; Raymond; Ritter; Rodriguez; Strama; Straus; Thompson; Turner; Veasey; Villarreal; Vo.

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

Absent, Excused — Branch; Moreno; Vaught.

Absent — Creighton; Giddings; Noriega; Pickett; Pierson.

**STATEMENTS OF VOTE**

When Record No. 1407 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

When Record No. 1407 was taken, I was in the house but away from my desk. I would have voted no.

Noriega

I was shown voting no on Record No. 1407. I intended to vote yes.

Raymond

**Senate Committee Substitute**

**CSHB 2685**, A bill to be entitled An Act relating to certain requirements for issuance of a marriage license, including an optional premarital education course.

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

SECTION 1. Section 2.013, Family Code, is amended to read as follows:

Sec. 2.013. PREMARITAL EDUCATION COURSES [REQUIREMENTS; WAIVER]. (a) Each person applying for a marriage license is encouraged to attend a premarital education course of at least eight [four] hours during the year preceding the date of the application for the license.

(b) ~~The course under Subsection (a) may be completed by:~~

- ~~[(1) personal instruction;~~
- ~~[(2) videotape instruction;~~
- ~~[(3) instruction through an electronic medium; or~~
- ~~[(4) a combination of these methods.~~

~~[(e)]~~ A premarital education course must [should] include instruction in:

- (1) conflict management;
- (2) communication skills; and
- (3) the key components of a successful marriage [children and parenting responsibilities; and
- [(4) financial responsibilities].

(c) ~~[(d)]~~ A course under this section should be offered by instructors trained in a skills-based and research-based marriage preparation curricula. The following individuals and organizations may provide courses:

- (1) marriage educators [a mental health professional who holds at least a master's degree with a background in family therapy]; [or
- (2) clergy or their designees;
- (3) licensed mental health professionals;
- (4) faith-based organizations; and
- (5) community-based organizations [a religious practitioner who performs counseling consistent with the laws of this state or another person designated as a program counselor by a church or religious institution].

(d) The curricula of a premarital education course must meet the requirements of this section and provide the skills-based and research-based curricula of:

- (1) the United States Department of Health and Human Services healthy marriage initiative;
- (2) the National Healthy Marriage Resource Center;
- (3) criteria developed by the Health and Human Services Commission;

or

- (4) other similar resources.

(e) The Health and Human Services Commission shall maintain an Internet website on which individuals and organizations described by Subsection (c) may electronically register with the commission to indicate the skills-based and research-based curriculum in which the registrant is trained [Each county clerk may maintain a roster of area course providers who meet the requirements of this section, including providers who offer the course on a sliding scale or without charge. The clerk may provide a copy of the roster on request to an applicant for a marriage license].

(f) ~~[An applicant for a marriage license who takes a course under this section shall pay any fee charged for the course.]~~

~~[(g)]~~ A person who provides a premarital education course shall provide a signed and dated completion certificate to each individual who completes the course. The certificate must include the name of the course, the name of the course provider, and the completion date ~~[seeks to be listed as a course provider on a list maintained under Subsection (c)]~~ shall notify the county clerk of the county in which the person intends to offer a course. The notification must include the applicant's professional license number or evidence of the person's position or affiliation with a church or religious institution, as appropriate, and an address at which the course provider may be contacted].

SECTION 2. Section 2.204(b), Family Code, is amended to read as follows:

(b) The 72-hour waiting period after issuance of a marriage license does not apply to an applicant who:

- (1) is a member of the armed forces of the United States and on active duty;
- (2) is not a member of the armed forces of the United States but performs work for the United States Department of Defense as a department employee or under a contract with the department; ~~or~~
- (3) obtains a written waiver under Subsection (c); or
- (4) completes a premarital education course described by Section 2.013, and who provides to the county clerk a premarital education course completion certificate indicating completion of the premarital education course not more than one year before the date the marriage license application is filed with the clerk.

SECTION 3. Section 118.011(a), Local Government Code, is amended to read as follows:

(a) A county clerk shall collect the following fees for services rendered to any person:

- (1) Personal Property Records Filing (Sec. 118.012):
  - for the first page . . . . . \$ 5.00
  - for each additional page or part of a page on which there are visible marks of any kind . . . . . \$ 4.00
- (2) Real Property Records Filing (Sec. 118.013):
  - for the first page . . . . . \$ 5.00
  - for each additional page or part of a page on which there are visible marks of any kind . . . . . \$ 4.00
  - for all or part of each 8-1/2" X 14" attachment or rider . . . . . \$ 4.00
  - for each name in excess of five names that has to be indexed in all records in which the document must be indexed . . . . . \$ 0.25
- (3) Certified Papers (Sec. 118.014):
  - for the clerk's certificate . . . . . \$ 5.00
  - plus a fee for each page or part of a page . . . . . \$ 1.00
- (4) Noncertified Papers (Sec. 118.0145):
  - for each page or part of a page . . . . . \$ 1.00
- (5) Birth or Death Certificate (Sec. 118.015) . . . . same as state registrar
- (6) Bond Approval (Sec. 118.016) . . . . . \$ 3.00

- (7) Marriage License (Sec. 118.018) . . . . . \$60.00 [~~\$30.00~~]
- (8) Declaration of Informal Marriage (Sec. 118.019) . . . . . \$25.00
- (9) Brand Registration (Sec. 118.020) . . . . . \$ 5.00
- (10) Oath Administration (Sec. 118.021) . . . . . \$ 1.00

SECTION 4. Section 118.018, Local Government Code, is amended by amending Subsection (a) and adding Subsection (b-1) to read as follows:

(a) The fee for "Marriage License" under Section 118.011 is for issuing a marriage license. The fee must be paid at the time the license is issued, except as provided by Subsection (b-1).

(b-1) The county clerk shall issue a marriage license without collecting a marriage license fee from an applicant who:

(1) completes a premarital education course described by Section 2.013, Family Code; and

(2) provides to the county clerk a premarital education course completion certificate indicating completion of the premarital education course not more than one year before the date the marriage license application is filed with the clerk.

SECTION 5. Section 118.022, Local Government Code, is amended to read as follows:

Sec. 118.022. DISPOSITION OF MARRIAGE LICENSE AND DECLARATION FEES. (a) If the county clerk collects a fee for issuing a marriage license, the [The] county clerk shall deposit, as provided by Subchapter B, Chapter 133:

(1) \$20[~~\$12.50~~] of each fee collected for issuing [issuance of] a marriage license or \$12.50 of each fee for recording a declaration of informal marriage to be sent to the comptroller and deposited as provided by Subsection (b); and

(2) \$10 of each fee collected for issuing a marriage license to be sent to the comptroller and deposited as provided by Subsection (c).

(b) The comptroller shall deposit the money received under Subsection (a)(1) [this section] to the credit of the child abuse and neglect prevention trust fund account established under Section 40.105, Human Resources Code.

(c) The comptroller shall deposit the money received under Subsection (a)(2) to the credit of the family trust fund account established under Section 2.014, Family Code.

SECTION 6. Section 118.018(c), Local Government Code, is repealed.

SECTION 7. This Act takes effect September 1, 2008.

(Speaker in the chair)

**HB 1850 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 1850**, A bill to be entitled An Act relating to an inspection performed by a plumbing inspector for a political subdivision.

Representative Flores moved to concur in the senate amendments to **HB 1850**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1408): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; 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; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Moreno; Vaught.

Absent — Pierson.

### STATEMENT OF VOTE

When Record No. 1408 was taken, my vote failed to register. I would have voted yes.

Pierson

### Senate Committee Substitute

**CSHB 1850**, A bill to be enacted An Act relating to an inspection performed by a plumbing inspector or qualified plumbing inspection business for a political subdivision.

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

SECTION 1. Section 1301.255(e), Occupations Code, is amended to read as follows:

(e) Plumbing installed in compliance with a code adopted under Subsection (a), (b), or (d) must be inspected by a plumbing inspector. To perform the inspection, the political subdivision may contract with any plumbing inspector or qualified plumbing inspection business, as determined by the political subdivision, that is paid directly by the political subdivision.

SECTION 2. This Act takes effect September 1, 2007.

**HB 3392 - MOTION TO CONCUR IN SENATE AMENDMENTS**

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

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

Representative Guillen moved to concur in the senate amendments to **HB 3392**.

The motion was withdrawn.

**LEAVE OF ABSENCE GRANTED**

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

Bailey on motion of Gonzalez Toureilles.

**POSTPONED BUSINESS**

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

**SB 528 ON SECOND READING**  
**(Peña - House Sponsor)**

**SB 528**, A bill to be entitled An Act relating to the standards for attorneys representing indigent defendants in capital cases.

**SB 528** was read second time on May 14 and was postponed until 11 a.m. today.

Representative Peña moved to postpone consideration of **SB 528** until 11 a.m. tomorrow.

The motion prevailed.

**SB 1783 ON SECOND READING**  
**(Hartnett - House Sponsor)**

**SB 1783**, A bill to be entitled An Act relating to the waiting period for issuing a decree in certain suits for divorce.

**SB 1783** was read second time on May 11, postponed until May 14, and was again postponed until 1 p.m. today.

Representative Hartnett moved to postpone consideration of **SB 1783** until 1 p.m. Thursday, May 17.

The motion prevailed.

**MAJOR STATE CALENDAR**  
**SENATE BILLS**  
**THIRD READING**

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

(Taylor in the chair)

**SB 903 ON THIRD READING**  
**(Kolkhorst - House Sponsor)**

**SB 903**, A bill to be entitled An Act relating to the continuation and functions of the Office of State-Federal Relations and the administrative attachment of that agency to the office of the governor.

**Amendment No. 1**

Representative Kolkhorst offered the following amendment to **SB 903**:

Amend **SB 903** as follows:

In SECTION 6 replace the word "office" with "Texas Ethics Commission".

Amendment No. 1 was adopted. (The vote was later reconsidered on May 17, and Amendment No. 1 was withdrawn.)

**Amendment No. 2**

Representative Raymond offered the following amendment to **SB 903**:

Amend **SB 903** as follows:

(1) In the recital to SECTION 5 of the bill (page 3, line 15), strike "Section 751.006(g), Government Code, is" and substitute "Sections 751.006(a) and (g), Government Code, are".

(2) In SECTION 5 of the bill, immediately before amended Subsection (g), Section 751.006, Government Code (page 3, between lines 16 and 17), insert the following:

(a) The director may employ staff necessary to carry out the director's powers and duties under this chapter. Except as provided by Section 751.004, regarding the appointment of the director, the board shall approve the hiring of all employees for the office. The director or the director's designee shall provide to office employees, as often as necessary, information regarding their qualification for employment under this chapter and their responsibilities under applicable laws relating to standards of conduct for state employees.

Amendment No. 2 was adopted.

A record vote was requested.

**SB 903**, as amended, was passed by (Record 1409): 144 Yeas, 0 Nays, 2 Present, not voting. (The vote was later reconsidered on May 17, and **SB 903**, as amended, was passed by Record 1499).

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Harcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.;



Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Bailey; Branch; Moreno; Vaught.

**SB 908 ON THIRD READING**  
**(McClendon - House Sponsor)**

**SB 908**, A bill to be entitled An Act relating to the continuation and functions of the State Office of Risk Management.

A record vote was requested.

**SB 908** was passed by (Record 1410): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; 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; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Bailey; Branch; Moreno; Vaught.

Absent — Peña; Pickett; Smith, W.

**SB 1031 ON THIRD READING**  
**(Eissler - House Sponsor)**

**SB 1031**, A bill to be entitled An Act relating to the administration of certain assessment instruments in public schools; providing a criminal penalty.

**Amendment No. 1**

Representative Hancock offered the following amendment to **SB 1031**:

Amend **SB 1031** on third reading by adding the following new SECTION, appropriately numbered, and renumbering the subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 39.024, Education Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) A school district shall offer courses or tutoring to each student who fails to achieve the college readiness standard established under Section 39.0233(c) to help the student achieve that standard.

(Speaker in the chair)

Amendment No. 1 was adopted.

A record vote was requested.

**SB 1031**, as amended, was passed by (Record 1411): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; 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; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Branch; Moreno; Vaught.

**SB 61 ON THIRD READING**  
**(McClendon - House Sponsor)**

**SB 61**, A bill to be entitled An Act relating to the performance of the functions of the governing body of a political subdivision in the event of a disaster.

A record vote was requested.

**SB 61** was passed by (Record 1412): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; 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; Krusee; Kuempel; Latham; 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; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Branch; Moreno; Vaught.

Absent — Miller; Van Arsdale.

**FIVE DAY POSTING RULE SUSPENDED**

Representative Truitt moved to suspend the five day posting rule to allow the Committee on Pensions and Investments to consider **SB 1575** at 8 a.m. Thursday, May 17 in E2.030.

The motion prevailed.

Representative Delisi moved to suspend the five day posting rule to allow the Committee on Public Health to consider **SB 973** and **SB 1274** at 8 a.m. tomorrow in E2.036.

The motion prevailed.

## RULES SUSPENDED

Representative Krusee moved to suspend all necessary rules to allow the Committee on Transportation to consider legislation in committee.

The motion prevailed.

## COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Human Services, upon lunch recess today, Desk 120, for a formal meeting, to consider **SB 27** and pending business.

Public Health, upon lunch recess today, Desk 58, for a formal meeting, to consider pending business.

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

Transportation, upon lunch recess today, Desk 46, for a formal meeting, to consider legislation in committee.

Energy Resources, upon lunch recess today, Desk 25, for a formal meeting, to consider pending business.

## RECESS

At 11:58 a.m., the speaker announced that the house would stand recessed until 1:15 p.m. today.

## AFTERNOON SESSION

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

### SB 12 ON THIRD READING

#### (Bonnen and Giddings - House Sponsors)

**SB 12**, A bill to be entitled An Act relating to programs for the enhancement of air quality, including energy efficiency standards in state purchasing and energy consumption; providing penalties.

