

HOUSE JOURNAL

EIGHTIETH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-EIGHTH DAY — THURSDAY, MAY 17, 2007

The house met at 11:05 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 1481).

Present — Mr. Speaker; Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; 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.; 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; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Absent, Excused, Committee Meeting — Chisum.

Absent — Isett; Moreno.

(Isett now present)

LEAVES OF ABSENCE GRANTED

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

RULES SUSPENDED

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

The motion prevailed.

MOTION FOR ONE RECORD VOTE

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

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR THIRD READING

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

(Record 1482): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Christian; Cohen; Coleman; 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; 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 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; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused, Committee Meeting — Chisum.

Absent — Cook, B.; Hardcastle; Martinez; Moreno.

STATEMENTS OF VOTE

When Record No. 1482 was taken, I was in the house but away from my desk. I would have voted yes.

B. Cook

When Record No. 1482 was taken, I was in the house but away from my desk. I would have voted yes.

Hardcastle

SB 138

SB 139

SB 140

SB 157

SB 161

SB 182

SB 201

SB 214

SB 246

SB 251

SB 285 (Harless - no) (142 - 1 - 2)

SB 289

SB 303

SB 310

SB 311

SB 323

SB 328

SB 351

SB 352

SB 397

SB 480

SB 512

SB 541 (Harper-Brown and Phillips - no) (141 - 2 - 2)

SB 555

SB 564

SB 592

SB 608

SB 616 (Harper-Brown - no) (142 - 1 - 2)

SB 620

SB 640

SB 654

SB 660

SB 682

SB 687

SB 688

SB 705 (Harper-Brown and Phillips - no) (141 - 2 - 2)

SB 711

SB 748

SB 749

SB 757

SB 763

SB 781 (Harper-Brown - no) (142 - 1 - 2)

SB 813

SB 819

SB 821

SB 831

SB 833

SB 835

SB 850

SB 853

SB 870

SB 885

SB 969

SB 976

SB 1039

SB 1047

SB 1056

SB 1063

SB 1086 (Latham - no) (142 - 1 - 2)

SB 1123

SB 1153

SB 1165

SB 1182

SB 1196

SB 1244

SB 1260 (Harper-Brown - no) (142 - 1 - 2)

SB 1263

SB 1269

SB 1325

SB 1349

SB 1396

SB 1412 (Harper-Brown and Phillips - no) (141 - 2 - 2)

SB 1413

SB 1416

SB 1417

SB 1439

SB 1533

SB 1540

SB 1618

SB 1626

SB 1630

SB 1661 (Puente - present, not voting) (142 - 0 - 3)

SB 1732

SB 1735

SB 1761

SB 1765 (Latham - no) (142 - 1 - 2)

SB 1766

SB 1786

SB 1884

SB 1953

SB 1961

SB 1963

SB 1964

SB 1965

SB 1966

SB 1967

SB 1983

SB 1993

SB 1999

SB 2009

SB 2016

HB 3984

HB 3990

HB 4033

HB 4034

HB 4044

HB 4066

HB 4085

HB 4088

HB 4096

HB 4126

HB 4134

HB 4013

HB 4139

SB 175

SB 235

SB 254

SB 274

SB 350

SB 535

SB 1257

SB 1297

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. 43).

(Woolley in the chair)

MESSAGE FROM THE SENATE

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

**HB 3392 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

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

Representative Guillen 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 3392**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3392**: Guillen, chair; Y. Davis, Latham, Peña, and Truitt.

HB 73 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 73, A bill to be entitled An Act relating to the protection of customer telephone records; providing a penalty.

Representative Flynn moved to concur in the senate amendments to **HB 73**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1483): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; 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; 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; 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; Vaught; Veasey; Villarreal; Vo; West; Woolley(C); Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused, Committee Meeting — Chisum.

Absent — Flores; Laubenberg; Moreno; Paxton; Phillips.

STATEMENT OF VOTE

When Record No. 1483 was taken, I was in the house but away from my desk. I would have voted yes.

Laubenberg

Senate Committee Substitute

CSHB 73, A bill to be entitled An Act relating to the protection of customer telephone records; providing a penalty.

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

SECTION 1. Chapter 35, Business & Commerce Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. PROTECTION OF CUSTOMER TELEPHONE RECORDS

Sec. 35.151. DEFINITIONS. In this subchapter:

(1) "Caller identification record" means a record that:

(A) is delivered electronically to the recipient of a telephone call simultaneously with the reception of the call; and

(B) indicates the telephone number from which the telephone call was made or other similar information regarding the call.

(2) "Telephone company" means a provider of commercial telephone services, or a provider that bills for those services, regardless of the technology used to provide that service, including landline, radio, wireless, microwave, satellite, Voice over Internet Protocol (VoIP), or other cable, broadband, or digital technology.

(3) "Telephone record" means a written, electronic, or oral record, other than a caller identification record collected and retained by or on behalf of a customer, created by a telephone company about a customer, that includes:

(A) the telephone number:

(i) dialed by a customer; or

(ii) of an incoming call made to a customer;

(B) the time a call was made to or by a customer;

(C) the duration of a call made to or by a customer; or

(D) the location from which a call was initiated or at which a call

was received by a customer.

Sec. 35.152. CONSTRUCTION OF SUBCHAPTER. This subchapter does not apply to expand the obligations or duties of a telephone company under federal or other state law to protect telephone records.

Sec. 35.153. UNAUTHORIZED OR FRAUDULENT PROCUREMENT, SALE, OR RECEIPT OF TELEPHONE RECORDS. (a) A person commits an offense if the person:

(1) obtains, attempts to obtain, or conspires with another to obtain a telephone record of a resident of this state without the authorization of the resident to whom the record pertains by:

(A) making a statement the person knows to be false to an agent of a telephone company;

(B) making a statement the person knows to be false to a telephone company;

(C) fraudulently accessing the record through the telephone company's Internet website; or

(D) providing to a telephone company a document that the person knows:

(i) is fraudulent;

(ii) has been lost or stolen;

(iii) has been obtained by fraud; or

(iv) contains a false, fictitious, or fraudulent statement or representation;

(2) asks another person to obtain a telephone record of a resident of this state knowing that the record will be obtained in a manner prohibited by this section;

(3) sells, transfers, or attempts to sell or transfer a telephone record of a resident of this state without authorization of the resident to whom the record pertains; or

(4) offers to obtain or offers to sell a telephone record that has been or will be obtained without authorization from the resident to whom the record pertains.

(b) An offense under this section is a Class A misdemeanor, except that a fine shall not exceed \$20,000.

(c) In addition to the penalties provided by Subsection (b), a person convicted of an offense under this section may be required to forfeit personal property used or intended to be used in violation of this section.

(d) In addition to the penalties provided by Subsections (b) and (c), a person convicted of an offense under this section shall be ordered to pay to a resident whose telephone record was obtained in a manner prohibited by this section an amount equal to the sum of:

(1) the greater of the resident's financial loss, if proof of the loss is submitted to the satisfaction of the court, or \$1,000; and

(2) the amount of any financial gain received by the person as the direct result of the offense.

(e) An offense under this section may be prosecuted in:

(1) the county in which the customer whose telephone record is the subject of the prosecution resided at the time of the offense; or

(2) any county in which any part of the offense took place regardless of whether the defendant was ever present in the county.

(f) If venue lies in more than one county under Subsection (e), a defendant may be prosecuted in only one county for the same conduct.

(g) If conduct constituting an offense under this section also constitutes an offense under another section of this code or of any other law, including the Penal Code, the actor may be prosecuted under either section or under both sections.

(h) This section does not create a private right of action.

Sec. 35.154. EXCEPTIONS. Section 35.153 does not apply to:

(1) a person who acted pursuant to a valid court order, warrant, subpoena, or civil investigative demand;

(2) a telephone company that disclosed a telephone record:

- (A) the disclosure of which is otherwise authorized by law;
 (B) reasonably believing the disclosure was necessary to:
 (i) provide service to a customer;
 (ii) protect an individual from fraudulent, abusive, or unlawful use of a telephone record or telephone service; or
 (iii) protect the rights or property of the company;
 (C) to the National Center for Missing and Exploited Children in connection with a report submitted under 42 U.S.C. Section 13032;
 (D) for purposes of testing the company's security procedures or systems for maintaining the confidentiality of customer information;
 (E) to a governmental entity, if the company reasonably believed that an emergency involving danger of death or serious physical injury to a person justified disclosure of the information;
 (F) in connection with the sale or transfer of all or part of the company's business, the purchase or acquisition of all or part of another company's business, or the migration of a customer from one telephone company to another telephone company;
 (G) necessarily incident to the rendition of the service, to initiate, render, bill, and collect the customer's charges, or to protect the customer of those services and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, such services; or
 (H) while acting reasonably and in good faith, notwithstanding a later determination that the action was not authorized; or
 (3) a person or a telephone company that acted in connection with the official duties of a 9-1-1 governmental entity or a public agency solely for purposes of delivering or assisting in the delivery of 9-1-1 emergency services and other emergency services.