#### Amendment No. 1

Representative Farrar offered the following amendment to **SB 12**:

Amend **SB 12** (House committee printing) by inserting the following appropriately numbered article and renumbering subsequent articles accordingly:

#### ARTICLE \_\_\_\_ . CLEAN AIR ACT

SECTION \_\_\_\_ .01. Subchapter B, Chapter 382, Health and Safety Code, is amended by adding Section 382.0203 to read as follows:

Sec. 382.0203. REGULATION OF TOXIC POLLUTION. (a) Not later than December 31, 2009, the commission shall adopt, as necessary for the protection of public health, ambient air quality standards for toxic air contaminants, including:

(1) benzene;

(2) 1, 3 butadiene;

- (3) ethylene dichloride;  
(4) formaldehyde; and  
(5) nickel.

(b) In developing standards for a contaminant under Subsection (a), the commission shall ensure that the allowed average concentration level of the contaminant does not result in an increased risk of cancer greater than one chance in one million for a person exposed to the contaminant over a specified period determined by commission rule.

(c) Standards adopted under Subsection (a) apply to permits issued before, on, or after the date the standards are adopted.

### 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).

#### SB 12 - (consideration continued)

(Speaker in the chair)

Representative Bonnen moved to postpone consideration of **SB 12** until 7 p.m. today.

The motion prevailed.

### GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

#### SB 1562 ON THIRD READING (P. King - House Sponsor)

**SB 1562**, A bill to be entitled An Act relating to animal control officer training.

#### Amendment No. 1

On behalf of Representative Miller, Representative P. King offered the following amendment to **SB 1562**:

Amend **SB 1562** on third reading, in added Section 829.003(d), Health and Safety Code, by striking "and other animal control and animal protection organizations as the department considers appropriate" and substituting "the Department of Agriculture, and the Texas Animal Health Commission".

Amendment No. 1 was adopted.

#### Amendment No. 2

Representative Castro offered the following amendment to **SB 1562**:

Amend **SB 1562** on third reading, in added Section 829.003(a), Health and Safety Code, following added Subdivision (10), by adding the following subdivision and renumbering subsequent subdivisions of that subsection appropriately:

(11) methods for notifying owners of captured animals and returning captured animals to owners;

Amendment No. 2 was adopted.

A record vote was requested.

**SB 1562**, as amended, was passed by (Record 1413): 136 Yeas, 7 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zerwas.

Nays — Bonnen; Harper-Brown; Macias; O'Day; Phillips; Truitt; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Branch; Moreno; Vaught.

Absent — Haggerty; Hughes.

**STATEMENT OF VOTE**

I was shown voting yes on Record No. 1413. I intended to vote no.

C. Howard

**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. 41).

**SB 143 ON THIRD READING  
(Veasey - House Sponsor)**

**SB 143**, A bill to be entitled An Act relating to fetal and infant mortality review and health warnings related to fetal and infant mortality; imposing a penalty.

**Amendment No. 1**

Representative Veasey offered the following amendment to **SB 143**:

Amend **SB 143** (House committee printing) by striking SECTION 2 of the bill (page 9, lines 10 through 22) and substituting the following:

SECTION 2. Section 161.084, Health and Safety Code, is amended by amending Subsection (b) and adding Subsection (f) to read as follows:

(b) The sign must include the statement:

PURCHASING OR ATTEMPTING TO PURCHASE TOBACCO PRODUCTS BY A MINOR UNDER 18 YEARS OF AGE IS PROHIBITED BY LAW. SALE OR PROVISION OF TOBACCO PRODUCTS TO A MINOR UNDER 18 YEARS OF AGE IS PROHIBITED BY LAW. UPON CONVICTION, A CLASS C MISDEMEANOR, INCLUDING A FINE OF UP TO \$500, MAY BE IMPOSED. VIOLATIONS MAY BE REPORTED TO THE TEXAS COMPTROLLER'S OFFICE BY CALLING (insert toll-free telephone number). PREGNANT WOMEN SHOULD NOT SMOKE. SMOKERS ARE MORE LIKELY TO HAVE BABIES WHO ARE BORN PREMATURE OR WITH LOW BIRTH WEIGHT.

(f) The comptroller may accept gifts or grants from any public or private source to perform the comptroller's duties under this section.

Amendment No. 1 was adopted.

A record vote was requested.

**SB 143**, as amended, was passed by (Record 1414): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; 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; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Branch; Moreno; Vaught.

Absent — Allen; Madden; Morrison.

**SB 99 ON THIRD READING**

**(Guillen - House Sponsor)**

**SB 99**, A bill to be entitled An Act relating to the identification of and provision of assistance to colonias and for tracking the progress of certain state-funded projects that benefit colonias.

A record vote was requested.

**SB 99** was passed by (Record 1415): 143 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flynn; Frost; Gallego; Garcia; 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; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Phillips.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Branch; Moreno; Vaught.

Absent — Flores.

**SB 382 ON THIRD READING**

**(Taylor - House Sponsor)**

**SB 382**, A bill to be entitled An Act relating to certain refund requirements regarding credit insurance.

A record vote was requested.

**SB 382** was passed by (Record 1416): 139 Yeas, 0 Nays, 1 Present, not voting.



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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Branch; Moreno; Vaught.

Absent — Flores; Hamilton; Morrison; Mowery; Noriega; Oliveira.

#### STATEMENT OF VOTE

When Record No. 1416 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

#### SB 1426 ON THIRD READING (Hamilton - House Sponsor)

**SB 1426**, A bill to be entitled An Act relating to the issuance of a food and beverage certificate to the holder of a wine and beer retailer's permit or a retail dealer's on-premise license.

A record vote was requested.

**SB 1426** was passed by (Record 1417): 137 Yeas, 3 Nays, 1 Present, not voting.

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

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

Nays — Aycock; Crabb; Phillips.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Branch; Moreno; Vaught.

Absent — Burnam; Flores; Hill; King, T.; Noriega.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 1417. I intended to vote no.

Flynn

### SB 596 ON THIRD READING

#### (Turner - House Sponsor)

**SB 596**, A bill to be entitled An Act relating to the confidentiality of certain information involving real estate transactions of the School Land Board, Veterans' Land Board, General Land Office, or Commissioner of the General Land Office.

A record vote was requested.

**SB 596** was passed by (Record 1418): 138 Yeas, 3 Nays, 1 Present, not voting.

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

Nays — Farrar; Herrero; Leibowitz.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Branch; Moreno; Vaught.

Absent — Eissler; Hamilton; Hill; Noriega.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 1418. I intended to vote no.

Rose

### SB 814 ON THIRD READING (Dukes - House Sponsor)

**SB 814**, A bill to be entitled An Act relating to environmental lead investigations by the Department of State Health Services.

A record vote was requested.

**SB 814** was passed by (Record 1419): 139 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Branch; Moreno; Vaught.

Absent — Burnam; Dunnam; Hamilton; Hill; McReynolds; Noriega.

### SB 811 ON THIRD READING (Dukes - House Sponsor)

**SB 811**, A bill to be entitled An Act relating to requiring the Department of State Health Services to allow health care providers to use certain vaccines in the vaccines for children program.

#### Amendment No. 1

Representative Dukes offered the following amendment to **SB 811**:

Amend **SB 811** on third reading by striking the SECTION of the bill providing the effective date (SECTION 2 of the house committee printing, page 2, line 1) and substituting the following:

SECTION \_\_\_\_\_. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

Amendment No. 1 was adopted.

A record vote was requested.

**SB 811**, as amended, was passed by (Record 1420): 140 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Branch; Moreno; Vaught.

Absent — Chisum; Cook, R.; Hamilton; Keffer; Patrick.

### **SB 952 ON THIRD READING (Hamilton - House Sponsor)**

**SB 952**, A bill to be entitled An Act relating to designation of certain areas as the premises of a mixed beverage permit holder.

A record vote was requested.

**SB 952** was passed by (Record 1421): 127 Yeas, 18 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crownover; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar;

Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Isett; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Talton; Taylor; Thompson; Turner; Veasey; Villarreal; Vo; West; Woolley; Zerwas.

Nays — Anderson; Aycock; Christian; Crabb; Creighton; Darby; Flynn; Hancock; Howard, C.; Jackson; Macias; Miller; Phillips; Riddle; Swinford; Truitt; Van Arsdale; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Branch; Moreno; Vaught.

**SB 75 ON THIRD READING**  
**(Rose - House Sponsor)**

**SB 75**, A bill to be entitled An Act relating to penalties for certain repeat and habitual felony sex offenders.

A record vote was requested.

**SB 75** was passed by (Record 1422): 142 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Branch; Moreno; Vaught.

Absent — Howard, C.; Isett; Riddle.

### STATEMENT OF VOTE

When Record No. 1422 was taken, my vote failed to register. I would have voted yes.

C. Howard

### SB 64 ON THIRD READING (Strama - House Sponsor)

**SB 64**, A bill to be entitled An Act relating to the reporting of political contributions accepted or political expenditures made near an election; providing a civil penalty.

A record vote was requested.

**SB 64** was passed by (Record 1423): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; 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; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Branch; Moreno; Vaught.

Absent — Krusee; Riddle.

### SB 22 ON THIRD READING (Delisi - House Sponsor)

**SB 22**, A bill to be entitled An Act relating to long-term care insurance and a partnership for long-term care program.

**Amendment No. 1**

On behalf of Representative Menendez, Representative Delisi offered the following amendment to **SB 22**:

Amend **SB 22** by adding the following section to Chapter 32, Human Resources Code and renumbering the Sections accordingly;

SECTION 1. Section 32.061, Human Resources Code, is amended to read as follows:

Sec. 32.061. COMMUNITY ATTENDANT SERVICES PROGRAM. (a) Any home and community-based services that the department provides under Section 1929, Social Security Act (42 U.S.C. Section 1396t) and its subsequent amendments to functionally disabled individuals who have income that exceeds the limit established by federal law for Supplemental Security Income (SSI) (42 U.S.C. Section 1381 et seq.) and its subsequent amendments shall be provided through the community attendant services program.

(b) In determining an applicant's eligibility for home and community-based services described by Subsection (a), the department shall exclude \$20 of unearned or earned income from the applicant's monthly income.

SECTION 2. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

For purposes of this Section only the effective date will be September 1, 2008.

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

A record vote was requested.

**SB 22**, as amended, was passed by (Record 1424): 137 Yeas, 0 Nays, 1 Present, not voting. (The vote was reconsidered later today, and **SB 22**, as amended, was passed by Record 1437.):

Yeas — Allen; Alonzo; Anchia; Anderson; Aycok; Berman; Bohac; Bolton; Bonnen; 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; Farrar; Flynn; Frost; Gallego; Garcia; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente;

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Branch; Moreno; Vaught.

Absent — Crownover; Dutton; Flores; Geren; King, S.; Oliveira; Taylor; Thompson.

### STATEMENT OF VOTE

When Record No. 1424 was taken, my vote failed to register. I would have voted yes.

S. King

### SB 802 ON THIRD READING

(S. King - House Sponsor)

**SB 802**, A bill to be entitled An Act relating to the child fatality review process, including the composition and functions of the child fatality review team committee.

A record vote was requested.

**SB 802** was passed by (Record 1425): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycok; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flynn; Frost; Gallego; Garcia; Gattis; 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; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Branch; Moreno; Vaught.

Absent — Flores; Geren; Jones; Murphy; Zedler; Zerwas.



**STATEMENT OF VOTE**

When Record No. 1425 was taken, I was in the house but away from my desk. I would have voted yes.

Zedler

**SB 244 ON THIRD READING  
(Riddle - House Sponsor)**

**SB 244**, A bill to be entitled An Act relating to the temporary sealing of certain affidavits on which search warrants are based.

A record vote was requested.

**SB 244** was passed by (Record 1426): 135 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; 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.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Burnam; Howard, D.; Pierson; Rodriguez; Thompson.

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

Absent, Excused — Bailey; Branch; Moreno; Vaught.

Absent — Bolton; Chisum; Jones; Madden.

**STATEMENT OF VOTE**

When Record No. 1426 was taken, I was in the house but away from my desk. I would have voted yes.

Madden

**SB 1667 ON THIRD READING**  
**(Corte - House Sponsor)**

**SB 1667**, A bill to be entitled An Act relating to the amount of an administrative penalty assessed by the Railroad Commission of Texas for a violation of the Texas Surface Coal Mining and Reclamation Act or a permit issued under that act.

A record vote was requested.

**SB 1667** was passed by (Record 1427): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; 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; Farrar; Flores; Flynn; Frost; Gallego; Garcia; 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; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Branch; Moreno; Vaught.

Absent — Crownover; Martinez Fischer; Veasey.

**SB 600 ON THIRD READING**  
**(Hartnett - House Sponsor)**

**SB 600**, A bill to be entitled An Act relating to compensation paid to statutory county court judges and certain court-related fees.

A record vote was requested.

**SB 600** was passed by (Record 1428): 142 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; 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; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; 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; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Dutton; Mallory Caraway.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Branch; Moreno; Vaught.

Absent — Talton.

### **SB 82 ON THIRD READING (Eissler - House Sponsor)**

**SB 82**, A bill to be entitled An Act relating to safety regulations for certain public school extracurricular activities.

#### **Amendment No. 1**

Representative Eissler offered the following amendment to **SB 82**:

Amend Floor Amendment No. 1 to **SB 82** by striking proposed subsection (c), (lines 5-7).

Amendment No. 1 was adopted.

A record vote was requested.

**SB 82**, as amended, was passed by (Record 1429): 129 Yeas, 12 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Aycock; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Castro; Chavez; Chisum; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; 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.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Morrison; Mowery; Murphy; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond;

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

Nays — Anderson; Callegari; Christian; Crabb; Elkins; Flynn; Harper-Brown; Macias; Miller; O'Day; Phillips; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Branch; Moreno; Vaught.

Absent — Davis, Y.; Hardcastle; Miles; Smith, T.

### STATEMENT OF VOTE

I was shown voting no on Record No. 1429. I intended to vote yes.

Zedler

### SB 502 ON THIRD READING (Smithee - House Sponsor)

**SB 502**, A bill to be entitled An Act relating to minimum insurance coverage amounts to establish evidence of financial responsibility under the Texas Motor Vehicle Safety Responsibility Act.

A record vote was requested.

**SB 502** was passed by (Record 1430): 138 Yeas, 5 Nays, 1 Present, not voting.

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

Nays — Harless; Harper-Brown; Laubenberg; Macias; Paxton.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Branch; Moreno; Vaught.

Absent — Davis, Y.; Patrick.

**SB 1666 ON THIRD READING**  
**(Corte - House Sponsor)**

**SB 1666**, A bill to be entitled An Act relating to the authority of the Railroad Commission of Texas to file a lien on certain land adversely affected by past mining practices and reclaimed by the commission.

A record vote was requested.

**SB 1666** was passed by (Record 1431): 142 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Branch; Moreno; Vaught.

Absent — Hernandez; Murphy; Zerwas.

**SB 1615 ON THIRD READING**  
**(Isett - House Sponsor)**

**SB 1615**, A bill to be entitled An Act relating to the collection of delinquent obligations owed to the state.

A record vote was requested.

**SB 1615** was passed by (Record 1432): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; 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; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Branch; Moreno; Vaught.

Absent — Bohac.

### STATEMENT OF VOTE

When Record No. 1432 was taken, I was in the house but away from my desk. I would have voted yes.

Bohac

### SB 744 ON THIRD READING (Rose - House Sponsor)

**SB 744**, A bill to be entitled An Act relating to retaliation for reports of possible abuse, neglect, or exploitation of certain persons receiving home and community-based services.

A record vote was requested.

**SB 744** was passed by (Record 1433): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; 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; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond;

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Branch; Moreno; Vaught.

Absent — Swinford.

**SB 563 ON THIRD READING**  
**(Madden - House Sponsor)**

**SB 563**, A bill to be entitled An Act relating to assistance by the attorney general in the prosecution of certain offenses involving the use, unlawful appropriation, or misapplication of state property or unlawful conduct in certain state-funded facilities or on other state property.

**Amendment No. 1**

Representative Madden offered the following amendment to **SB 563**:

Amend **SB 563**, on third reading, in SECTION 3 of the bill, in amended Subsection (b), Section 39.04, Penal Code (house committee printing, page 2, line 4), by striking "third degree" and substituting "second degree".

Amendment No. 1 was adopted.

A record vote was requested.

**SB 563**, as amended, was passed by (Record 1434): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; 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; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Branch; Moreno; Vaught.

Absent — McReynolds.

(Madden in the chair)

**SB 344 ON THIRD READING**  
**(J. Davis - House Sponsor)**

**SB 344**, A bill to be entitled An Act relating to the additional exit conference required following inspection, survey, or investigation of certain facilities.

**Amendment No. 1**

Representative J. Davis offered the following amendment to **SB 344**:

Amend **SB 344** on third reading as follows:

(1) Strike the SECTION added by the Davis amendment on second reading that amends Section 243.002, Health and Safety Code.

(2) Strike the SECTION added by the Davis amendment on second reading that amends the heading to Section 243.003, Health and Safety Code.

(3) Strike the SECTION added by the Davis amendment on second reading that amends Section 243.003, Health and Safety Code.

(4) Strike the SECTION added by the Davis amendment on second reading that amends Section 843.002, Insurance Code.

(5) Strike the SECTION added by the Davis amendment on second reading that amends Section 1301.001, Insurance Code.

(6) Strike the SECTION added by the Davis amendment on second reading that amends Section 401.011, Labor Code.

(7) Strike the SECTION added by the Davis amendment on second reading that provides transition provisions relating to Section 243.003, Health and Safety Code.

(8) Renumber subsequent SECTIONS accordingly.

Amendment No. 1 was adopted.

A record vote was requested.

**SB 344**, as amended, was passed by (Record 1435): 139 Yeas, 0 Nays, 2 Present, not voting.

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



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

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

Absent, Excused — Bailey; Branch; Moreno; Vaught.

Absent — Alonzo; Heflin; Martinez; McCall; Smith, W.

**SB 178 ON THIRD READING**  
**(Rose - House Sponsor)**

**SB 178**, A bill to be entitled An Act relating to working papers and electronic communications of State Office of Administrative Hearings administrative law judges.

A record vote was requested.

**SB 178** was passed by (Record 1436): 131 Yeas, 8 Nays, 2 Present, not voting.

Yeas — Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; England; Escobar; Farabee; Farias; Flynn; Frost; Gallego; Garcia; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Allen; Farrar; Geren; Harper-Brown; Herrero; Leibowitz; Lucio; O'Day.

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

Absent, Excused — Bailey; Branch; Moreno; Vaught.

Absent — Bolton; Cohen; Elkins; Flores; Quintanilla.

**GENERAL STATE CALENDAR**  
**SENATE BILLS**  
**SECOND READING**

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

**SB 247 ON SECOND READING****(Van Arsdale, Flynn, Rose, Giddings, McClendon, et al. - House Sponsors)**

**SB 247**, A bill to be entitled An Act relating to prohibiting the investment of state funds in certain private business entities doing business in Sudan.

**SB 247** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Hill recorded voting no.)

**SB 450 ON SECOND READING****(Turner - House Sponsor)**

**SB 450**, A bill to be entitled An Act relating to enrollment and participation in certain research programs of certain children in foster care.

**Amendment No. 1**

Representative Turner offered the following amendment to **SB 450**:

Amend **SB 450**, in Section 2 of the bill, in added Section 266.0041, Family Code (house committee printing page 6, between lines 25 and 26), by inserting the following:

(m) A foster parent or any other person may not receive a financial incentive or any other benefit for recommending or consenting to the enrollment and participation of a foster child in a drug research program.

Amendment No. 1 was adopted.

**SB 450**, 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.)

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence temporarily for today to attend a meeting of the conference committee on **HB 1**:

Gattis on motion of Homer.

**SB 1828 ON SECOND READING****(Hamilton - House Sponsor)**

**SB 1828**, A bill to be entitled An Act relating to the use of certain electronically readable information on a driver's license to comply with certain alcohol-related laws.

**SB 1828** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 22 - VOTE RECONSIDERED**

Representative Delisi moved to reconsider the vote by which **SB 22**, as amended, was passed.

The motion to reconsider prevailed.

**SB 22 ON THIRD READING  
(Delisi - House Sponsor)**

**SB 22**, A bill to be entitled An Act relating to long-term care insurance and a partnership for long-term care program.

**Amendment No. 1 - Vote Reconsidered**

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

The motion to reconsider prevailed.

Amendment No. 1 was withdrawn.

**Amendment No. 2**

Representative Menendez offered the following amendment to **SB 22**:

Amend **SB 22** by adding the following section to Chapter 32, Human Resources Code and renumbering the Sections accordingly;

SECTION 1. Section 32.061, Human Resources Code, is amended to read as follows:

Sec. 32.061. COMMUNITY ATTENDANT SERVICES PROGRAM. (a) Any home and community-based services that the department provides under Section 1929, Social Security Act (42 U.S.C. Section 1396t) and its subsequent amendments to functionally disabled individuals who have income that exceeds the limit established by federal law for Supplemental Security Income (SSI) (42 U.S.C. Section 1381 et seq.) and its subsequent amendments shall be provided through the community attendant services program.

(b) In determining an applicant's eligibility for home and community-based services described by Subsection (a), the department shall exclude \$20 of unearned or earned income from the applicant's monthly income.

SECTION 2. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

For purposes of this Section only the effective date will be September 1, 2007.

Amendment No. 2 was adopted.

A record vote was requested.

**SB 22**, as amended, was passed by (Record 1437): 134 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Bailey; Branch; Moreno; Vaught.

Absent, Excused, Committee Meeting — Gattis.

Absent — Bonnen; Garcia; Hernandez; King, S.; Ortiz; Ritter; Van Arsdale; Vo; Zerwas.

### STATEMENT OF VOTE

When Record No. 1437 was taken, I was in the house but away from my desk. I would have voted yes.

Garcia

(Speaker in the chair)

### CSSB 1670 ON SECOND READING (Crownover - House Sponsor)

**CSSB 1670**, A bill to be entitled An Act relating to certificates of compliance issued by the Railroad Commission of Texas to owners or operators of certain wells subject to the jurisdiction of the commission.

**CSSB 1670** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

### SB 1119 ON SECOND READING (Murphy, Bailey, Delisi, and Elkins - House Sponsors)

**SB 1119**, A bill to be entitled An Act relating to the authority of a local authority to implement a photographic traffic signal enforcement system; providing for the imposition of civil penalties.

**Amendment No. 1**

Representative Y. Davis offered the following amendment to **SB 1119**:

Amend **SB 1119** in SECTION 1 of the bill, in proposed Section 707.003, Transportation Code (House Committee Printing, page 3, between lines 16 and 17), by inserting a new Subsection (f) to read as follows:

(f) A local authority shall report results of the traffic engineering study required by Subsection (c) to a citizen advisory committee consisting of one person appointed by each member of the governing body of the local authority. The committee shall advise the local authority on the installation and operation of a photographic traffic signal enforcement system established under this chapter.

(Christian in the chair)

Amendment No. 1 was adopted.

**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).

**SB 1119 - (consideration continued)****Amendment No. 2**

Representative Elkins offered the following amendment to **SB 1119**:

Amend **SB 1119** in SECTION 1 of the bill, in proposed Section 707.003, Transportation Code (House Committee Printing, page 3, between lines 16 and 17), by inserting a new Subsection (f) to read as follows:

(f) A local authority or the person the local authority contracts for the administration and enforcement of a photographic traffic signal enforcement system may not provide information about a civil penalty imposed under this chapter to a credit bureau, as defined by Section 392.001, Finance Code.

Amendment No. 2 was adopted.

**Amendment No. 3**

Representative Elkins offered the following amendment to **SB 1119**:

Amend **SB 1119** in SECTION 1 of the bill, in proposed Section 707.003, Transportation Code (House Committee Printing, page 3, between lines 13 and 14), by inserting a new Subsections (f) and (g) to read as follows:

(f) Before installing a photographic traffic signal enforcement system at an intersection approach, the local authority shall report the number and type of traffic accidents that occur annually at the intersection.

(g) After installing a photographic traffic signal enforcement system at an intersection approach, the local authority shall monitor and report the number and type of traffic accidents at the intersection to determine whether the system results in a reduction in accidents or a reduction in the severity of accidents.

(Flynn in the chair)

Amendment No. 3 was adopted.

**Amendment No. 4**

Representative Elkins offered the following amendment to **SB 1119**:

Amend **SB 1119** as follows:

(1) In SECTION 1 of the bill, in proposed Section 707.009, Transportation Code (House Committee Printing, page 9, between lines 13 and 14), add a new Subsection (e) to read as follows:

(e) On the written request of the person who files a timely request for administrative adjudication hearing under this section, an officer or employee of the local authority or of the entity with which the local authority contracts under Section 707.003(a)(1) who is responsible for inspecting and maintaining the photographic traffic signal enforcement system used to produce the recorded image of the motor vehicle involved in the violation must appear at the hearing.

(2) In SECTION 1 of the bill, in proposed Section 707.009, Transportation Code (page 9, line 14), strike "(e) The" and substitute "(f) If a request is not made under Subsection (e), the" and reletter subsequent subsections of proposed Section 707.009, Transportation Code, accordingly.

Amendment No. 4 was adopted.

**Amendment No. 5**

Representative Christian offered the following amendment to **SB 1119**:

Amend **SB 1119** as follows:

On page 1, line 21, strike "and". On page 2, line 2, insert the following:

"(c) does not include a video camera that continuously transmits or records the images of all vehicles that pass through an intersection."

On page 3, line 17, insert the following:

"(f) A local authority that contracts for the administration and enforcement of a photographic traffic signal enforcement system shall ensure that the system only photographs vehicles that have violated or are suspected of violating a traffic-control signal.

(g) A local authority may not operate a video camera that continuously transmits or records the images of all vehicles that pass through an intersection."

Amendment No. 5 was adopted.

**Amendment No. 6**

Representative Talton offered the following amendment to **SB 1119**:

Amend **SB 1119** (House Committee Printing) as follows:

(1) In SECTION 1 of the bill, in proposed Section 707.007, Transportation Code (page 6, line 19), strike the section heading and substitute "Sec. 707.007. NO ADMISSION OF LIABILITY."

(2) In SECTION 1 of the bill, in proposed Section 707.007, Transportation Code (page 6, line 23), strike "is considered to" and substitute "does not".

(3) In SECTION 1 of the bill, in proposed Section 707.009, Transportation Code (page 9, line 24), strike "and in an appeal under Section 707.011".

(4) In SECTION 1 of the bill, in proposed Section 707.011(e), Transportation Code (page 11, line 25), between "court" and "by" insert "or jury, at the election of the owner,".

(5) In SECTION 1 of the bill, in proposed Section 707.011, Transportation Code (page 11, lines 20 to 23), strike proposed Subsection (d) and substitute the following:

(d) An appeal stays enforcement and collection of the civil penalty imposed against the owner. The owner of the motor vehicle shall file a promise to pay affidavit to perfect the owner's appeal.

(6) In SECTION 1 of the bill, in proposed Section 707.012, Transportation Code (page 12, line 2), between "may" and "refuse", insert "not".

(7) In SECTION 1 of the bill, in proposed Section 707.013, Transportation Code (page 12, lines 5 and 6), strike "(a) Except as provided by Subsection (b), the" and substitute "The".

(8) In SECTION 1 of the bill, in proposed Section 707.013, Transportation Code (page 12, lines 9 and 10), strike proposed Subsection (b).