Sec. 35.155. DECEPTIVE TRADE PRACTICE; ENFORCEMENT. A violation of this subchapter is a false, misleading, or deceptive act or practice under Section 17.46 and is subject to action only by the consumer protection division of the attorney general's office as provided by Section 17.46(a).

Sec. 35.156. CONSISTENCY WITH FEDERAL LAW. This subchapter may not be construed in a manner that is inconsistent with 18 U.S.C. Section 1038, 47 U.S.C. Section 222, or any other applicable federal law or rule.

Sec. 35.157. NONAPPLICABILITY TO LAW ENFORCEMENT AGENCIES. This subchapter does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a state, or a political subdivision of a state or of an intelligence agency of the United States.

SECTION 2. Article 59.01(2), Code of Criminal Procedure, is amended to read as follows:

(2) "Contraband" means property of any nature, including real, personal, tangible, or intangible, that is:

(A) used in the commission of:

(i) any first or second degree felony under the Penal Code;

(ii) any felony under Section 15.031(b), 20.05, 21.11, 38.04, Subchapter B of Chapter 43, or Chapter 29, 30, 31, 32, 33, 33A, or 35, Penal Code;

(iii) any felony under The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes); or

(iv) any offense under Chapter 49, Penal Code, that is punishable as a felony of the third degree or state jail felony, if the defendant has been previously convicted three times of an offense under that chapter;

(B) used or intended to be used in the commission of:

(i) any felony under Chapter 481, Health and Safety Code (Texas Controlled Substances Act);

(ii) any felony under Chapter 483, Health and Safety Code;

(iii) a felony under Chapter 153, Finance Code;

(iv) any felony under Chapter 34, Penal Code;

(v) a Class A misdemeanor under Subchapter B, Chapter 365, Health and Safety Code, if the defendant has been previously convicted twice of an offense under that subchapter;

(vi) any felony under Chapter 152, Finance Code;

(vii) any felony under Chapter 31, 32, or 37, Penal Code, that involves the state Medicaid program, or any felony under Chapter 36, Human Resources Code; ~~or~~

(viii) a Class B misdemeanor under Section 35.60, Business & Commerce Code; or

(ix) a Class A misdemeanor under Section 35.153, Business & Commerce Code;

(C) the proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(viii) of this subdivision, or a crime of violence;

(D) acquired with proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(viii) of this subdivision, or a crime of violence; or

(E) used to facilitate or intended to be used to facilitate the commission of a felony under Section 15.031 or 43.25, Penal Code.

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

HB 1070 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1070, A bill to be entitled An Act relating to the liability insurance requirements for certain amusement rides that operate in a manner similar to a train.

Representative Laubenberg moved to concur in the senate amendments to **HB 1070**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1484):
142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; 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; 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 Fischer; McCall; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; 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; Vaught; Veasey; Villarreal; Vo; West; Woolley(C); Zedler; Zerwas.

Present, not voting — Mr. Speaker; Phillips.

Absent, Excused, Committee Meeting — Chisum.

Absent — Flores; Hodge; Martinez; McClendon; Moreno.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1484. I intended to vote no.

Herrero

I was shown voting yes on Record No. 1484. I intended to vote no.

Leibowitz

Senate Committee Substitute

CSHB 1070, A bill to be entitled An Act relating to the liability insurance requirements for certain amusement rides.

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

SECTION 1. Section 2151.101, Occupations Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) A person may not operate an amusement ride unless the person:

(1) has had the amusement ride inspected at least once a year by an insurer or a person with whom the insurer has contracted;

(2) obtains a written certificate from the insurer or person with whom the insurer has contracted stating that the amusement ride:

(A) has been inspected;

(B) meets the standards for insurance coverage; and

(C) is covered by the insurance required by Subdivision (3);

(3) except as provided by Section 2151.1011, has a combined single limit or split limit insurance policy currently in effect written by an insurance company authorized to do business in this state or by a surplus lines insurer, as defined by Chapter 981, Insurance Code, or has an independently procured policy subject to Chapter 101, Insurance Code, insuring the owner or operator against liability for injury to persons arising out of the use of the amusement ride in an amount of not less than:

(A) for Class A amusement rides:

(i) \$100,000 bodily injury and \$50,000 property damage per occurrence with a \$300,000 annual aggregate; or

(ii) a \$150,000 per occurrence combined single limit with a \$300,000 annual aggregate; and

(B) for Class B amusement rides:

(i) \$1,000,000 bodily injury and \$500,000 property damage per occurrence; or

(ii) \$1,500,000 per occurrence combined single limit;

(4) files with the commissioner, as required by this chapter, the inspection certificate and the insurance policy or a photocopy of the certificate or policy authorized by the commissioner; and

(5) files with each sponsor, lessor, landowner, or other person responsible for the amusement ride being offered for use by the public a photocopy of the inspection certificate and the insurance policy required by this subsection.

(c) A local government may satisfy the insurance requirement prescribed by Subsection (a) by obtaining liability coverage through an interlocal agreement.

SECTION 2. Subchapter C, Chapter 2151, Occupations Code, is amended by adding Section 2151.1011 to read as follows:

Sec. 2151.1011. LIABILITY INSURANCE FOR CERTAIN AMUSEMENT RIDES. (a) This section only applies to a Class B amusement ride that:

(1) consists of a motorized vehicle that tows one or more separate passenger cars in a manner similar to a train, but without regard to whether the vehicle and cars operate on a fixed track or course;

(2) does not travel under its own power in excess of five miles per hour;

(3) has safety belts for all passengers;

(4) does not run on an elevated track;

(5) has passenger seating areas enclosed by guardrails or doors; and

(6) does not have passenger cars that rotate independently from the motorized vehicle.

(b) A person may not operate an amusement ride described by Subsection (a) unless the person has an insurance policy currently in effect written by an insurance company authorized to conduct business in this state or by a surplus lines insurer, as defined by Chapter 981, Insurance Code, or has an independently procured policy subject to Chapter 101, Insurance Code, insuring the owner or

operator against liability for injury to persons arising out of the use of the amusement ride in an amount of not less than \$1 million in aggregate for all liability claims occurring in a policy year.

(c) A local government may satisfy the insurance requirement prescribed by Subsection (b) by obtaining liability coverage through an interlocal agreement.

SECTION 3. 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.

HB 2075 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2075, A bill to be entitled An Act relating to payments to contractors in connection with highway projects of the Texas Department of Transportation.

Representative Krusee moved to concur in the senate amendments to **HB 2075**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1485):
147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; 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; Vaught; Veasey; Villarreal; Vo; West; Woolley(C); Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused, Committee Meeting — Chisum.

Absent — Moreno.

Senate Committee Substitute

CSHB 2075, A bill to be entitled An Act relating to payments to contractors in connection with highway projects of the Texas Department of Transportation.

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

SECTION 1. Section 223.009, Transportation Code, is amended to read as follows:

Sec. 223.009. PARTIAL PAYMENT. A contract may provide for partial payments to the contractor. [~~The aggregate amount of payments at any time may not exceed 95 percent of the value of the work done.~~]

SECTION 2. Section 223.010(a), Transportation Code, is amended to read as follows:

(a) The department may retain up to five [Five] percent of the contract price. The department may continue to retain the amount [shall be retained] until the entire improvement has been completed and accepted or release the retained amount at any time before the improvement is accepted [~~except as provided by Subsections (h) and (i).~~]

SECTION 3. Sections 223.010(h) and (i), and Section 223.011, Transportation Code, are repealed.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

HB 2168 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2168, A bill to be entitled An Act relating to the powers of municipal and county hospital authorities and hospital districts created under general or special law.

Representative Hill moved to concur in the senate amendments to **HB 2168**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1486):
142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Ayccock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; 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; 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; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley(C); Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused, Committee Meeting — Chisum.

Absent — Anchia; Callegari; Flores; Moreno; Rodriguez; Thompson.

Senate Committee Substitute

CSHB 2168, A bill to be entitled An Act relating to the powers of municipal and county hospital authorities and hospital districts created under general or special law.

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

SECTION 1. Subchapter C, Chapter 262, Health and Safety Code, is amended by adding Sections 262.037 and 262.038 to read as follows:

Sec. 262.037. ESTABLISHMENT OF NONPROFIT CORPORATION. (a) The authority may form and sponsor a nonprofit corporation under the Texas Nonprofit Corporation Law, as described by Section 1.008, Business Organizations Code, to own and operate all or part of one or more ancillary health care facilities consistent with the purposes of an authority under this chapter.

(b) The board shall appoint the board of directors of a nonprofit corporation formed under this section.

(c) The authority may contribute money to or solicit money for the nonprofit corporation. If the authority contributes money to or solicits money for the corporation, the authority shall establish procedures and controls sufficient to ensure that the money is used by the corporation for public purposes.

(d) A nonprofit corporation formed under this section has the same powers as a development corporation under Section 221.030.

(e) A nonprofit corporation formed under this section shall comply with Chapter 2258, Government Code, in the same manner and to the same extent that the authority is required to comply with that chapter.

Sec. 262.038. HOSPITAL AUTHORITY CONTRACTS, COLLABORATIONS, AND JOINT VENTURES. The authority may, directly or through any nonprofit corporation formed by the authority, contract, collaborate, or enter into a joint venture with any public or private entity as necessary to carry out the functions of or provide services to the authority.

SECTION 2. Subchapter C, Chapter 264, Health and Safety Code, is amended by adding Sections 264.035 and 264.036 to read as follows:

Sec. 264.035. ESTABLISHMENT OF NONPROFIT CORPORATION. (a) The authority may form and sponsor a nonprofit corporation under the Texas Nonprofit Corporation Law, as described by Section 1.008, Business Organizations Code, to own and operate all or part of one or more ancillary health care facilities consistent with the purposes of an authority under this chapter.

(b) The board shall appoint the board of directors of a nonprofit corporation formed under this section.

(c) The authority may contribute money to or solicit money for the nonprofit corporation. If the authority contributes money to or solicits money for the corporation, the authority shall establish procedures and controls sufficient to ensure that the money is used by the corporation for public purposes.

(d) A nonprofit corporation formed under this section has the same powers as a development corporation under Section 221.030.

(e) A nonprofit corporation formed under this section shall comply with Chapter 2258, Government Code, in the same manner and to the same extent that the authority is required to comply with that chapter.

Sec. 264.036. HOSPITAL AUTHORITY CONTRACTS, COLLABORATIONS, AND JOINT VENTURES. The authority may, directly or through any nonprofit corporation formed by the authority, contract, collaborate, or enter into a joint venture with any public or private entity as necessary to carry out the functions of or provide services to the authority.

SECTION 3. Section 285.091(a), Health and Safety Code, is amended to read as follows:

(a) A hospital district created under general or special law may, directly or through a nonprofit corporation created or formed by the district, contract, collaborate, or enter into a joint venture with any public or private entity as necessary to ~~form or~~ carry out the functions of or provide services to the district ~~[an intergovernmental initiative under Section 16B, Article 4413(502), Revised Statutes].~~

SECTION 4. Chapter 285, Health and Safety Code, is amended by adding Subchapter O to read as follows:

SUBCHAPTER O. NONPROFIT CORPORATION CREATED OR FORMED
BY
DISTRICT

Sec. 285.301. ESTABLISHMENT OF NONPROFIT CORPORATION. (a) A hospital district created under general or special law may form and sponsor a nonprofit corporation under the Texas Nonprofit Corporation Law, as described by Section 1.008, Business Organizations Code, to own and operate all or part of one or more ancillary health care facilities consistent with the purposes of the district.

(b) The governing body of the hospital district shall appoint the board of directors of a nonprofit corporation formed under this section.

(c) The hospital district may contribute money to or solicit money for the nonprofit corporation. If the district contributes money to or solicits money for the corporation, the district shall establish procedures and controls sufficient to ensure that the money is used by the corporation for public purposes.

(d) A nonprofit corporation formed under this section has the same powers as a development corporation under Section 221.030.

Sec. 285.302. COMPLIANCE BY NONPROFIT CORPORATION WITH CERTAIN LAWS. A nonprofit corporation created or formed under this subchapter or other law by a hospital district that is created under general or special law shall comply with Chapter 2258, Government Code, in the same manner and to the same extent that the hospital district that created or formed the corporation is required to comply with that chapter.

SECTION 5. 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.

HB 2559 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2559, A bill to be entitled An Act relating to the authority of a dealer to conduct certain motor vehicle sales outside of a dealership.

Representative Otto moved to concur in the senate amendments to **HB 2559**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1487): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Christian; Cohen; Coleman; Cook, B.; Cook, R.; 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; 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; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Zedler; Zerwas.

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

Absent, Excused, Committee Meeting — Chisum.

Absent — Corte; Moreno; Morrison; O'Day; Quintanilla; Thompson.

Senate Committee Substitute

CSHB 2559, A bill to be entitled An Act relating to the authority of a dealer to conduct certain motor vehicle sales outside of a dealership.

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

SECTION 1. Subchapter H, Chapter 2301, Occupations Code, is amended by adding Section 2301.361 to read as follows:

Sec. 2301.361. OFFSITE SALES. (a) Except as provided by Subsection (b) and Sections 2301.358(c) and (d), a dealer may only sell or offer to sell a motor vehicle from an established and permanent place of business:

(1) that is approved by the division; and

(2) for which a general distinguishing number has been issued.

(b) A dealer may sell or offer to sell a motor vehicle online through an advertisement on the Internet to a buyer who never personally appears at the dealer's established and permanent place of business.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

HB 2636 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2636, A bill to be entitled An Act 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.

Representative Smithee moved to concur in the senate amendments to **HB 2636**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1488): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; 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; 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; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley(C); Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused, Committee Meeting — Chisum.

Absent — Flores; Madden; Moreno; Thompson.

Senate Amendment No. 1 (Senate Committee Amendment No. 1)

Amend **HB 2636** (House engrossment) as follows:

(1) In SECTION 2E.086 of the bill, in amended Paragraph (B), Subdivision (2), Section 884.402, Insurance Code (page 199, line 26), strike "1577,".

(2) In SECTION 3A.002 of the bill, insert the following (page 249, between lines 8 and 9):

(c) If any provision of this article conflicts with a provision of **HB 3167**, Acts of the 80th Legislature, Regular Session, 2007, this article controls.

HB 167 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 167, A bill to be entitled An Act relating to exempting a religious bible from attachment, execution, or other seizure for the satisfaction of debts.

Representative Raymond moved to concur in the senate amendments to **HB 167**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1489): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; 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; 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; 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; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley(C); Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused, Committee Meeting — Chisum.

Absent — Herrero; Madden; Moreno; Solomons.

STATEMENT OF VOTE

When Record No. 1489 was taken, my vote failed to register. I would have voted yes.

Herrero

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

Amend **HB 167** (Senate committee printing) as follows:

(1) In SECTION 1, strike the recital (page 1, lines 11-12) and substitute the following:

Section 42.001, Property Code, is amended by amending Subsections (b) and (c) and adding Subsection (e) to read as follows:

(2) In SECTION 1, in amended Subsection (b), Section 42.001, Property Code (page 1, line 24), between "religion" and the period, insert the following: that is seized by a creditor other than a lessor of real property who is exercising the lessor's contractual or statutory right to seize personal property after a tenant breaches a lease agreement for or abandons the real property

(3) In SECTION 1, following amended Subsection (c), Section 42.001, Property Code (page 1, between lines 28 and 29), insert the following:

(e) A religious bible or other book described by Subsection (b)(4) that is seized by a lessor of real property in the exercise of the lessor's contractual or statutory right to seize personal property after a tenant breaches a lease agreement for the real property or abandons the real property may not be included in the aggregate limitations prescribed by Subsection (a).

HB 1067 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1067, A bill to be entitled An Act relating to subdivision replatting by certain municipalities.

Representative Murphy moved to concur in the senate amendments to **HB 1067**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1490):
144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; 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; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; Woolley(C); Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused, Committee Meeting — Chisum.

Absent — Flores; Macias; Moreno; West.

Senate Committee Substitute

CSHB 1067, a bill to be entitled An Act relating to subdivision replatting by certain municipalities.

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

SECTION 1. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0146 to read as follows:

Sec. 212.0146. REPLATTING WITHOUT VACATING PRECEDING PLAT: CERTAIN MUNICIPALITIES. (a) This section applies only to a replat of a subdivision or a part of a subdivision located in a municipality or the extraterritorial jurisdiction of a municipality with a population of 1.9 million or more.

(b) A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if:

(1) the replat is signed and acknowledged by each owner and only the owners of the property being replatted;

(2) the municipal authority responsible for approving plats holds a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard;

(3) the replat does not amend, remove, or violate, or have the effect of amending, removing, or violating, any covenants or restrictions that are contained or referenced in a dedicatory instrument recorded in the real property records separately from the preceding plat or replat;

(4) the replat does not attempt to amend, remove, or violate, or have the effect of amending, removing, or violating, any existing public utility easements without the consent of the affected utility companies; and

(5) the municipal authority responsible for approving plats approves the replat after determining that the replat complies with this subchapter and rules adopted under Section 212.002 and this section in effect at the time the application for the replat is filed.