(9) Strike SECTION 2 of the bill (page 12, line 25, through page 13, line 11) and renumber subsequent SECTIONS of the bill accordingly.

Amendment No. 6 was adopted.

(Speaker in the chair)

#### **Amendment No. 7**

Representative Isett offered the following amendment to **SB 1119**:

Amend **SB 1119** (House Committee Printing) as follows:

(1) In SECTION 1 of the bill, in proposed Section 707.002, Transportation Code (page 2, line 6), strike "The" and substitute "(a) Except as provided by Subsection (b), the".

(2) In SECTION 1 of the bill, in proposed Section 707.002, Transportation Code (page 2, between lines 14 and 15), insert the following:

(b) The governing body of a local authority may not implement or operate a photographic traffic signal enforcement system after September 1, 2009, unless the legislature specifically authorizes a system to operate after that date.

(3) In SECTION 1 of the bill, at the end of proposed Chapter 707, Transportation Code (page 12, after line 24), add the following new section:

Sec. 707.016. REPORT OF RED LIGHT VIOLATIONS AND ACCIDENTS. (a) In this section, "department" means the Department of Public Safety of the State of Texas.

(b) The department by rule shall require a local authority that implements a photographic traffic signal enforcement system under this chapter to report to the department not later than October 1 of each year:

(1) the number of accidents and red light violations at each intersection operating a photographic traffic signal enforcement system; and

(2) the number of accidents and red light violations at each intersection that does not operate a photographic traffic signal enforcement system.

(c) The report must be in writing in the form prescribed by the department.

(d) Not later than December 1 of each year, the department shall publish the information submitted by a local authority under Subsection (a).

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

SECTION \_\_\_\_\_. (a) Not later than January 1, 2008, the Department of Public Safety of the State of Texas shall adopt rules as required by Section 707.016, Transportation Code, as added by this Act.

(b) The reporting and publication requirements imposed by Section 707.016, Transportation Code, as added by this Act, apply only to a year beginning on or after January 1, 2008.

(Miller in the chair)

Representative Murphy moved to table Amendment No. 7.

A record vote was requested.

The motion to table was lost by (Record 1438): 61 Yeas, 74 Nays, 2 Present, not voting.

Yeas — Anchia; Berman; Bonnen; Brown, B.; Chavez; Corte; Creighton; Crownover; Davis, J.; Delisi; Deshotel; Driver; Eissler; England; Farabee; Garcia; Gonzales; Goolsby; Haggerty; Hamilton; Hancock; Harper-Brown; Hartnett; Hilderbran; Hill; Homer; Howard, D.; Jackson; King, P.; King, S.; Krusee; Latham; Laubenberg; Lucio; Madden; Mallory Caraway; Martinez Fischer; McCall; Menendez; Morrison; Mowery; Murphy; Oliveira; Orr; Ortiz; Otto; Parker; Paxton; Pickett; Pierson; Puente; Ritter; Smith, T.; Solomons; Strama; Taylor; Truitt; Villarreal; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anderson; Aycock; Bohac; Bolton; Brown, F.; Burnam; Castro; Christian; Cohen; Coleman; Cook, R.; Crabb; Darby; Dukes; Dunnam; Dutton; Eiland; Elkins; Farias; Farrar; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzalez Tourelles; Guillen; Harless; Heflin; Hernandez; Herrero; Hochberg; Hodge; Hopson; Howard, C.; Hughes; Isett; Jones; King, T.; Kolkhorst; Kuempel; Leibowitz; Macias; Martinez; McClendon; McReynolds; Merritt; Miles; Naishtat; Noriega; O'Day; Olivo; Patrick; Peña; Phillips; Pitts; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Smith, W.; Smithee; Straus; Swinford; Talton; Thompson; Turner; Van Arsdale; Vo; West.

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

Absent, Excused — Bailey; Branch; Moreno; Vaught.

Absent, Excused, Committee Meeting — Gattis.

Absent — Callegari; Chisum; Cook, B.; Davis, Y.; Escobar; Hardcastle; Keffer; Veasey.

#### STATEMENTS OF VOTE

I was shown voting no on Record No. 1438. I intended to vote yes.

Castro



I was shown voting no on Record No. 1438. I intended to vote yes.

Cohen

I was shown voting no on Record No. 1438. I intended to vote yes.

Hochberg

A record vote was requested.

Amendment No. 7 was adopted by (Record 1439): 81 Yeas, 55 Nays, 2 Present, not voting.

Yeas — Alonzo; Anderson; Aycocock; Bohac; Bonnen; Brown, F.; Burnam; Callegari; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Darby; Dukes; Dunnam; Eissler; Elkins; Farabee; Farias; Flores; Frost; Gallego; Geren; Giddings; Gonzalez Toureilles; Guillen; Haggerty; Hamilton; Hardcastle; Harless; Heflin; Herrero; Hodge; Homer; Hopson; Howard, C.; Hughes; Isett; Jones; King, S.; King, T.; Kolkhorst; Kuempel; Latham; Leibowitz; Macias; Martinez; McClendon; McReynolds; Merritt; Miles; Naishtat; Noriega; O'Day; Olivo; Orr; Otto; Parker; Paxton; Phillips; Pierson; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Swinford; Talton; Taylor; Thompson; Turner; Van Arsdale; Veasey; Vo.

Nays — Allen; Anchia; Berman; Bolton; Brown, B.; Castro; Chavez; Cohen; Crownover; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; England; Escobar; Farrar; Garcia; Gonzales; Goolsby; Hancock; Harper-Brown; Hartnett; Hernandez; Hilderbran; Hill; Hochberg; Howard, D.; Jackson; King, P.; Krusee; Laubenberg; Lucio; Madden; Mallory Caraway; Martinez Fischer; McCall; Menendez; Morrison; Mowery; Murphy; Oliveira; Ortiz; Patrick; Pickett; Pitts; Puente; Solomons; Strama; Truitt; Villarreal; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Bailey; Branch; Moreno; Vaught.

Absent, Excused, Committee Meeting — Gattis.

Absent — Chisum; Dutton; Eiland; Flynn; Keffer; Peña; Straus.

#### STATEMENTS OF VOTE

When Record No. 1439 was taken, I was in the house but away from my desk. I would have voted no.

Flynn

I was shown voting no on Record No. 1439. I intended to vote yes.

Hilderbran

I was shown voting yes on Record No. 1439. I intended to vote no.

Pierson

(Hughes in the chair)

**Amendment No. 8**

Representative Puente offered the following amendment to **SB 1119**:

Amend **SB 1119** (House Committee Printing) in SECTION 1 of the bill, in added Subdivision (2), Subsection (a), Section 707.005, Transportation Code, between "chapter" and the period (page 4, line 13), by inserting ", if the peace officer personally witnesses the violation".

Amendment No. 8 was adopted.

**Amendment No. 9**

Representative Puente offered the following amendment to **SB 1119**:

Amend **SB 1119** (House Committee Printing) as follows:

(1) In SECTION 1 of the bill, in added Subdivision (9), Subsection (c), Section 707.006, Transportation Code (page 6, line 3), strike "and".

(2) In SECTION 1 of the bill, in added Subdivision (10), Subsection (c), Section 707.006, Transportation Code (page 6, line 16), strike the underlined period and substitute ";and".

(3) In SECTION 1 of the bill, following Subdivision (10), Subsection (c), Section 707.006, Transportation Code (page 6, between lines 16 and 17), insert the following:

"(11) a preprinted, self-addressed, postage-paid envelope for the payment of the civil penalty."

Amendment No. 9 was adopted.

**Amendment No. 10**

Representative Puente offered the following amendment to **SB 1119**:

Amend **SB 1119** (House Committee Printing) in SECTION 1 of the bill, in added Subsection (b), Section 707.006, Transportation Code, between "mail" and "the notice" (page 4, line 26), by inserting ", by certified mail return receipt requested,".

Amendment No. 10 was adopted.

**Amendment No. 11**

Representative Callegari offered the following amendment to **SB 1119**:

Amend **SB 1119** (House Committee Printing) in Section 1 of the bill, added Section 707.003, Transportation Code (on page 3, between lines 16 and 17, by inserting the following:

(f) The municipality shall install signs along each roadway that leads to an intersection at which a photographic traffic monitoring system is in active use. The signs must be at least 100 feet from the intersection or located according to standards established in the manual adopted by the Texas Transportation Commission under Section 544.001, be easily readable to any operator approaching the intersection, and clearly indicate the presence of a photographic monitoring system that records violations that may result in the issuance of a notice of violation and the imposition of a monetary penalty.

Amendment No. 11 was adopted.

**Amendment No. 12**

Representative Puente offered the following amendment to **SB 1119**:

Amend **SB 1119** as follows:

(1) In SECTION 1 of the bill, strike added Subsection (d), Section 707.006, Transportation Code (page 6, lines 17-18).

(2) In SECTION 1 of the bill, strike added Section 707.012, Transportation Code (page 11, line 26 through page 12, line 3).

(3) In SECTION 1 of the bill, in added Section 707.013, Transportation Code (page 12, line 4), strike "Sec. 707.013." and substitute "Sec. 707.012.".

(4) In SECTION 1 of the bill, in added Section 707.013, Transportation Code (page 12, line 5), strike "(a)".

(5) In SECTION 1 of the bill, in added Section 707.013, Transportation Code (page 12, lines 9 and 10), strike added Subsection (b).

(6) In SECTION 1 of the bill, in added Section 707.014, Transportation Code (page 12, line 11), strike "Sec. 707.014." and substitute "Sec. 707.013.".

(7) In SECTION 1 of the bill, in added Section 707.015, Transportation Code (page 12, line 16), strike "Sec. 707.015." and substitute "Sec. 707.014.".

Amendment No. 12 was adopted.

**SB 1119**, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Aycock, Darby, Flynn, and Phillips recorded voting no.)

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today to attend a meeting of the conference committee on **HB 1**:

Kolkhorst on motion of Geren.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Deshotel requested permission for the Committee on Economic Development to meet while the house is in session, at 4 p.m. today, in 3W.9, for a formal meeting, to consider pending business.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Economic Development, 4 p.m. today, 3W.9, for a formal meeting, to consider pending business.

**SB 136 ON SECOND READING**  
**(Branch - House Sponsor)**

**SB 136**, A bill to be entitled An Act relating to the establishment of a community education program concerning Internet safety.

**SB 136** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 548 ON SECOND READING**  
**(Hamilton - House Sponsor)**

**SB 548**, A bill to be entitled An Act relating to notice of the presumption for theft by check.

**SB 548** 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.)

(Bohac in the chair)

**CSSB 199 ON SECOND READING**  
**(Rose - House Sponsor)**

**CSSB 199**, A bill to be entitled An Act relating to certain convictions barring employment at certain facilities serving the elderly or persons with disabilities.

**Amendment No. 1**

Representative J. Davis offered the following amendment to **CSSB 199**:

Amend **CSSB 199** (house committee printing) by inserting the following new SECTION to the bill, appropriately numbered, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. The change in law made by this Act to Section 250.006, Health and Safety Code, does not apply to the employment of a person by a facility before January 1, 2008, if the person:

- (1) is employed by the facility on the effective date of this Act; and
- (2) remains continuously employed by that facility.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representatives Thompson, Y. Davis, and Miles offered the following amendment to **CSSB 199**:

Amend **CSSB 199** (house committee printing) as follows:

(1) In SECTION 1 of the bill, in the introductory text (page 1, line 5), strike "Sections 250.006(a) and(b)" and substitute "Section 250.006".

(2) In SECTION 1 of the bill, in the introductory text (page 1, line 6) strike "are amended" and substitute "is amended by amending Subsections (a) and (b) and adding Subsection (d)".

(3) In SECTION 1 of the bill, after amended Subsection (b), Section 250.006, Health and Safety Code (page 4, between line 4 or 5) insert the following:

(d) For purposes of this section, a person who is placed on deferred adjudication community supervision for an offense listed in this section, successfully completes the period of deferred adjudication community supervision, and receives a dismissal and discharge in accordance with Section 5(c), Article 42.12, Code of Criminal Procedure, is not considered convicted of the offense for which the person received deferred adjudication community supervision.

Amendment No. 2 was adopted.

**CSSB 199**, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

#### **SB 129 ON SECOND READING**

**(Naishtat, Hill, Creighton, T. Smith, and Leibowitz - House Sponsors)**

**SB 129**, A bill to be entitled An Act relating to reporting of gifts of cash or a cash equivalent to public officials.

**SB 129** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

#### **SB 322 ON SECOND READING**

**(Flynn - House Sponsor)**

**SB 322**, A bill to be entitled An Act relating to possession of firearms and ammunition in certain foster homes.

**SB 322** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

#### **SB 1536 ON SECOND READING**

**(Delisi - House Sponsor)**

**SB 1536**, A bill to be entitled An Act relating to the issuance of bonds by a municipality for certain improvements on the state highway system; providing authority to impose a tax.

**SB 1536** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 1037 ON SECOND READING**  
**(Darby - House Sponsor)**

**SB 1037**, A bill to be entitled An Act relating to the prevention of surface water or groundwater pollution from certain evaporation pits.

**Amendment No. 1**

Representative Darby offered the following amendment to **SB 1037**:

Amend **SB 1037** (house committee printing) as follows:

(1) In SECTION 1 of the bill, in proposed Subsection (a), Section 26.132, Water Code (page 1, line 8), strike "into which water is placed" and substitute "into which water, including rainwater or storm water runoff, is or has been placed".

(2) In SECTION 1 of the bill, in proposed Subsection (a), Section 26.132, Water Code (page 1, line 10), between "evaporation," and "residual minerals,", insert "brine water or".

(3) In SECTION 1 of the bill, in proposed Subsection (a), Section 26.132, Water Code (page 1, line 11), strike "water," and substitute "water, and for the purpose of storing brine water and minerals."

(4) In SECTION 1 of the bill, in proposed Subsection (b), Section 26.132, Water Code (page 1, at the end of line 13), immediately after "production of", add "brine water,".