(c) The governing body of a municipality may adopt rules governing replats, including rules that establish criteria under which covenants, restrictions, or plat notations that are contained only in the preceding plat or replat without reference in any dedicatory instrument recorded in the real property records separately from the preceding plat or replat may be amended or removed.

SECTION 2. (a) This section applies only to a municipality with a population of 1.9 million or more that approved the replat or attempted replat of a subdivision before the effective date of this Act.

(b) The governmental acts and proceedings of the municipality relating to the approval of a replat or attempted replat of a subdivision or a part of a subdivision by the municipality are validated as of the dates they occurred. The acts and proceedings may not be held invalid because they were not performed in accordance with Chapter 212, Local Government Code, or other law.

(c) The governmental acts and proceedings of the municipality occurring after a replat or attempted replat of a subdivision or a part of a subdivision by the municipality may not be held invalid on the ground that the replat or attempted replat, in the absence of this section, was invalid.

(d) This section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court; or

(2) has been held invalid by a final judgment of a court.

SECTION 3. 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.

HB 1717 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1717, A bill to be entitled An Act 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.

Representative McReynolds moved to concur in the senate amendments to **HB 1717**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1491): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Christian; 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, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley(C); Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused, Committee Meeting — Chisum.

Absent — Cohen; Coleman; Flores; Howard, C.; Moreno.

Senate Committee Substitute

CSHB 1717, A bill to be entitled An Act 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.

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

SECTION 1. Subchapter C, Chapter 341, Health and Safety Code, is amended by adding Section 341.0357 to read as follows:

Sec. 341.0357. IDENTIFICATION REQUIREMENT FOR DEVICE WITH APPEARANCE OF FIRE HYDRANT THAT IS NONFUNCTIONING OR UNAVAILABLE FOR USE IN FIRE EMERGENCY. (a) The owner of any device having the appearance of a fire hydrant that is located in a place that an entity responsible for providing fire suppression services in a fire emergency would expect a fire hydrant to typically be located shall paint the device black if the device is nonfunctioning or otherwise unavailable for use by the entity providing fire suppression services in a fire emergency. The owner may place a

black tarp over the device instead of painting the device black as required under this section if the device is temporarily nonfunctioning, or temporarily unavailable for use in a fire emergency, for a period not to exceed seven days.

(b) For purposes of this section, a device is considered to be nonfunctioning if the device pumps less than 250 gallons of water per minute.

(c) This section does not apply within the jurisdiction of a governmental entity that maintains its own system for labeling a device having the appearance of a fire hydrant that is nonfunctioning or otherwise unavailable for use in a fire emergency.

SECTION 2. Not later than January 1, 2008, an owner of a device described by Section 341.0357, Health and Safety Code, as added by this Act, shall ensure that the device complies with the requirement imposed by that section.

SECTION 3. 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.

HB 2468 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2468, A bill to be entitled An Act relating to the filing of financial statements by justices of the peace and candidates for justice of the peace in certain counties.

Representative Solomons moved to concur in the senate amendments to **HB 2468**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1492): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Christian; Cohen; 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; 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; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley(C); Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused, Committee Meeting — Chisum.

Absent — Coleman; Flores; Krusee; Moreno; Truitt.

Senate Committee Substitute

CSHB 2468, a bill to be entitled An Act relating to the filing of financial statements by justices of the peace and candidates for justice of the peace in certain counties.

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

SECTION 1. Section 159.001, Local Government Code, is amended to read as follows:

Sec. 159.001. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to:

(1) a county officer or candidate for a county office of a county with a population of 100,000 or more; or

(2) a justice of the peace or a candidate for the office of justice of the peace of a county with a population of 125,000 or more.

SECTION 2. Section 159.003, Local Government Code, is amended to read as follows:

Sec. 159.003. FINANCIAL STATEMENT REQUIRED. (a) A county officer, ~~or a~~ candidate for a county office, justice of the peace, or candidate for the office of justice of the peace shall file a financial statement as required by this subchapter.

(b) The statement must:

(1) be filed with the county clerk of the county in which the officer, justice, or candidate resides; and

(2) comply with Sections 572.022 and 572.023, Government Code.

SECTION 3. Sections 159.004(a), (c), and (d), Local Government Code, are amended to read as follows:

(a) A county officer or justice of the peace shall file the financial statement required by this subchapter within the time prescribed by Section 572.026, Government Code. A candidate for office as a county officer or justice of the peace shall file the financial statement required by this subchapter within the time prescribed by Section 572.027, Government Code.

(c) A county officer or justice of the peace may request the county clerk to grant an extension of time of not more than 60 days for filing the statement. The county clerk shall grant the request if it is received before the filing deadline or if a timely filing or request for extension is prevented because of physical or mental incapacity. The county clerk may not grant more than one extension to a person in one year except for good cause shown.

(d) The county clerk may not grant an extension to a candidate for office as a county officer or justice of the peace.

SECTION 4. Section 159.007(c), Local Government Code, is amended to read as follows:

(c) The county clerk may, and on notification from a former county officer, justice of the peace, or candidate shall, destroy any financial statements filed by the officer, justice, or candidate two years after the date the person ceases to be an officer, justice, or candidate, as applicable.

SECTION 5. Section 159.0071, Local Government Code, is amended to read as follows:

Sec. 159.0071. NOTIFICATION TO PROSECUTING ATTORNEY. The county clerk of each county in which a person is required to file a financial statement under this chapter shall maintain a list of the county officers, ~~and~~ candidates for county office, justices of the peace, and candidates for the office of justice of the peace required to file the [a] financial statement ~~under this subchapter~~. Not later than the 10th day after each applicable filing deadline, the county clerk shall provide to the county attorney or criminal district attorney a copy of the list showing for each county officer, ~~and~~ candidate for county office, justice of the peace, and candidate for justice of the peace:

(1) whether the officer, justice, or candidate timely filed a financial statement as required by this subchapter;

(2) whether the officer, justice, or candidate timely requested and was granted an extension of time to file as provided for by Section 159.004 and the new due date for each such officer, justice, or candidate; or

(3) whether the officer, justice, or candidate did not timely file a financial statement or receive an extension of time.

SECTION 6. Sections 159.008(a) and (c), Local Government Code, are amended to read as follows:

(a) A county officer, ~~or a~~ candidate for county office, justice of the peace, or candidate for the office of justice of the peace commits an offense if the officer, justice, or candidate knowingly fails to file a financial statement as required by this subchapter.

(c) It is a defense to prosecution under this section that the officer, justice, or candidate did not receive copies of the financial statement form required to be mailed to the officer, justice, or candidate by this subchapter.

SECTION 7. A justice of the peace or a candidate for that office on the effective date of this Act must file the financial statement required for county officers under Subchapter A, Chapter 159, Local Government Code, as amended by this Act, on the first applicable financial statement filing deadline that occurs after the effective date of this Act.

SECTION 8. This Act takes effect September 1, 2007.

HB 417 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 417, A bill to be entitled An Act relating to guardianship matters and proceedings.

Representative Hartnett moved to concur in the senate amendments to **HB 417**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1493): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; 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; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley(C); Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused, Committee Meeting — Chisum.

Absent — Flores; Moreno.

Senate Committee Substitute

CSHB 417, A bill to be entitled An Act relating to guardianship matters and proceedings.

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

SECTION 1. Section 645, Texas Probate Code, is amended by adding Subsection (f) to read as follows:

(f) The term of appointment of a guardian ad litem made in a proceeding for the appointment of a guardian expires, without a court order, on the date the court either appoints a guardian or denies the application for appointment of a guardian, unless the court determines that the continued appointment of the guardian ad litem is in the ward's best interest.

SECTION 2. Section 646, Texas Probate Code, is amended by adding Subsection (e) to read as follows:

(e) The term of appointment of an attorney ad litem appointed under this section expires, without a court order, on the date the court either appoints a guardian or denies the application for appointment of a guardian, unless the court determines that the continued appointment of the attorney ad litem is in the ward's best interest.

SECTION 3. Section 665A, Texas Probate Code, is amended to read as follows:

Sec. 665A. PAYMENT FOR PROFESSIONAL SERVICES. The court shall order the payment of a fee set by the court as compensation to the attorneys, mental health professionals, and interpreters appointed under ~~[Section 646 or 687 of]~~ this chapter ~~[code]~~, as applicable, to be taxed as costs in the case. If after examining the proposed ward's assets the court determines the proposed ward is unable to pay for services provided by an attorney, a mental health professional, or an interpreter appointed under ~~[Section 646 or 687 of]~~ this chapter ~~[code]~~, as applicable, the county is responsible for the cost of those services.