(5) In SECTION 1 of the bill, in proposed Subsection (d), Section 26.132, Water Code (page 2, line 3), strike "groundwater" and substitute "groundwater or on-site storm water runoff".

Amendment No. 1 was adopted.

**SB 1037**, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 1097 ON SECOND READING**  
**(Noriega - House Sponsor)**

**SB 1097**, A bill to be entitled An Act relating to the penalties for the offense of criminal trespass.

**SB 1097** 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 204 ON SECOND READING**  
**(Delisi - House Sponsor)**

**CSSB 204**, A bill to be entitled An Act relating to certain electronic medical records systems.

**Amendment No. 1**

Representative Isett offered the following amendment to **CSSB 204**:

Amend **CSSB 204** in SECTION 1 of the bill, in added Section 161.0107(c), Health and Safety Code (House committee printing, page 2, line 3), between "registry" and "; and", by inserting ", including a field that indicates the patient's consent to be listed in the immunization registry has been obtained".

Amendment No. 1 was adopted.

**CSSB 204**, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 222 ON SECOND READING**  
**(Thompson and Castro - House Sponsors)**

**SB 222**, A bill to be entitled An Act relating to a security freeze on a consumer file maintained by a consumer reporting agency.

**Amendment No. 1**

Representative C. Howard offered the following amendment to **SB 222**:

Amend **SB 222** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 20.037, Business & Commerce Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) On a request in writing or by telephone and with proper identification provided by a consumer, including the consumer's personal identification number or password provided under Section 20.034, a consumer reporting agency shall remove a security freeze not later than the third business day after the date the agency receives the request, if the request is in writing, or not later than 15 minutes after the agency receives the request, if the request is by telephone.

(b) On a request in writing or by telephone and with proper identification provided by a consumer, including the consumer's personal identification number or password provided under Section 20.034, a consumer reporting agency, not later than the third business day after the date the agency receives the request, if the request is in writing, or not later than 15 minutes after the agency receives the request, if the request is by telephone, shall temporarily lift the security freeze for:

- (1) a certain properly designated period; or
- (2) a certain properly identified requester.

(b-1) A consumer reporting agency responding to a telephone request under Subsection (a) or (b) need not remove a security freeze within 15 minutes if the consumer reporting agency's ability to remove the security freeze within that time is prevented by:

(1) an act of God, including fire, earthquake, hurricane, storm, or similar natural disaster or phenomenon;

(2) unauthorized or illegal act by a third party, including terrorism, sabotage, riot, vandalism, labor strike or dispute disrupting operations, or similar occurrence;

(3) operational interruption, including electrical failure, unanticipated delay in equipment or replacement part delivery, computer hardware or software failure inhibiting response time, or similar disruption;

(4) governmental action, including emergency order, judicial or law enforcement action, or similar directives;

(5) regularly scheduled maintenance, during other than normal business hours, of, or updates to, the consumer reporting agency's systems;

(6) commercially reasonable maintenance of, or repair to, the consumer reporting agency's systems that is unexpected or unscheduled; or

(7) receipt of a removal request outside of normal business hours.

Amendment No. 1 was adopted.

**SB 222**, 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.)

### **HCR 256 - ADOPTED**

**(by Noriega)**

Representative Noriega moved to suspend all necessary rules to take up and consider at this time **HCR 256**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 256**, Recalling **SB 903** from the senate.

**HCR 256** was adopted.

### **CSSB 924 ON SECOND READING**

**(Solomons - House Sponsor)**

**CSSB 924**, A bill to be entitled An Act relating to rules and policies adopted by state agencies regarding engineering or architectural errors or omissions.

#### **Amendment No. 1**

Representative Hamilton offered the following amendment to **CSSB 924**:

Amend **CSSB 924** by adding the appropriately numbered sections to read as follows and renumber the subsequent sections appropriately:

SECTION \_\_\_\_\_. Section 1051.001, Occupations Code, is amended by adding Subdivision (1-a) to read as follows:



(1-a) "Architectural interior construction" means a building project that involves only the inside elements of a building and that requires the practice of architecture in order to be completed.

SECTION \_\_\_\_\_. Subchapter G, Chapter 1051, Occupations Code, is amended by adding Section 1051.315 to read as follows:

Sec. 1051.315. RENEWAL OF INTERIOR DESIGNER CERTIFICATE OF REGISTRATION. To be eligible to renew a certificate of registration, an interior designer who has not passed the examination of the National Council for Interior Design Qualification or a similar national organization recognized by the board must:

(1) complete, in addition to the continuing education requirements required for renewal of the certificate of registration under Section 1051.356, 15 hours of board-approved continuing education classes relating to building and barrier-free codes and regulations and:

(A) pass section one of that examination or pass a comparable section of an examination of a similar national organization recognized by the board; or

(B) demonstrate 20 years of board-approved interior design experience; or

(2) have passed the examination required for registration as an architect.

SECTION \_\_\_\_\_. Section 1053.002, Occupations Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

(a) Except as provided by Subsection (d), this [This] chapter does not apply to:

(1) a person who [-

~~(A) does not use the title "interior designer" and does not use the term "interior design" to describe a service the person offers or performs; and~~

~~(B)] is an interior designer licensed or registered in another state or country who:~~

(A) [(+) does not open or maintain a business in this state; and

(B) [(+) complies with the requirements of Subsection (b); [or]

(2) a person who is registered to practice architecture in this state, or

(3) an individual who is a member of a state or national organization whose members are building designers and that requires its members to complete at least eight hours of continuing education each year on topics relating to building design, code compliance, and building materials in order to maintain certification as a professional building designer.

(c) Except as provided by Subsection (d), this chapter does not:

(1) prohibit an employee of a retail establishment from providing consultations regarding interior decoration or furnishings for a single-family or dual-family dwelling:

(A) on the premises of the retail establishment;

(B) in furtherance of a retail sale or prospective retail sale;

(2) restrict the activities of a person who provides decorative services or assistance in the selection of surface materials, window coverings, wall covering, paint, floor coverings, surface-mounted fixtures, or loose furnishings not subject

to regulation under the fire code governing the location where the items will be used, provided that the person does not represent that the person is an interior designer; or

(3) prevent or restrict a person from engaging in a practice or occupation for which the person is licensed or registered in this state to engage by:

- (A) the Texas Board of Architectural Examiners;
- (B) the Texas Department of Licensing and Regulation;
- (C) the Texas Board of Professional Engineers;
- (D) the Texas State Board of Plumbing Examiners; or
- (E) the Texas Residential Construction Commission.

(d) A person may not represent that the person is an interior designer by using any form of the title "interior designer" unless the person is registered under this chapter or Chapter 1051.

SECTION \_\_\_\_\_. Section 1053.151, Occupations Code, is amended to read as follows:

Sec. 1053.151. REGISTRATION REQUIRED. A person other than an interior designer may not:

(1) engage in the practice of interior design for direct or indirect compensation or offer or attempt to engage in the practice of interior design for direct or indirect compensation [~~represent that the person is an "interior designer" by using that title~~]; or

(2) represent that the person is engaged in the practice of interior design, unless all interior design services provided by the person are rendered or supervised by a person registered under this chapter or Chapter 1051 [~~by using the term "interior design," a service the person offers or performs~~].

SECTION \_\_\_\_\_. Section 1053.152(b), Occupations Code, is amended to read as follows:

(b) To be eligible for a certificate of registration, an applicant must:

(1) meet the qualifications established by the board under Subsection (a);

(2) pass the [~~registration~~] examination of the National Council for Interior Design Qualification or of a similar national organization recognized by the board; [~~and~~]

(3) pay the required fees;

(4) hold a professional degree in interior design conferred by a design program accredited by the Council for Interior Design Accreditation or by a substantially equivalent accreditation program, as determined by the board; and

(5) have completed the Interior Design Experience Program administered by the National Council for Interior Design Qualification or a substantially equivalent program as determined by the board.

SECTION \_\_\_\_\_. Section 1053.154(b), Occupations Code, is amended to read as follows:

(b) The examination must cover subjects established by and must be graded according to board rules. The board by rule shall [~~may~~] adopt the examination of the National Council for Interior Design Qualification or the examination of a similar national organization recognized by the board [~~comparable examination~~].

SECTION \_\_\_\_\_. Subchapter D, Chapter 1053, Occupations Code, is amended by adding Section 1053.161 to read as follows:

Sec. 1053.161. WAIVER OF REGISTRATION REQUIREMENTS FOR CERTAIN OUT-OF-STATE APPLICANTS. The board may waive any registration requirement for an applicant who:

(1) is licensed or registered to practice interior design by another state that has licensing or registration requirements at least as stringent as the requirements of this state;

(2) is in good standing with the state that issued the license or registration;

(3) submits an application and pays an administrative fee to the board;  
and

(4) holds a current certificate issued by the National Council for Interior Design Qualification or holds a similar credential recognized by the board.

SECTION \_\_\_\_\_. Chapter 1053, Occupations Code, is amended by adding Subchapter E to read as follows:

#### SUBCHAPTER E. PRACTICE BY INTERIOR DESIGNER

Sec. 1053.201. RESPONSIBILITY OF AND SUPERVISION BY INTERIOR DESIGNER. (a) Each interior design office must have an interior designer who is responsible for interior design work performed at that location.

(b) The responsible interior designer under Subsection (a) shall supervise each nonregistered person working in the interior design office in the practice of interior design. The supervision is not required to be continuous and uninterrupted.

Sec. 1053.202. DUTIES TO CLIENT. Before entering into a contract with a client, an interior designer must clearly determine the scope and nature of the project and the method of compensation.

Sec. 1053.203. COMPLIANCE WITH CERTAIN REQUIREMENTS. Each interior designer shall practice in compliance with all applicable building codes, fire codes, local regulations, and other safety requirements adopted by the board or another regulatory entity implemented to prohibit practice by persons who:

(1) fail to practice within the bounds of minimum competency requirements; or

(2) otherwise present a danger to the public.

SECTION \_\_\_\_\_. Section 1053.351, Occupations Code, is amended to read as follows:

Sec. 1053.351. CRIMINAL PENALTY. (a) A person commits an offense if the person knowingly violates [~~Section 1053.151 or a standard of conduct adopted under~~] this chapter or a rule adopted under this chapter.

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

SECTION \_\_\_\_\_. Section 1053.158, Occupations Code, is repealed.

SECTION \_\_\_\_\_. The Texas Board of Architectural Examiners shall issue a certificate of registration as an interior designer to a person who applies for registration as an interior designer with the board and pays the required fees before the second anniversary of the effective date of this Act if the person

presents evidence satisfactory to the board that the person has passed the examination of the National Council for Interior Design Qualification or a similar national organization recognized by the board.

SECTION 12. (a) The change in law made by this Act to Section 1053.351, Occupations Code, applies only to the punishment for an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose.

SECTION 13. The Texas Board of Architectural Examiners shall adopt rules as required by Chapter 1053, Occupations Code, as amended by this Act, not later than February 1, 2008.

SECTION 14. This Act, except for Section 1051.3515, Occupations Code, as added by this Act, applies only to an application for an initial or renewal interior designer certificate of registration that is filed with the Texas Board of Architectural Examiners on or after March 1, 2008. An application filed before March 1, 2008, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

Amendment No. 1 was withdrawn.

Representative Solomons moved to postpone consideration of **CSSB 924** until 4:20 p.m. today.

The motion prevailed.

**SB 759 ON SECOND READING**  
**(Parker - House Sponsor)**

**SB 759**, A bill to be entitled An Act relating to certain requirements relating to permanency hearings and placement review hearings for children under the care of the Department of Family and Protective Services.

**Amendment No. 1**

Representative Parker offered the following amendment to **SB 759**:

Amend **SB 759** (House Committee Printing), in SECTION 2 of the bill, in amended Subsection (d), Section 263.501, Family Code, by striking Subdivisions (5) and (6) (page 2, lines 4 through 8), and substituting the following:

(5) the child's attorney ad litem and volunteer advocate, if the appointments were not dismissed in the final order; ~~and~~

(6) the licensed administrator of the child-placing agency responsible for placing the child for adoption; and

(7) any other person or agency named by the court as having an interest in the child's welfare.

Amendment No. 1 was adopted.

**SB 759**, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 1520 ON SECOND READING**  
**(Paxton - House Sponsor)**

**SB 1520**, A bill to be entitled An Act relating to ad valorem tax lien transfers.

Representative Hughes moved to postpone consideration of **SB 1520** until 4:30 p.m. today.

The motion prevailed.

**SB 1627 ON SECOND READING**  
**(Martinez - House Sponsor)**

**SB 1627**, A bill to be entitled An Act relating to the prosecution of workers' compensation insurance fraud.

**SB 1627** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 1956 ON SECOND READING**  
**(Corte - House Sponsor)**

**SB 1956**, A bill to be entitled An Act relating to assistance for local areas affected by defense restructuring.

(Speaker in the chair)

**SB 1956** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 940 ON SECOND READING**  
**(Straus - House Sponsor)**

**SB 940**, A bill to be entitled An Act relating to multi-jurisdictional library districts.

**SB 940** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 1519 ON SECOND READING**  
**(Hartnett - House Sponsor)**

**SB 1519**, A bill to be entitled An Act relating to longevity pay for certain state judges and justices.

**SB 1519** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 765 ON SECOND READING**  
**(Frost - House Sponsor)**

**SB 765**, A bill to be entitled An Act relating to the use of municipal hotel occupancy taxes for the enhancement and upgrading of sports facilities and fields by certain municipalities.

**Amendment No. 1**

Representative Puente offered the following amendment to **SB 765**:

Amend **SB 765** as follows:

(1) On page 1, line 4, strike "Sections 2303.003 (5-a) and (7), Government Code" and substitute "Sections 2303.003 (5-a), (7), and (8), Government Code".