SECTION 4. Section 682, Texas Probate Code, is amended to read as follows:

Sec. 682. APPLICATION; CONTENTS. Any person may commence a proceeding for the appointment of a guardian by filing a written application in a court having jurisdiction and venue. The application must be sworn to by the applicant and state:

- (1) the name, sex, date of birth, and address of the proposed ward;
- (2) the name, relationship, and address of the person the applicant desires to have appointed as guardian;
- (3) whether guardianship of the person or estate, or both, is sought;
- (4) the nature and degree of the alleged incapacity, the specific areas of protection and assistance requested, and the limitation or termination of rights requested to be included in the court's order of appointment, including a termination of:

(A) the right of a proposed ward who is 18 years of age or older to vote in a public election; and

(B) the proposed ward's eligibility to hold or obtain a license to operate a motor vehicle under Chapter 521, Transportation Code;

(5) the facts requiring that a guardian be appointed and the interest of the applicant in the appointment;

(6) the nature and description of any guardianship of any kind existing for the proposed ward in any other state;

(7) the name and address of any person or institution having the care and custody of the proposed ward;

(8) the approximate value and description of the proposed ward's property, including any compensation, pension, insurance, or allowance to which the proposed ward may be entitled;

(9) the name and address of any person whom the applicant knows to hold a power of attorney signed by the proposed ward and a description of the type of power of attorney;

(10) if the proposed ward is a minor and if known by the applicant:

(A) the name of each parent of the proposed ward and state the parent's address or that the parent is deceased;

(B) the name and age of each sibling, if any, of the proposed ward and state the sibling's address or that the sibling is deceased; and

(C) if each of the proposed ward's parents and siblings are deceased, the names and addresses of the proposed ward's next of kin who are adults;

(11) if the proposed ward is a minor, whether the minor was the subject of a legal or conservatorship proceeding within the preceding two-year period and, if so, the court involved, the nature of the proceeding, and the final disposition, if any, of the proceeding;

(12) if the proposed ward is an adult and if known by the applicant:

(A) the name of the proposed ward's spouse, if any, and state the spouse's address or that the spouse is deceased;

(B) the name of each of the proposed ward's parents and state the parent's address or that the parent is deceased;

(C) the name and age of each of the proposed ward's siblings, if any, and state the sibling's address or that the sibling is deceased;

(D) the name and age of each of the proposed ward's children, if any, and state the child's address or that the child is deceased; and

(E) if the proposed ward's spouse and each of the proposed ward's parents, siblings, and children are deceased, or, if there is no spouse, parent, adult sibling, or adult child, the names and addresses of the proposed ward's next of kin who are adults;

(13) facts showing that the court has venue over the proceeding; and

(14) if applicable, that the person whom the applicant desires to have appointed as a guardian is a private professional guardian who is certified under Subchapter C, Chapter 111, Government Code, and has complied with the requirements of Section 697 of this code.

SECTION 5. Section 683, Texas Probate Code, is amended to read as follows:

Sec. 683. COURT'S INITIATION OF GUARDIANSHIP PROCEEDINGS.

(a) If a court has probable cause to believe that a person domiciled or found in the county in which the court is located is an incapacitated person, and the person does not have a guardian in this state, the court shall appoint a guardian ad litem or court investigator to investigate the person's conditions and circumstances to determine whether the person is an incapacitated person and whether a guardianship is necessary. If after the investigation the guardian ad litem or court investigator believes that the person is an incapacitated person and that a guardianship is necessary, the guardian ad litem or court investigator shall ~~and~~ file an application for the appointment of a guardian of the person or estate, or both, for ~~of~~ the person ~~[believed to be incapacitated]~~.

(b) To establish probable cause under this section, the court may require:

(1) an information letter about the person believed to be incapacitated that is submitted by an interested person and satisfies the requirements of Section 683A of this code; or

(2) a written letter or certificate from a physician who has examined the person believed to be incapacitated that satisfies the requirements of Section 687(a) of this code, except that the letter must be dated not earlier than the 120th day before the date of the appointment of a guardian ad litem or court investigator [filing of an application] under Subsection (a) of this section and be based on an examination the physician performed not earlier than the 120th day before that date.

(c) A court that appoints a guardian ad litem under Subsection (a) of this section [creates a guardianship for a ward under this chapter] may authorize compensation of the [a] guardian ad litem [who files an application under Subsection (a) of this section] from available funds of the proposed ward's estate, regardless of whether a guardianship is created for the proposed ward. If after examining the ward's or proposed ward's assets the court determines the ward or proposed ward is unable to pay for services provided by the guardian ad litem, the court may authorize compensation from the county treasury.

SECTION 6. Section 687(a), Texas Probate Code, is amended to read as follows:

(a) The court may not grant an application to create a guardianship for an incapacitated person, other than a minor, person whose alleged incapacity is mental retardation, or person for whom it is necessary to have a guardian appointed only to receive funds from a governmental source, unless the applicant presents to the court a written letter or certificate from a physician licensed in this state that is dated not earlier than the 120th day before the date of the filing of the application and based on an examination the physician performed not earlier than the 120th day before the date of the filing of the application. The letter or certificate must:

(1) describe the nature and degree of incapacity, including the medical history if reasonably available;

(2) provide a medical prognosis specifying the estimated severity of the incapacity;

(3) state how or in what manner the proposed ward's ability to make or communicate responsible decisions concerning himself or herself is affected by the person's physical or mental health;

(4) state whether any current medication affects the demeanor of the proposed ward or the proposed ward's ability to participate fully in a court proceeding;

(5) describe the precise physical and mental conditions underlying a diagnosis of senility, if applicable; ~~and~~

(6) state whether in the physician's opinion the proposed ward:
(A) has the mental capacity to vote in a public election; and
(B) has the ability to safely operate a motor vehicle; and

(7) include any other information required by the court.

SECTION 7. Section 690, Texas Probate Code, is amended to read as follows:

Sec. 690. PERSONS APPOINTED GUARDIAN. Only one person may be appointed as guardian of the person or estate, but one person may be appointed guardian of the person and another of the estate, if it is in the best interest of the ward. Nothing in this section prohibits the joint appointment, if the court finds it to be in the best interest of the ward, of:

- (1) a husband and wife;
- (2) [~~-, of~~] joint managing conservators;
- (3) [~~-, or of~~] coguardians appointed under the laws of a jurisdiction other than this state; or
- (4) ~~both~~ parents of an adult who is incapacitated if the incapacitated person:

(A) has not been the subject of a suit affecting the parent-child relationship; or

(B) has been the subject of a suit affecting the parent-child relationship and both of the incapacitated person's parents were named as joint managing conservators in the suit but are no longer serving in that capacity.

SECTION 8. Sections 693(a) and (b), Texas Probate Code, are amended to read as follows:

(a) If it is found that the proposed ward is totally without capacity [~~as provided by this code~~] to care for himself or herself, [~~and~~] to manage the individual's property, to operate a motor vehicle, and to vote in a public election, the court may appoint a guardian of the individual's person or estate, or both, with full authority over the incapacitated person except as provided by law. An order appointing a guardian under this subsection must contain findings of fact and specify:

- (1) the information required by Subsection (c) of this section;
- (2) that the guardian has full authority over the incapacitated person; [~~and~~]
- (3) if necessary, the amount of funds from the corpus of the person's estate the court will allow the guardian to expend for the education and maintenance of the person under Section 776 of this code;
- (4) whether the person is totally incapacitated because of a mental condition; and
- (5) that the person does not have the capacity to operate a motor vehicle and to vote in a public election.

(b) If it is found that the person lacks the capacity to do some, but not all, of the tasks necessary to care for himself or herself or to manage the individual's property, the court may appoint a guardian with limited powers and permit the individual to care for himself or herself or to manage the individual's property commensurate with the individual's ability. An order appointing a guardian under this subsection must contain findings of fact and specify:

- (1) the information required by Subsection (c) of this section;
- (2) the specific powers, limitations, or duties of the guardian with respect to the care of the person or the management of the person's property by the guardian; [~~and~~]

(3) if necessary, the amount of funds from the corpus of the person's estate the court will allow the guardian to expend for the education and maintenance of the person under Section 776 of this code; and

(4) whether the person is incapacitated because of a mental condition and, if so, whether the person retains the right to vote in a public election or maintains eligibility to hold or obtain a license to operate a motor vehicle under Chapter 521, Transportation Code.

SECTION 9. Section 694C, Texas Probate Code, is amended by adding Subsection (c) to read as follows:

(c) An attorney ad litem appointed under this section is entitled to reasonable compensation for services in the amount set by the court to be taxed as costs in the proceeding, regardless of whether the proceeding results in the restoration of the ward's capacity or a modification of the ward's guardianship.

SECTION 10. Sections 694G and 694H, Texas Probate Code, are amended to read as follows:

Sec. 694G. ORDER OF COMPLETE RESTORATION OF WARD'S CAPACITY. If the court finds that a ward is no longer an incapacitated person, the order completely restoring the ward's capacity must contain findings of fact and specify:

(1) the information required by Section 694J of this code;

(2) that the ward is no longer an incapacitated person;

(3) that there is no further need for a guardianship of the person or estate of the ward;

(3-a) if the ward's incapacity resulted from a mental condition, that the ward's mental capacity is completely restored;

(4) that the guardian is required to:

(A) immediately settle the guardianship in accordance with this chapter; and

(B) deliver all of the remaining guardianship estate to the ward;

and

(5) that the clerk shall revoke letters of guardianship when the guardianship is finally settled and closed.

Sec. 694H. MODIFICATION OF GUARDIANSHIP. If the court finds that a guardian's powers or duties should be expanded or limited, the order modifying the guardianship must contain findings of fact and specify:

(1) the information required by Section 694J of this code;

(2) the specific powers, limitations, or duties of the guardian with respect to the care of the ward or the management of the property of the ward, as appropriate;

(3) the specific areas of protection and assistance to be provided to the ward;

(4) any limitation of the ward's rights; ~~and~~

(5) if the ward's incapacity resulted from a mental condition, whether the ward retains the right to vote; and

(6) that the clerk shall modify the letters of guardianship to the extent applicable to conform to the order.

SECTION 11. Subpart A, Part 3, Chapter XIII, Texas Probate Code, is amended by adding Section 694L to read as follows:

Sec. 694L. PAYMENT FOR GUARDIANS AD LITEM. As provided by Section 645(b) of this code, a guardian ad litem appointed in a proceeding involving the complete restoration of a ward's capacity or modification of a ward's guardianship is entitled to reasonable compensation for services in the amount set by the court to be taxed as costs in the proceeding, regardless of whether the proceeding results in the restoration of the ward's capacity or modification of the ward's guardianship.

SECTION 12. Section 695(a), Texas Probate Code, is amended to read as follows:

(a) If a guardian dies, resigns, or is removed, the court may, on application and on service of notice as directed by the court, appoint a successor guardian. On a finding that a necessity for the immediate appointment of a successor guardian exists, the court may appoint a successor guardian without citation or notice.

SECTION 13. Sections 759(a) and (f), Texas Probate Code, are amended to read as follows:

(a) In case of the death of the guardian of the person or of the estate of a ward, a personal representative of the deceased guardian shall account for, pay, and deliver to a person legally entitled to receive the property, all the property belonging to the guardianship that is entrusted to the care of the representative, at the time and in the manner as the court orders. ~~[On a finding that a necessity for the immediate appointment of a successor guardian exists, the court may appoint a successor guardian without citation or notice.]~~

(f) Except when otherwise expressly provided in this chapter, letters may not be revoked ~~[and other letters granted]~~ except on application, and after personal service of citation on the person~~[, if living,]~~ whose letters are sought to be revoked, that the person appear and show cause why the application should not be granted.

SECTION 14. Section 760(b), Texas Probate Code, is amended to read as follows:

(b) If the necessity exists, the court may immediately accept a resignation and appoint a successor without citation or notice but may not discharge the person resigning as guardian of the estate or release the person or the sureties on the person's bond until final order or judgment is rendered on the final account of the guardian.

SECTION 15. Sections 761(c) and (f), Texas Probate Code, are amended to read as follows:

(c) The court may remove a guardian on its own motion, or on the complaint of an interested person, after the guardian has been cited by personal service to answer at a time and place set in the notice, when:

(1) sufficient grounds appear to support belief that the guardian has misapplied, embezzled, or removed from the state, or that the guardian is about to misapply, embezzle, or remove from the state, all or any part of the property committed to the care of the guardian;

(2) the guardian fails to return any account or report that is required by law to be made;

(3) the guardian fails to obey any proper order of the court having jurisdiction with respect to the performance of the guardian's duties;

(4) the guardian is proved to have been guilty of gross misconduct or mismanagement in the performance of the duties of the guardian;

(5) the guardian becomes incapacitated, or is sentenced to the penitentiary, or from any other cause becomes incapable of properly performing the duties of the guardian's trust;

(6) the guardian neglects or cruelly treats the ward;

(6-a) the guardian neglects to educate or maintain the ward as liberally as the means of the ward's estate and the ward's ability or condition permit;

(7) the guardian interferes with the ward's progress or participation in programs in the community;

(8) the guardian fails to comply with the requirements of Section 697 of this code; ~~[or]~~

(9) the court determines that, because of the dissolution of the joint guardians' marriage, the termination of the guardians' joint appointment and the continuation of only one of the joint guardians as the sole guardian is in the best interest of the ward; or

(10) the guardian would be ineligible for appointment as a guardian under Section 681 of this code.

(f) If the necessity exists, the court may immediately appoint a successor without citation or notice but may not discharge the person removed as guardian of the estate or release the person or the sureties on the person's bond until final order or judgment is rendered on the final account of the guardian.

SECTION 16. Section 823, Texas Probate Code, is amended to read as follows:

Sec. 823. CITATION ~~[AND RETURN]~~ ON APPLICATION. On the filing of an application for the sale of real estate under Section 820 of this code and exhibit, the clerk shall issue a citation to all persons interested in the guardianship that describes the land or interest or part of the land or interest sought to be sold and that informs [requires] the persons of the right under Section 824 of this code to file an opposition to the sale during the period prescribed by the court [to appear at the time set by the court] as shown in the citation ~~[and show cause why the sale should not be made]~~, if they so elect. Service of citation shall be by posting.

SECTION 17. Section 824, Texas Probate Code, is amended to read as follows:

Sec. 824. OPPOSITION TO APPLICATION. When an application for an order of sale is made, a person interested in the guardianship~~[, before an order of sale is made by the court,]~~ may, during the period provided in the citation issued under Section 823 of this code, file the person's opposition to the sale, in writing, or may make application for the sale of other property of the estate.

SECTION 18. Subpart H, Part 4, Chapter XIII, Texas Probate Code, is amended by adding Section 824A to read as follows:

Sec. 824A. HEARING ON APPLICATION AND ANY OPPOSITION. (a) The clerk of a court in which an application for an order of sale is filed shall immediately call to the attention of the judge any opposition to the sale that is filed during the period provided in the citation issued under Section 823 of this code. The court shall hold a hearing on an application if an opposition to the sale is filed during the period provided in the citation.

(b) A hearing on an application for an order of sale is not required under this section if no opposition to the application is filed during the period provided in the citation. The court, in its discretion, may determine that a hearing is necessary on the application even if no opposition was filed during that period.

(c) If the court orders a hearing under Subsection (a) or (b) of this section, the court shall designate in writing a date and time for hearing the application and any opposition, together with the evidence pertaining to the application and opposition. The clerk shall issue a notice to the applicant and to each person who files an opposition to the sale, if applicable, of the date and time of the hearing.

(d) The judge may, by entries on the docket, continue a hearing held under this section from time to time until the judge is satisfied concerning the application.

SECTION 19. Section 825, Texas Probate Code, is amended to read as follows:

Sec. 825. ORDER OF SALE. If satisfied [~~on hearing~~] that the sale of the property of the guardianship described in the application made under Section 820 of this code is necessary or advisable, the court shall order the sale to be made. Otherwise, the court may deny the application and, if the court deems best, may order the sale of other property the sale of which would be more advantageous to the estate. An order for the sale of real estate must specify:

- (1) the property to be sold, giving a description that will identify the property;
- (2) whether the property is to be sold at public auction or at private sale, and, if at public auction, the time and place of the sale;
- (3) the necessity or advisability of the sale and its purpose;
- (4) except in cases in which no general bond is required, that, having examined the general bond of the representative of the estate, the court finds it to be sufficient as required by law, or finds the bond to be insufficient and specifies the necessary or increased bond;
- (5) that the sale shall be made and the report returned in accordance with law; and
- (6) the terms of the sale.

SECTION 20. Section 855B, Texas Probate Code, is amended by amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(a) Not later than the 180th day after the date on which the guardian of the estate qualified as guardian or another date specified by the court, the guardian shall:

- (1) have estate assets invested according to Section 855(b) of this code;
- or
- (2) file a written application with the court for an order:

(A) ~~[(+)]~~ authorizing the guardian to:

(i) ~~[(A)]~~ develop and implement an investment plan for estate assets;

(ii) ~~[(B)]~~ invest in or sell securities under an investment plan developed under Subparagraph (i) ~~[Paragraph (A)]~~ of this paragraph [subdivision];

(iii) ~~[(C)]~~ declare that one or more estate assets must be retained, despite being underproductive with respect to income or overall return; or

(iv) ~~[(D)]~~ loan estate funds, invest in real estate or make other investments, or purchase a life, term, or endowment insurance policy or an annuity contract; or

(B) ~~[(2)]~~ modifying or eliminating the guardian's duty to invest the estate.