(2) On page 1, between lines 12 and 13, insert the following:

(8) "Qualified hotel project" means a hotel that is constructed on land owned by a municipality or proposed to be constructed by a municipality or a nonprofit municipally sponsored local government corporation created under the Texas Transportation Corporation Act, Chapter 431, Transportation Code, and that is within 1,000 feet of a convention center owned by a municipality having a population of 1,100,000 [1,500,000] or more, including shops, parking facilities, and any other facilities ancillary to the hotel.

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

SECTION \_\_\_\_\_. Section 351.103 (c), Tax Code, is amended to read as follows:

(c) A municipality to which Subsection (b) applies is entitled to receive all funds that an owner of a project may receive under Sections [Section] 151.429 (a) and (h).

Amendment No. 1 was adopted. (The vote was later reconsidered on Wednesday, May 16, and Amendment No. 1 was withdrawn.)

**SB 765**, 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.) (The vote was later reconsidered on Wednesday, May 16, and **SB 765**, as amended, was passed to third reading.)

**SB 1781 ON SECOND READING**  
**(Darby - House Sponsor)**

**SB 1781**, A bill to be entitled An Act relating to technical defects in instruments conveying real property.

(Moreno now present)

Representative Hartnett moved to extend speaking time on **SB 1781**.

A record vote was requested.

The motion to extend time prevailed by (Record 1440): 82 Yeas, 14 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Berman; Brown, B.; Brown, F.; Chavez; Cohen; Coleman; Cook, B.; Cook, R.; Crabb; Davis, J.; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Eiland; Elkins; England; Escobar; Farias; Farrar; Flores; Frost; Garcia; Gonzales; Gonzalez Toureilles; Guillen; Hancock; Hardcastle; Harless; Hartnett; Hernandez; Herrero; Hill; Hodge; Hopson; Howard, C.; Howard, D.; Jones; Laubenberg; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez Fischer; McCall; McClendon; McReynolds; Miles; Mowery; Murphy; Noriega; O'Day; Oliveira; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rodriguez; Rose; Smith, T.; Smith, W.; Solomons; Strama; Talton; Thompson; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Anchia; Anderson; Aycock; Bohac; Bonnen; Callegari; Darby; Flynn; Heflin; Latham; Menendez; Miller; Orr; Ritter.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Branch; Vaught.

Absent, Excused, Committee Meeting — Gattis; Kolkhorst.

Absent — Bolton; Burnam; Castro; Chisum; Christian; Corte; Creighton; Crownover; Driver; Dutton; Eissler; Farabee; Gallego; Geren; Giddings; Goolsby; Haggerty; Hamilton; Harper-Brown; Hilderbran; Hochberg; Homer; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Krusee; Kuempel; Macias; Martinez; Merritt; Moreno; Morrison; Naishtat; Olivo; Phillips; Puente; Riddle; Smithee; Straus; Swinford; Taylor; Truitt; Turner; Van Arsdale.

### MESSAGE FROM THE SENATE

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

(Branch now present)

### **SB 1781 - (consideration continued)**

#### **Amendment No. 1**

Representative Leibowitz offered the following amendment to **SB 1781**:

Amend **SB 1781** (house committee printing) by inserting the following new SECTION, appropriately numbered, and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Notwithstanding any other law, effective September 1, 2007, a title insurance company or title insurance agent may not use a premium rate that exceeds 50 percent of the rate charged in accordance with Chapter 2703, Insurance Code, immediately before that date. In fixing and promulgating rates under Subchapter D, Chapter 2703, Insurance Code, to be effective after

September 1, 2007, the commissioner of insurance shall incorporate the rate rollback made by this section and shall consider the impact of this Act on projected title insurance loss experience.

Amendment No. 1 was withdrawn.

Representative Darby moved to postpone consideration of **SB 1781** until 10 a.m. tomorrow.

The motion prevailed.

**CSSB 805 ON SECOND READING**  
**(Rodriguez - House Sponsor)**

**CSSB 805**, A bill to be entitled An Act relating to a foster children's bill of rights.

(Corte in the chair)

**CSSB 805 - POINT OF ORDER**

Representative Talton raised a point of order against further consideration of **CSSB 805** 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 Rodriguez moved to postpone consideration of **CSSB 805** until 5 p.m. today.

The motion prevailed.

**POSTPONED BUSINESS**

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

**SB 1520 ON SECOND READING**  
**(Paxton - House Sponsor)**

**SB 1520**, A bill to be entitled An Act relating to ad valorem tax lien transfers.

**SB 1520** was read second time earlier today and was postponed until this time.

**Amendment No. 1**

Representative Paxton offered the following amendment to **SB 1520**:

Amend **SB 1520** on page 2, line 7 by striking "and" and inserting "or".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Eiland offered the following amendment to **SB 1520**:

Amend **SB 1520** (House committee printing) as follows:

(1) In SECTION 1 of the bill, in the recital to the section (page 1, line 5), between "(f)," and "(i)", insert "(g)".



(2) In SECTION 1 of the bill, in the recital to the section (page 1, line 5), between "(i)," and "and", insert "(j)".

(3) In SECTION 1 of the bill, in the recital to the section (page 1, lines 6 and 7), strike "(f-1), (f-2), (f-3), (f-4)".

(4) In SECTION 1 of the bill, in proposed Subsection (b-1), Section 32.06, Tax Code (page 4, line 2), strike "any mortgage servicer" and substitute "any recorded mortgage servicer".

(5) In SECTION 1 of the bill, in proposed Subsection (b-1), Section 32.06, Tax Code (page 4, line 3), between "a" and "first", insert "recorded".

(6) In SECTION 1 of the bill, in proposed Subsection (c-1), Section 32.06, Tax Code (page 4, line 22, through page 5, line 14), strike proposed Subdivisions (1) and (2) of the subsection and substitute the following:

(1) the application for the foreclosure must:

(A) allege that the lien is an ad valorem tax lien instead of a lien created under Section 50, Article XVI, Texas Constitution;

(B) state that the applicant does not seek a court order required by Section 50, Article XVI, Texas Constitution; and

(C) state that the transferee has provided notice to cure the default and notice of intent to accelerate to the property owner, and notice of acceleration of the maturity of the debt to the property owner, any recorded mortgage servicer, and each holder of a recorded lien on the property in the manner required for notice to a debtor under Section 51.002, Property Code; and

(2) the holder of a recorded preexisting lien must be provided at least 60 days' notice before the date of the proposed foreclosure and, notwithstanding any contractual agreement with the property owner, is entitled to payoff information to the greatest extent permitted by 15 U.S.C. Section 6802 and 12 C.F.R. Part 216.

Amendment No. 2 was adopted.

**SB 1520**, 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 924 ON SECOND READING (Solomons - House Sponsor)**

**CSSB 924**, A bill to be entitled An Act relating to rules and policies adopted by state agencies regarding engineering or architectural errors or omissions.

**CSSB 924** was read second time earlier today, an amendment was offered and disposed of, and **CSSB 924** was postponed until this time.

**CSSB 924** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**GENERAL STATE CALENDAR**  
**(consideration continued)**

(Speaker in the chair)

**SB 153 ON SECOND READING**  
**(Phillips - House Sponsor)**

**SB 153**, A bill to be entitled An Act relating to the creation of an offense involving the supervision of a vehicle operator holding an instruction permit.

**SB 153** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 166 ON SECOND READING**  
**(Madden - House Sponsor)**

**SB 166**, A bill to be entitled An Act relating to a prison diversion progressive sanctions program.

**SB 166** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 618 ON SECOND READING**  
**(Hartnett and Alonzo - House Sponsors)**

**SB 618**, A bill to be entitled An Act relating to the jurisdiction of and representation in the county, justice, and small claims courts in civil matters.

**SB 618** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero and Leibowitz recorded voting no.)

**CSSB 772 ON SECOND READING**  
**(Menendez - House Sponsor)**

**CSSB 772**, A bill to be entitled An Act relating to conditions of employment for certain peace officers.

**Amendment No. 1**

Representative Menendez offered the following amendment to **CSSB 772**:

Amend **CSSB 772** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 142.051, Local Government Code, is amended to read as follows:

Sec. 142.051. APPLICABILITY. (a) Except as provided by Subsection (b), this subchapter applies only to ~~[a municipality]~~:

(1) a municipality, and a police officer in a municipality, with a population of 50,000 or more; ~~[or]~~

(2) a municipality, and a police officer in a municipality, that has adopted Chapter 143; or

(3) a police officer not covered by a collective bargaining agreement adopted under Chapter 174 in a municipality that has adopted Chapter 174 for police officers in the police department, and the municipality that appoints or employs such a police officer.

(b) This subchapter does not apply to ~~[a municipality that]~~:

(1) a police officer who is covered by a collective bargaining agreement [has] adopted under Chapter 174;

(2) a police officer who is covered by an agreement adopted under Subchapter H, I, or J, Chapter 143; [or]

(3) a municipality that has a population of one million or more and has not adopted Chapter 143; or

(4) a municipality that has adopted Subchapter I, Chapter 143, in an election authorized by Section 143.3015.

SECTION 2. This Act takes effect September 1, 2007.

Amendment No. 1 was adopted.

## **Amendment No. 2**

Representative T. Smith offered the following amendment to **CSSB 772**:

Amend **CSSB 772** by adding the following SECTION, appropriately numbered, and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 142.059, Local Government Code, is amended by adding Subsection (f) to read as follows:

(f) A meet and confer agreement under this subchapter may not contain a provision that confers any benefit on:

(1) the recognized police officers association as an entity;

(2) any other police officers or peace officers association providing support to the recognized police officers association;

(3) any person by virtue of the person's status as a member, officer, employee, or contractor of the recognized police officers association; or

(4) any person by virtue of the person's status as a member of the negotiation or bargaining team under Section 142.060.

Amendment No. 2 was withdrawn.

Representative Menendez moved to postpone consideration of **CSSB 772** until 10:30 a.m. tomorrow.

The motion prevailed.

## **CSSB 1424 ON SECOND READING**

**(T. Smith, Patrick, Pierson, and Zedler - House Sponsors)**

**CSSB 1424**, A bill to be entitled An Act relating to the municipalities authorized to use the other events trust fund to attract certain sporting events.

**CSSB 1424** 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 1655 ON SECOND READING**  
**(Hartnett - House Sponsor)**

**CSSB 1655**, A bill to be entitled An Act relating to the establishment of the capital writs committee and the office of capital writs.

Representative Hartnett moved to postpone consideration of **CSSB 1655** until 9:30 a.m. tomorrow.

The motion prevailed.

**POSTPONED BUSINESS**

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

**CSSB 805 ON SECOND READING**  
**(Rodriguez - House Sponsor)**

**CSSB 805**, A bill to be entitled An Act relating to a foster children's bill of rights.

**CSSB 805** was read second time earlier today and was postponed until this time.

**CSSB 805 - POINT OF ORDER**

Representative Talton raised a point of order against further consideration of **CSSB 805** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker sustained the point of order.

**CSSB 805** was returned to the Committee on Human Services.

**FIVE DAY POSTING RULE SUSPENDED**

Representative Delisi moved to suspend the five day posting rule to allow the Committee on Public Health to consider **SB 307** at 8 a.m. tomorrow in E2.036.

The motion prevailed.

**COMMITTEES GRANTED PERMISSION TO MEET**

Pursuant to House Rule 4, Section 9, Representative Puente requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Judiciary, upon adjournment today, Desk 70, for a formal meeting, to consider pending bills.

Human Services, upon adjournment today, Desk 120, for a formal meeting, to consider pending business.

Calendars, during bill referral today, 3W.9, for a formal meeting, to consider a calendar.

Agriculture and Livestock, upon adjournment today, Desk 119, for a formal meeting, to consider **SB 911**.

Government Reform, during bill referral today, 1W.14, for a formal meeting, to consider pending business.

#### **FIVE DAY POSTING RULE SUSPENDED**

Representative Puente moved to suspend the five day posting rule to allow the Committee on Natural Resources to consider **HB 4137**, **SB 747**, **SB 2042**, and **SB 2043** at 8:30 a.m. tomorrow in E2.012.

The motion prevailed.

#### **SB 162 - RECOMMITTED**

Representative Harper-Brown moved to recommit **SB 162** to the Committee on Local Government Ways and Means.

The motion prevailed.

(Gattis now present)

#### **PROVIDING FOR ADJOURNMENT**

Representative Haggerty 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. tomorrow in memory of the Honorable Nancy McDonald of El Paso and Austin.

The motion prevailed.

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

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. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Gattis in the chair)

#### **ADJOURNMENT**

In accordance with a previous motion, the house, at 5:17 p.m., adjourned until 10 a.m. tomorrow.

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**ADDENDUM**

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**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**

**HR 2068** (By Anderson), In memory of Elton "Shorty" Stuckly, Sr., of Penelope.

To Rules and Resolutions.

**HR 2069** (By Anderson), Honoring Dorothy Harris of Waco on her receipt of a Communities In Schools Best of Texas Award in the category of Parent of the Year.

To Rules and Resolutions.

**HR 2070** (By Anderson), Honoring Jessica Hicks of Waco on her receipt of a Communities In Schools Best of Texas Award in the category of Principal of the Year.

To Rules and Resolutions.

**HR 2071** (By Anderson), In memory of Henrietta E. Snokhous of West.

To Rules and Resolutions.

**HR 2072** (By Hartnett), Congratulating Patrick Simpson Crim of Dallas on achieving the rank of Eagle Scout.

To Rules and Resolutions.

**HR 2073** (By Hamilton), Honoring Ramon Nunez and Ramon's Village Resort in Belize.

To Rules and Resolutions.

**HR 2074** (By Y. Davis), Congratulating the Reverend Norvell Allen and Opal Allen on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 2075** (By Rodriguez), In memory of Kay Longcope of Austin.

To Rules and Resolutions.

**HR 2076** (By Rodriguez), Recognizing San Juan Diego Catholic High School for the outstanding education it provides students.

To Rules and Resolutions.

**HR 2077** (By Rodriguez), In memory of Emilia Sanchez Hernandez of Austin.

To Rules and Resolutions.

**HR 2078** (By Rodriguez), Honoring the Latin variety band Los Curanderos of Austin.

To Rules and Resolutions.

**HR 2079** (By Rodriguez), Congratulating Martin Middle School in Austin on being authorized to offer the International Baccalaureate Middle Years Programme and commending its administrators and faculty on their impressive work.

To Rules and Resolutions.

**HR 2080** (By Rodriguez), Recognizing Chris Ernest of Del Valle High School as a 2006-2007 State Farm Scholar-Athlete.

To Rules and Resolutions.

**HR 2081** (By T. Smith), Congratulating members of Brownie Troop No. 1422 on the occasion of the troop's May 21, 2007, bridging ceremony.

To Rules and Resolutions.

**HR 2082** (By T. Smith), Congratulating the 2007 top 10 graduates of L. D. Bell High School in Hurst.

To Rules and Resolutions.

**HR 2083** (By T. Smith), Congratulating the 2007 top 10 graduates of Trinity High School in Euless.

To Rules and Resolutions.

**HR 2084** (By T. Smith), Congratulating Harold "Hal" and Ethel Della Johnston of Euless on their 60th wedding anniversary.

To Rules and Resolutions.

**HR 2085** (By Goolsby), Congratulating Matt Berry of Austin on his receipt of the Woodworth Memorial Award from the Independent Insurance Agents & Brokers of America.

To Rules and Resolutions.

**HR 2086** (By Peña), Honoring Humberto Alejandro Hernandez of Edinburg on his service as a legislative intern in the office of State Representative Aaron Pena.

To Rules and Resolutions.

**HR 2087** (By Peña), Congratulating David George of Edinburg on being named salutatorian of the Edinburg North High School Class of 2007.

To Rules and Resolutions.

**HR 2088** (By Peña), Congratulating Matthew Hernandez of McAllen on being named valedictorian of the Edinburg North High School Class of 2007.

To Rules and Resolutions.

**HR 2089** (By Peña), Congratulating Francisco Ivan Garcia on being named the 2007 valedictorian of La Joya High School in Hidalgo County.

To Rules and Resolutions.

**HR 2090** (By Peña), Honoring Ramon and Beatrice Villarreal of Edinburg on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 2091** (By Flynn), Congratulating Bob and Pattye Parker of Edgewood on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 2092** (By Flynn), Honoring Lloyd and Janet Webb of Greenville on their 35th wedding anniversary.

To Rules and Resolutions.

**HR 2093** (By Guillen), Recognizing the city of Zapata on its selection as a "micro" City of the Future.

To Rules and Resolutions.

**HR 2094** (By Darby), In memory of Roy Farris Bennett of Uvalde.

To Rules and Resolutions.

**HR 2095** (By Lucio), Honoring Rogelio Ernesto Chanes on being elected president of the Student Government Association at The University of Texas at Brownsville.

To Rules and Resolutions.

**HR 2096** (By Peña), Congratulating Anna Lee Mireles on being named the Class of 2007 valedictorian of La Villa High School.

To Rules and Resolutions.

**HR 2097** (By Peña), Congratulating Kassandra Roxanne Rocha on being named the Class of 2007 salutatorian of La Villa High School in Hidalgo County.

To Rules and Resolutions.

**HR 2098** (By Peña), Congratulating Carolee Ann Hinojosa on being named the Class of 2007 salutatorian of La Joya High School.

To Rules and Resolutions.

**HR 2099** (By McClendon), Honoring the 100th birthday of Arbie Bland of San Antonio.

To Rules and Resolutions.

**HR 2100** (By McClendon), In memory of the Reverend Hamice R. James, Jr., of San Antonio.

To Rules and Resolutions.

**HR 2101** (By McClendon), Congratulating Breakthrough Gospel Promotions on its first anniversary.

To Rules and Resolutions.

**HR 2102** (By McClendon), Congratulating Patricia A. Campbell on the occasion of her retirement from Lackland Air Force Base.

To Rules and Resolutions.

**HR 2103** (By McClendon), Recognizing the 2007 South Texas Black Business Expo hosted by the Alamo City Black Chamber of Commerce.

To Rules and Resolutions.



**HR 2104** (By McClendon), Congratulating Gloria Dean Randle Scott on her many contributions and accomplishments.

To Rules and Resolutions.

**HR 2105** (By McClendon), In memory of Katherine Moore Richardson of San Antonio.

To Rules and Resolutions.

**HR 2106** (By McClendon), Commending the International Association of Black Professional Firefighters for its myriad contributions.

To Rules and Resolutions.

**HR 2107** (By McClendon), In memory of Earnest Kuykendall of San Antonio.

To Rules and Resolutions.

**HR 2108** (By McClendon), Honoring St. Paul United Methodist Church in San Antonio on its 140th anniversary.

To Rules and Resolutions.

**HR 2109** (By McClendon), Congratulating Gloria Lynn Ray on being named Woman of the Year by St. Paul United Methodist Church.

To Rules and Resolutions.

**HR 2110** (By McClendon), Congratulating Betty Joan Guilmenot Green of San Antonio on her 75th birthday.

To Rules and Resolutions.

**HR 2111** (By McClendon), Commending the Cherice Cochrane Mentoring For Success Foundation for its efforts in behalf of children.

To Rules and Resolutions.

**HR 2112** (By McClendon), Recognizing February 7, 2007, as National Black HIV/AIDS Awareness and Information Day.

To Rules and Resolutions.

**HR 2113** (By McClendon), Congratulating the 2007-A Citizen Police Academy graduating class.

To Rules and Resolutions.

**HR 2114** (By McClendon), Commending Rae Lewis Thornton for her many endeavors.

To Rules and Resolutions.

**HR 2115** (By McClendon), In memory of Loraine Beatrice Sprott Whittier of San Antonio.

To Rules and Resolutions.

**HR 2116** (By McClendon), Congratulating Warren Allison Guilmenot on his 85th birthday.

To Rules and Resolutions.

**HR 2117** (By McClendon), Congratulating Juanita Mildred Jackson Guilmenot of San Antonio on her 80th birthday.

To Rules and Resolutions.

**HR 2118** (By McClendon), Recognizing Vickie Winans for her outstanding career.

To Rules and Resolutions.

**HR 2119** (By McClendon), In recognition of the Texas visit of Marva Smith Battle-Bey.

To Rules and Resolutions.

**HR 2120** (By McClendon), In memory of John Etta Brent Slaughter of San Antonio.

To Rules and Resolutions.

**HR 2121** (By McClendon), Congratulating Reverend Claude William Black, Jr., on his 90th birthday.

To Rules and Resolutions.

**HR 2122** (By Gattis), Congratulating Roderick W. Holcombe on his retirement as director of the Milam County Health Unit.

To Rules and Resolutions.

**HR 2123** (By Gattis), Congratulating Rick Zinsmeyer on his retirement as the Williamson County director of adult probation.

To Rules and Resolutions.

**HR 2124** (By Gattis), Commemorating Armed Forces Day, May 19, 2007.

To Rules and Resolutions.

**HR 2125** (By Flores), In memory of Maria Celeste Valdez.

To Rules and Resolutions.

**HR 2126** (By Taylor), Honoring Mel Measeles for his service on the Friendswood City Council.

To Rules and Resolutions.

**HR 2127** (By Bohac), Congratulating Wayne F. and Ruby E. Schaper of Houston on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 2128** (By Hughes), Congratulating Jerry and Patricia Berry of Harrison County on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 2129** (By Hughes), Congratulating Edsel and Fayrine Green of Longview on their 60th wedding anniversary.

To Rules and Resolutions.

**HR 2130** (By Hughes), Congratulating Charles and Margaret Maxwell of Waskom on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 2131** (By Hughes), Honoring James Luther "Jim" Ware of Marshall for his service in the U.S. Marine Corps during World War II.

To Rules and Resolutions.

**HR 2132** (By Taylor), Commemorating the 10th anniversary of the establishment of The Arts Alliance Center at Clear Lake.

To Rules and Resolutions.

**HR 2134** (By Veasey), Congratulating Pastor Roy Edwin West on being named district overseer of the Tarrant County area of the Full Gospel Baptist Church Fellowship.

To Rules and Resolutions.

**HR 2135** (By Veasey), Honoring Carol Coston McPike of Boerne on her 60th birthday.

To Rules and Resolutions.

**HR 2136** (By Morrison), Commemorating the 60th anniversary of First Christian Church (Disciples of Christ) in Victoria.

To Rules and Resolutions.

**HR 2138** (By Gattis), Honoring former Williamson County District Judge William S. Lott on his 89th birthday.

To Rules and Resolutions.

**HR 2139** (By Gattis), Commending Dr. Fannie Lee Lovelady Dawson Spain for her contributions as an educator.

To Rules and Resolutions.

**HR 2140** (By Kolkhorst), Congratulating the town of Richards on its centennial.

To Rules and Resolutions.

**HR 2141** (By Eiland), In memory of former State Representative Jean Edmond Hosey of La Grange.

To Rules and Resolutions.

**HR 2142** (By S. King), Commending U.S. Air Force Staff Sergeant John R. Hoover for his heroic actions during combat in Iraq and congratulating him on his receipt of the Bronze Star Medal.

To Rules and Resolutions.

**HR 2143** (By Murphy), Honoring Keep Houston Beautiful for its participation in Keep America Beautiful's national Great American Cleanup campaign.

To Rules and Resolutions.

**HR 2144** (By W. Smith), In memory of Billy Glyn Carlisle of Deer Park.

To Rules and Resolutions.

**HR 2145** (By W. Smith), Honoring Janie Harris of Baytown for her 37-year career in education.

To Rules and Resolutions.

**HR 2146** (By W. Smith), Congratulating the Honorable Jennifer Elrod on her nomination to the Fifth Circuit Court of Appeals.

To Rules and Resolutions.

**HR 2147** (By W. Smith), In memory of Peggy Tieman of Highlands.  
To Rules and Resolutions.

**HR 2148** (By Peña), Congratulating students of Edcouch-Elsa High School on being named first runner-up at the 4-A UIL One-Act Play State Contest.  
To Rules and Resolutions.

**HR 2149** (By Hilderbran), In memory of Claud Bennett Jordan of Ingram.  
To Rules and Resolutions.

**HR 2150** (By Craddick), Congratulating the 2007 Excellence in Teaching Award winners and honorees from Midland County.  
To Rules and Resolutions.

**HR 2151** (By Craddick), Congratulating the 2007 Abell-Hanger Foundation Unsung Hero Award winners and honorees from Midland County.  
To Rules and Resolutions.

**HR 2152** (By Naishtat), Congratulating the Science Olympiad Team of the Liberal Arts and Science Academy at LBJ High School in Austin on placing first in the 2007 Texas Science Olympiad.  
To Rules and Resolutions.

**HR 2153** (By Krusee), Honoring Stanley and Evelyn Bowers of Round Rock on their 50th wedding anniversary.  
To Rules and Resolutions.

**HR 2154** (By Laubenberg), Commending John Simmons for his service as a trustee of the Wylie Independent School District Board.  
To Rules and Resolutions.

**HR 2155** (By Gonzales), Honoring Larry Rincones on his outstanding tenure as the city manager of Alton.  
To Rules and Resolutions.

**SB 106** to Ways and Means.

**SB 439** to Public Health.

**SB 544** to Licensing and Administrative Procedures.

**SB 730** to Insurance.

**SB 750** to Government Reform.

**SB 753** to Financial Institutions.

**SB 1015** to Urban Affairs.

**SB 1143** to Insurance.

**SB 1597** to Public Health.

**SB 2003** to Natural Resources.

**SCR 58** to Rules and Resolutions.

**SIGNED BY THE SPEAKER**

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

**House List No. 39**

**HB 522, HB 741, HB 1260, HB 1279, HB 1332, HB 1380, HB 1396, HB 1472, HB 1852, HB 1922, HB 1987, HB 2176, HB 2219, HB 2618, HCR 93, HCR 94**

**Senate List No. 41**

**SB 453, SB 812, SB 883, SB 913, SB 978, SB 1229, SCR 74, SCR 78**

**MESSAGES FROM THE SENATE**

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

**Message No. 1**

## MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, May 15, 2007

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

**LOCAL AND UNCONTESTED CALENDAR**

**HB 71** Leibowitz SPONSOR: Wentworth  
Relating to counterfeit motor vehicle airbags; providing a penalty.

**HB 73** Flynn SPONSOR: Van de Putte  
Relating to the protection of customer telephone records; providing a penalty.  
(Committee Substitute)

**HB 90** Branch SPONSOR: Carona  
Relating to the acceptance of certain identification for release of a motor vehicle by vehicle storage facilities.

**HB 126** Delisi SPONSOR: Seliger  
Relating to the offense of engaging in organized criminal activity.  
(Committee Substitute)

**HB 184** Hochberg SPONSOR: Ellis  
Relating to an exception to consent as a defense to assaultive conduct.

**HB 210** Flynn SPONSOR: Deuell  
Relating to the designation of a portion of Interstate Highway 20 as the Ronald Reagan Memorial Highway.

**HB 280** Madden SPONSOR: Gallegos

Relating to the eligibility of juvenile correctional officers for the fire fighter and law enforcement or security officer home loan program.

**HB 290** Naishtat SPONSOR: Wentworth  
Relating to the fee charged for depositing a will during a testator's life.

**HB 391** Hartnett SPONSOR: Wentworth  
Relating to the estates of decedents.

**HB 417** Hartnett SPONSOR: Wentworth  
Relating to guardianship matters and proceedings.  
(Committee Substitute)

**HB 488** Driver SPONSOR: Hegar  
Relating to disciplinary action by the Commission on Law Enforcement Officer Standards and Education against certain officers elected under the Texas Constitution.