(a-1) The court may approve an investment plan under Subsection (a)(2) of this section without a hearing.

(b) If the court determines ~~[On hearing the application under this section and on a finding by the preponderance of the evidence]~~ that the action requested in the application is in the best interests of the ward and the ward's estate, the court shall render an order granting the authority requested in the application or an order modifying or eliminating the guardian's duty to keep the estate invested. An [The] order under this subsection must state in reasonably specific terms:

(1) the nature of the investment, investment plan, or other action requested in the application and authorized by the court, including, if applicable, the authority to invest in and sell securities in accordance with the objectives of the investment plan;

(2) when an investment must be reviewed and reconsidered by the guardian; and

(3) whether the guardian must report the guardian's review and recommendations to the court.

SECTION 21. Chapter 1, Election Code, is amended by adding Section 1.020 to read as follows:

Sec. 1.020. VOTING DISABILITY OR CANDIDACY DISQUALIFICATION: DETERMINATION OF MENTAL INCAPACITY. (a) A person determined to be totally mentally incapacitated by a court exercising probate jurisdiction is not subject to a voting disability or candidacy disqualification under this code if, subsequent to that determination, the person's mental capacity has been completely restored by a final judgment of a court exercising probate jurisdiction.

(b) A person determined to be partially mentally incapacitated without the right to vote by a court exercising probate jurisdiction is not subject to a voting disability or candidacy disqualification under this code if, subsequent to that determination, the person's guardianship has been modified to include the right to vote or the person's mental capacity has been completely restored by a final judgment of a court exercising probate jurisdiction.

SECTION 22. Section 11.002, Election Code, is amended to read as follows:

Sec. 11.002. QUALIFIED VOTER. In this code, "qualified voter" means a person who:

- (1) is 18 years of age or older;
- (2) is a United States citizen;
- (3) has not been determined [~~mentally incompetent~~] by a final judgment of a court exercising probate jurisdiction to be:
 - (A) totally mentally incapacitated; or
 - (B) partially mentally incapacitated without the right to vote;
- (4) has not been finally convicted of a felony or, if so convicted, has:
 - (A) fully discharged the person's sentence, including any term of incarceration, parole, or supervision, or completed a period of probation ordered by any court; or
 - (B) been pardoned or otherwise released from the resulting disability to vote;
- (5) is a resident of this state; and
- (6) is a registered voter.

SECTION 23. Section 13.001(a), Election Code, is amended to read as follows:

- (a) To be eligible for registration as a voter in this state, a person must:
 - (1) be 18 years of age or older;
 - (2) be a United States citizen;
 - (3) not have been determined [~~mentally incompetent~~] by a final judgment of a court exercising probate jurisdiction to be:
 - (A) totally mentally incapacitated; or
 - (B) partially mentally incapacitated without the right to vote;
 - (4) not have been finally convicted of a felony or, if so convicted, must have:
 - (A) fully discharged the person's sentence, including any term of incarceration, parole, or supervision, or completed a period of probation ordered by any court; or
 - (B) been pardoned or otherwise released from the resulting disability to vote; and
 - (5) be a resident of the county in which application for registration is made.

SECTION 24. Section 13.002, Election Code, is amended by amending Subsection (c) and adding Subsections (e) and (f) to read as follows:

- (c) A registration application must include:
 - (1) the applicant's first name, middle name, if any, last name, and former name, if any;
 - (2) the month, day, and year of the applicant's birth;
 - (3) a statement that the applicant is a United States citizen;
 - (4) a statement that the applicant is a resident of the county;
 - (5) a statement that the applicant has not been determined [~~mentally incompetent~~] by a final judgment of a court exercising probate jurisdiction to be:

(A) totally mentally incapacitated; or

(B) partially mentally incapacitated without the right to vote;

(6) a statement that the applicant has not been finally convicted of a felony or that the applicant is a felon eligible for registration under Section 13.001;

(7) the applicant's residence address or, if the residence has no address, the address at which the applicant receives mail and a concise description of the location of the applicant's residence;

(8) the following information:

(A) the applicant's Texas driver's license number or the number of a personal identification card issued by the Department of Public Safety or a statement by the applicant that the applicant has not been issued a driver's license or personal identification card; or

(B) if the applicant has not been issued a number described by Paragraph (A), the last four digits of the applicant's social security number or a statement by the applicant that the applicant has not been issued a social security number;

(9) if the application is made by an agent, a statement of the agent's relationship to the applicant; and

(10) the city and county in which the applicant formerly resided.

(e) Instead of the statement required by Subsection (c)(5), an applicant who has been determined to be totally mentally incapacitated by a court and who is eligible to register because of Section 1.020(a) shall include in the application a statement that the person's mental capacity has been completely restored by a final judgment of a court.

(f) Instead of the statement required by Subsection (c)(5), an applicant who has been determined to be partially mentally incapacitated without the right to vote by a court and who is eligible to register because of Section 1.020(b) shall include in the application a statement that the person's guardianship has been modified to include the right to vote or the person's mental capacity has been completely restored, as applicable, by a final judgment of a court.

SECTION 25. The heading to Section 16.002, Election Code, is amended to read as follows:

Sec. 16.002. MENTAL INCAPACITY [~~INCOMPETENCE~~].

SECTION 26. Section 16.002(a), Election Code, is amended to read as follows:

(a) Each month the clerk of each court having proper jurisdiction to adjudge a person mentally incapacitated [~~incompetent~~] shall prepare an abstract of each final judgment of a court served by the clerk, occurring in the month:

(1) ~~(1)~~ adjudging a person 18 years of age or older who is a resident of the state to be:

(A) totally mentally incapacitated; or

(B) partially mentally incapacitated without the right to vote;

(2) adjudging the mental capacity of a person 18 years of age or older who is a resident of this state to be completely restored; or

(3) modifying the guardianship of a person 18 years of age or older to include the right to vote [incompetent].

SECTION 27. Section 16.031(a), Election Code, is amended to read as follows:

(a) The registrar shall cancel a voter's registration immediately on receipt of:

(1) notice under Section 13.072(b) or 15.021 or a response under Section 15.053 that the voter's residence is outside the county;

(2) an abstract of the voter's death certificate under Section 16.001(a) or an abstract of an application indicating that the voter is deceased under Section 16.001(b);

(3) an abstract of a final judgment of the voter's total mental incapacity, partial mental incapacity without the right to vote [incompetence], conviction of a felony, or disqualification under Section 16.002, 16.003, or 16.004;

(4) notice under Section 112.012 that the voter has applied for a limited ballot in another county;

(5) notice from a voter registration official in another state that the voter has registered to vote outside this state; or

(6) notice from the secretary of state that the voter has registered to vote in another county, as determined by the voter's driver's license number or personal identification card number issued by the Department of Public Safety or social security number.

SECTION 28. Section 141.001(a), Election Code, is amended to read as follows:

(a) To be eligible to be a candidate for, or elected or appointed to, a public elective office in this state, a person must:

(1) be a United States citizen;

(2) be 18 years of age or older on the first day of the term to be filled at the election or on the date of appointment, as applicable;

(3) have not been determined [mentally incompetent] by a final judgment of a court exercising probate jurisdiction to be:

(A) totally mentally incapacitated; or

(B) partially mentally incapacitated without the right to vote;

(4) have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities;

(5) have resided continuously in the state for 12 months and in the territory from which the office is elected for six months immediately preceding the following date:

(A) for a candidate whose name is to appear on a general primary election ballot, the date of the regular filing deadline for a candidate's application for a place on the ballot;

(B) for an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot;

(C) for a write-in candidate, the date of the election at which the candidate's name is written in;

(D) for a party nominee who is nominated by any method other than by primary election, the date the nomination is made; and

(E) for an appointee to an office, the date the appointment is made; and

(6) satisfy any other eligibility requirements prescribed by law for the office.