**HB 495** Bonnen SPONSOR: Seliger  
Relating to the punishment for assault of emergency services personnel; imposing a criminal penalty.  
(Committee Substitute)

**HB 505** Berman SPONSOR: Eltife  
Relating to specialty license plates for certain vehicles transporting agricultural products, drilling equipment, or construction equipment.

**HB 519** Naishtat SPONSOR: Wentworth  
Relating to the creation of a trust for the management of an incapacitated person's estate.

**HB 682** Eissler SPONSOR: Nichols  
Relating to the creation of an additional county court at law in Montgomery County.

**HB 776** Dutton SPONSOR: Janek  
Relating to the delivery of a child taken into custody under the juvenile justice system to a school official.  
(Committee Substitute)

**HB 872** Otto SPONSOR: Nichols  
Relating to the prosecution of and punishment for the offense of tampering with or fabricating physical evidence.

**HB 930** Chavez SPONSOR: Uresti  
Relating to certain orders rendered by an associate judge under the Family Code.  
(Amended)

**HB 953** Farabee SPONSOR: Estes  
Relating to the appointment of the superintendent of juvenile detention facilities in Wichita County.

**HB 989** Zerwas SPONSOR: Hegar  
Relating to the filing for record of a plat or replat of a subdivision of real property.

**HB 1042** Pena SPONSOR: Hegar

Relating to excepting certain crime victim information from required disclosure under the public information law.

**HB 1060** Parker SPONSOR: Harris  
Relating to the use of electronically readable information from a driver's license or personal identification certificate by hospitals.  
(Committee Substitute)

**HB 1067** Murphy SPONSOR: Janek  
Relating to subdivision replatting by certain municipalities.  
(Committee Substitute)

**HB 1070** Laubenberg SPONSOR: Estes  
Relating to the liability insurance requirements for certain amusement rides.  
(Committee Substitute)

**HB 1127** Creighton SPONSOR: Nichols  
Relating to the issuance of bonds for recreational facilities by certain conservation and reclamation districts in Montgomery County.

**HB 1244** Kuempel SPONSOR: Williams  
Relating to contributions to, benefits from, and the administration of the Texas Municipal Retirement System.

**HB 1298** Heflin SPONSOR: Duncan  
Relating to the terms and election of the members of the board of directors of the Stonewall County Hospital District.

**HB 1530** Flores SPONSOR: Eltife  
Relating to the regulation of the sale and inspection of real estate and residential service contracts.  
(Committee Substitute)

**HB 1590** Smithee SPONSOR: Averitt  
Relating to lapse rates in the computation of reserves for certain life insurance contracts.

**HB 1594** Zerwas SPONSOR: Carona  
Relating to expedited credentialing for certain physicians providing services under a managed care plan.  
(Committee Substitute)

**HB 1694** Bailey SPONSOR: Gallegos  
Relating to the boundaries of the Airline Improvement District in Harris County.

**HB 1710** Naishtat SPONSOR: Watson  
Relating to the administration of community property.

**HB 1717** McReynolds SPONSOR: Hegar  
Relating to the identification requirements for any device with the appearance of a fire hydrant that is nonfunctioning or otherwise unavailable for use in a fire emergency.  
(Committee Substitute)

**HB 1739** Hartnett SPONSOR: Nelson  
Relating to electronic submission of certain information on a death certificate.

**HB 1766** Pena SPONSOR: Carona

Relating to the punishment for theft of aluminum, bronze, or copper wiring.

**HB 1887** Truitt SPONSOR: Whitmire

Relating to the punishment for and prevention of the offense of burglary of vehicles.

**HB 1928** Flores SPONSOR: Lucio

Relating to the exemption from ad valorem taxation of certain travel trailers.  
(Committee Substitute)

**HB 2045** Phillips SPONSOR: Deuell

Relating to revenue from Texas State Rifle Association specialty license plates.

**HB 2075** Krusee SPONSOR: Nichols

Relating to payments to contractors in connection with highway projects of the Texas Department of Transportation.

(Committee Substitute)

**HB 2168** Hill SPONSOR: Carona

Relating to the powers of municipal and county hospital authorities and hospital districts created under general or special law.

(Committee Substitute)

**HB 2278** Deshotel SPONSOR: Brimer

Relating to a nonsubstantive revision of statutes relating to business and commerce; including conforming amendments.

**HB 2281** Corte, Frank SPONSOR: Uresti

Relating to administrative approval of replats involving minor plat revisions.

**HB 2282** Corte, Frank SPONSOR: Wentworth

Relating to the issuance of Legion of Merit specialty license plates.

**HB 2288** West, George "Buddy" SPONSOR: Uresti

Relating to the application of the professional prosecutors law to the district attorney for the 109th Judicial District.

**HB 2400** Keffer, Jim SPONSOR: Averitt

Relating to membership in, contributions to, benefits from, and administration of the Texas Emergency Services Retirement System.

**HB 2468** Solomons SPONSOR: Carona

Relating to the filing of financial statements by justices of the peace and candidates for justice of the peace in certain counties.

(Committee Substitute)

**HB 2492** Berman SPONSOR: Williams

Relating to the applicability of restrictions on corporate political contributions and expenditures to corporations organized under provisions of the Business Organizations Code.

**HB 2559** Otto SPONSOR: Wentworth

Relating to the authority of a dealer to conduct certain motor vehicle sales outside of a dealership.

(Committee Substitute)

**HB 2636** Smithee SPONSOR: Brimer



Relating to the nonsubstantive revision of statutes relating to the Texas Department of Insurance, the business of insurance, and certain related businesses, to nonsubstantive additions to and corrections in the codified Insurance Code, and to conforming the provisions of that code that were codified by the 79th Legislature to other Acts of that legislature, including conforming amendments, repeals, and penalties.

(Amended)

**HB 2682** Solomons SPONSOR: Brimer  
Relating to the administration and powers of a coordinated county transportation authority.

**HB 2840** King, Susan SPONSOR: Fraser  
Relating to the requirements for a petition seeking an election to abolish a municipality's corporate existence.

**HB 3089** Phillips SPONSOR: Deuell  
Relating to the definition of a roadway in connection with the prohibition against solicitation by a pedestrian.

**HB 3166** Swinford SPONSOR: Brimer  
Relating to the nonsubstantive revision of certain local laws concerning special districts, including conforming amendments.

**HB 3167** Swinford SPONSOR: West, Royce  
Relating to nonsubstantive additions to and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 79th Legislature to other Acts of that legislature.

**HCR 70** Goolsby SPONSOR: Brimer  
Authorizing the lieutenant governor and speaker to appoint interim joint committees.

**HCR 125** Martinez, "Mando" SPONSOR: Lucio  
Requesting Congress to restore full funding to the Community Oriented Policing Services program to assist Texas law enforcement in patrolling the border.

**SB 730** Carona  
Relating to a study concerning maximum lifetime benefit limits under health benefit plan coverage applicable to hemophilia-related services, supplies, pharmaceuticals, and biologics.

**SB 1015** Whitmire  
Relating to the application of the doctrine of sovereign immunity in a judicial proceeding to enforce certain employment rights.

**SB 2003** Estes  
Relating to the creation of the King's Crossing Municipal Utility District of Grayson County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**SCR 58** Harris  
Designating Lewisville Lake as the Urban Bass Fishing Capital of Texas.

Respectfully,

Patsy Spaw  
Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER

Austin, Texas

Tuesday, May 15, 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:

**HB 75** Naishtat SPONSOR: Wentworth  
Relating to administrative and judicial review of certain decisions about public assistance benefits.

**HB 86** Branch SPONSOR: Ogden  
Relating to tuition rebates provided by general academic teaching institutions to students who participate in the Reserve Officers' Training Corps.

**HB 167** Raymond SPONSOR: Hinojosa  
Relating to exempting a religious bible from attachment, execution, or other seizure for the satisfaction of debts.  
(Amended)

**HB 389** Callegari SPONSOR: Estes  
Relating to the eminent domain authority of Texas Woman's University.

**HB 534** Smithee SPONSOR: Seliger  
Relating to authorizing the lease or conveyance of certain real property owned by Amarillo College.

**HB 585** Laubenberg SPONSOR: Deuell  
Relating to the jurisdiction of a probate court in certain guardianship proceedings.  
(Amended)

**HB 1157** West, George "Buddy" SPONSOR: Seliger  
Relating to student services building fees at The University of Texas of the Permian Basin.  
(Committee Substitute/Amended)

**HB 1194** England SPONSOR: Harris  
Relating to indemnification of phlebotomists performing services under contract with the Texas Department of Criminal Justice.

**HB 1248** Taylor SPONSOR: Jackson, Mike  
Relating to the sale of mixed beverages aboard certain passenger vessels.

- HB 2251** Taylor SPONSOR: Duncan  
Relating to advertising by certain insurers.  
(Committee Substitute/Amended)
- HB 2322** Guillen SPONSOR: Zaffirini  
Relating to the rate of the hotel occupancy tax imposed by certain counties  
without a municipality.
- HB 2411** Strama SPONSOR: Ogden  
Relating to school district depositories.
- HB 3564** Darby SPONSOR: Duncan  
Relating to the transfer of Angelo State University to the Texas Tech University  
System.
- HCR 196** Taylor SPONSOR: Jackson,  
Mike  
Honoring the Distinguished Graduates of La Marque High School of 2007.
- HCR 235** Madden SPONSOR: Hinojosa  
Honoring Sergeant Brian J. Burzynski of the Texas Rangers for investigating  
allegations of abuse at a Texas Youth Commission facility.
- HCR 252** Madden SPONSOR: Hinojosa  
Commending Isela Gutierrez and Will Harrell on their efforts regarding reforming  
the Texas Youth Commission.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 3**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Tuesday, May 15, 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 195** Gonzalez Toureilles SPONSOR: Hegar  
Relating to the transfer of certain abandoned or forfeited property to county or  
municipal agencies or school districts.  
(Committee Substitute/Amended)
- HB 486** Driver SPONSOR: Hegar  
Relating to the continuing education requirements for chiefs of police.
- HB 606** Madden SPONSOR: Shapiro

Relating to certain election procedures for common school district board elections.

**HB 1251** Bonnen SPONSOR: Wentworth  
 Relating to a public agency's, county's, or municipality's authority to enforce a solid waste collection and transportation services franchise.  
 (Committee Substitute/Amended)

**HB 1623** Phillips SPONSOR: Carona  
 Relating to certain offenses and fees imposed for operating a motor vehicle or vessel in violation of law.  
 (Committee Substitute/Amended)

**HB 1972** Delisi SPONSOR: Duncan  
 Relating to requirements applicable to an attorney ad litem representing a child in a child abuse proceeding.

**HB 2439** Truitt SPONSOR: Janek  
 Relating to the functions of local mental health and mental retardation authorities.  
 (Amended)

**HB 2455** Cook, Byron SPONSOR: Seliger  
 Relating to the absence of a student from public school for a required court appearance.

**HB 2870** Truitt SPONSOR: Harris  
 Relating to member contributions to certain retirement, disability, and death benefit systems provided by certain cities and towns.

**SB 1038** Lucio  
 Relating to the regulation of certain lease agreements in manufactured home communities.

**SJR 67** Ogden  
 Proposing a constitutional amendment authorizing the legislature to permit the Texas Transportation Commission, subject to legislative review and approval, to designate the area adjacent to a state highway project as a transportation finance zone and dedicating the proceeds of the state sales and use taxes imposed in a transportation finance zone to the Texas Mobility Fund for certain purposes.

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

<b>SB 66</b>	(31 Yeas, 0 Nays)
<b>SB 156</b>	(31 Yeas, 0 Nays)
<b>SB 242</b>	(31 Yeas, 0 Nays)
<b>SB 288</b>	(31 Yeas, 0 Nays)
<b>SB 291</b>	(31 Yeas, 0 Nays)
<b>SB 377</b>	(30 Yeas, 0 Nays)
<b>SB 625</b>	(31 Yeas, 0 Nays)
<b>SB 680</b>	(31 Yeas, 0 Nays)
<b>SB 796</b>	(31 Yeas, 0 Nays)

**SB 1502** (31 Yeas, 0 Nays)

**SB 1659** (31 Yeas, 0 Nays)

**SB 1867** (31 Yeas, 0 Nays)

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

**HB 1270**

Senate Conferees: Van de Putte - Chair/Averitt/Janek/Shapiro/Zaffirini

Respectfully,

Patsy Spaw

Secretary of the Senate

**Message No. 4**

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, May 15, 2007 - 4

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 1308** Wentworth

Relating to the closing of a residential mortgage loan transaction and liability of certain persons involved in the appraisal process.

**SJR 57** Williams

Proposing a constitutional amendment providing for the issuance of general obligation bonds to finance educational loans to students and for authority to enter into bond enhancement agreements with respect to general obligation bonds issued for that purpose.

Respectfully,

Patsy Spaw

Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**May 14**

Business and Industry - **SB 338**

Criminal Jurisprudence - **SB 280, SB 499**

Environmental Regulation - **SB 529**

Human Services - **SB 261**

Judiciary - **SB 1814**

Natural Resources - **SB 3, SB 1091, SB 1092, SB 1986, SB 1987, SB 1988**

Public Education - **SB 234, SB 443, SB 530, SB 603, SB 606, SB 817, SB 827, SB 1049, SB 1067, SB 1420, SB 1456, SB 1490, SB 1517, SB 1644, SB 1697, SB 1700, SB 1713, SB 1871**

State Affairs - **SB 785, SB 920**

Transportation - **SB 669**

**ENROLLED**

**May 14 - HB 1332, HB 1380, HB 2176, HCR 93**

**SENT TO THE GOVERNOR**

**May 14 - HB 770, HB 991, HB 1956, HB 3169, HB 3718, HCR 162, HCR 238**

**SIGNED BY THE GOVERNOR**

**May 14 - HB 76, HB 178, HB 313, HB 368, HB 423, HB 481, HB 504, HB 622, HB 889, HB 1308, HB 1562, HB 1676**