SECTION 29. Section 141.031, Election Code, is amended to read as follows:

Sec. 141.031. GENERAL REQUIREMENTS FOR APPLICATION. (a) A candidate's application for a place on the ballot that is required by this code must:

(1) be in writing;

(2) be signed and sworn to by the candidate and indicate the date that the candidate swears to the application;

(3) be timely filed with the appropriate authority; and

(4) include:

(A) the candidate's name;

(B) the candidate's occupation;

(C) the office sought, including any place number or other distinguishing number;

(D) an indication of whether the office sought is to be filled for a full or unexpired term if the office sought and another office to be voted on have the same title but do not have place numbers or other distinguishing numbers;

(E) a statement that the candidate is a United States citizen;

(F) a statement that the candidate has not been determined [mentally incompetent] by a final judgment of a court exercising probate jurisdiction to be:

(i) totally mentally incapacitated; or

(ii) partially mentally incapacitated without the right to vote;

(G) a statement that the candidate has not been finally convicted of a felony from which the candidate has not been pardoned or otherwise released from the resulting disabilities;

(H) the candidate's date of birth;

(I) the candidate's residence address or, if the residence has no address, the address at which the candidate receives mail and a concise description of the location of the candidate's residence;

(J) the candidate's length of continuous residence in the state and in the territory from which the office sought is elected as of the date the candidate swears to the application;

(K) the statement: "I, _____, of _____ County, Texas, being a candidate for the office of _____, swear that I will support and defend the constitution and laws of the United States and of the State of Texas"; and

(L) a statement that the candidate is aware of the nepotism law, Chapter 573, Government Code.

(b) Instead of the statement required by Subsection (a)(4)(F), a candidate eligible for office because of Section 1.020(a) shall include in the application a statement that the person's mental capacity has been completely restored by a final judgment of a court.

(c) Instead of the statement required by Subsection (a)(4)(F), a candidate eligible for office because of Section 1.020(b) shall include in the application a statement that the person's guardianship has been modified to include the right to vote or the person's mental capacity has been completely restored, as applicable, by a final judgment of a court.

SECTION 30. Section 143.005(b), Election Code, is amended to read as follows:

(b) If a city charter prescribes the requirements that a candidate's application must satisfy for the candidate's name to be placed on the ballot, Section 141.031(a)(4)(L) [~~141.031(4)(L)~~] also applies to the application. The other provisions of Section 141.031 do not apply.

SECTION 31. Section 144.003(b), Election Code, is amended to read as follows:

(b) If a law outside this code purports to prescribe the exclusive requirements that a candidate's application must satisfy for the candidate's name to be placed on the ballot, Section 141.031(a)(4)(L) [~~141.031(4)(L)~~] also applies to the application. The other provisions of Section 141.031 do not apply.

SECTION 32. Section 192.032(b), Election Code, is amended to read as follows:

(b) An application must:

(1) comply with Section 141.031, except that:

(A) the application is not required to include a candidate's occupation, length of residence, or statement that the candidate is aware of the nepotism law; and

(B) the application must contain the applicable information required by Section 141.031(a)(4) [~~141.031(4)~~] with respect to both the presidential candidate and the running mate;

(2) state the names and residence addresses of presidential elector candidates in a number equal to the number of presidential electors that federal law allocates to the state; and

(3) be accompanied by:

(A) a petition that satisfies the requirements prescribed by Section 141.062; and

(B) written statements signed by the vice-presidential candidate and each of the presidential elector candidates indicating that each of them consents to be a candidate.

SECTION 33. Section 822, Texas Probate Code, is repealed.

SECTION 34. (a) Sections 645(f) and 646(e), Texas Probate Code, as added by this Act, apply only to a guardianship proceeding for which a court has appointed a guardian ad litem or attorney ad litem to represent the interests of a person on or after the effective date of this Act.

(b) The changes in law made by this Act to Section 665A, Texas Probate Code, apply only to a guardianship proceeding for which a court has appointed an attorney, mental health professional, or interpreter to represent the interests of a person:

(1) on or after the effective date of this Act; or

(2) before the effective date of this Act if the proceeding is pending on the effective date of this Act.

(c) The changes in law made by this Act to Section 683, Texas Probate Code, apply only to the appointment of a guardian ad litem or court investigator made on or after the effective date of this Act. The appointment of a guardian ad litem or court investigator made before the effective date of this Act is governed by the law in effect on the date of appointment, and the former law is continued in effect for that purpose.

(d) The changes in law made by this Act to Sections 694C, 694G, and 694H, Texas Probate Code, and Section 694L, Texas Probate Code, as added by this Act, apply only to an application for the restoration of a ward's capacity or the modification of a ward's guardianship that is filed on or after the effective date of this Act. An application for the restoration of a ward's capacity or the modification of a ward's guardianship that is filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

(e) The changes in law made by this Act to Sections 682, 687(a), 690, 693, and 855B, Texas Probate Code, apply only to an application for the appointment of a guardian filed on or after the effective date of this Act. An application for the appointment of a guardian filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

(f) The changes in law made by this Act to Sections 695(a) and 759(f), Texas Probate Code, apply only to an application for the appointment of a successor guardian filed on or after the effective date of this Act. An application for the appointment of a successor guardian filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

(g) The changes in law made by this Act to Section 760, Texas Probate Code, apply only to an application for resignation filed on or after the effective date of this Act. An application for resignation filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

(h) The changes in law made by this Act to Section 761(f), Texas Probate Code, apply only to a motion for the removal of a guardian made or filed on or after the effective date of this Act. A motion for the removal of a guardian made or filed before the effective date of this Act is governed by the law in effect on the date the motion was made or filed, and the former law is continued in effect for that purpose.

(i) The changes in law made by this Act to Sections 823, 824, and 825, Texas Probate Code, apply only to an application for the sale of real property filed on or after the effective date of this Act. An application for the sale of real property filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

(j) The changes in law made by this Act to the Election Code apply only to an order issued or judgment entered by a court on or after the effective date of this Act. An order issued or judgment entered by a court before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 35. This Act takes effect September 1, 2007.

MESSAGE FROM THE SENATE

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

HB 776 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 776, A bill to be entitled An Act relating to the delivery of a child taken into custody under the juvenile justice system to a school official.

Representative Dutton moved to concur in the senate amendments to **HB 776**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1494): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; 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; 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; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaughn; Veasey; Villarreal; Vo; West; Woolley(C); Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused, Committee Meeting — Chisum.

Absent — Davis, Y.; Flores; Moreno; Straus.

Senate Committee Substitute

CSHB 776, A bill to be entitled An Act relating to the delivery of a child taken into a custody under the juvenile justice system to a school official.

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

SECTION 1. Section 52.02(a), Family Code, is amended to read as follows:

(a) Except as provided by Subsection (c), a person taking a child into custody, without unnecessary delay and without first taking the child to any place other than a juvenile processing office designated under Section 52.025, shall do one of the following:

(1) release the child to a parent, guardian, custodian of the child, or other responsible adult upon that person's promise to bring the child before the juvenile court as requested by the court;

(2) bring the child before the office or official designated by the juvenile board if there is probable cause to believe that the child engaged in delinquent conduct, conduct indicating a need for supervision, or conduct that violates a condition of probation imposed by the juvenile court;

(3) bring the child to a detention facility designated by the juvenile board;

(4) bring the child to a secure detention facility as provided by Section 51.12(j);

(5) bring the child to a medical facility if the child is believed to suffer from a serious physical condition or illness that requires prompt treatment; ~~or~~

(6) dispose of the case under Section 52.03; or

(7) if school is in session and the child is a student, bring the child to the school campus to which the child is assigned if the principal, the principal's designee, or a peace officer assigned to the campus agrees to assume responsibility for the child for the remainder of the school day.

SECTION 2. Section 52.026(a), Family Code, is amended to read as follows:

(a) It shall be the duty of the law enforcement officer who has taken a child into custody to transport the child to the appropriate detention facility or to the school campus to which the child is assigned as provided by Section 52.02(a)(7) if the child is not released to the parent, guardian, or custodian of the child.

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

HB 1157 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1157, A bill to be entitled An Act relating to a student services building fee at The University of Texas of the Permian Basin.

Representative West moved to concur in the senate amendments to **HB 1157**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1495): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; 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; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley(C); Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused, Committee Meeting — Chisum.

Absent — Coleman; Davis, Y.; Elkins; Moreno; Phillips.

Senate Committee Substitute

CSHB 1157, A bill to be entitled An Act relating to student services building fees at the University of Texas of the Permian Basin.

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

SECTION 1. Subchapter E, Chapter 54, Education Code, is amended by adding Section 54.5332 to read as follows:

Sec. 54.5332. FEES FOR STUDENT SERVICES BUILDING; THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN. (a) The board of regents of The University of Texas System may charge each student enrolled at The University of Texas of the Permian Basin a fee for the purpose of financing the construction of a student services building at the university or for the purpose of operating the student services building.

(b) The amount of the fee may not exceed:

(1) \$100 for each regular semester;

(2) \$75 for each summer session of more than six weeks; or

(3) \$50 for each summer session of six weeks or shorter.

(c) The amount of the fee may not be increased from one academic year to the next unless the amount of the increase is approved by a majority vote of the students participating in a general student election held for that purpose.

(d) The university shall collect the fee imposed under this section and deposit the money collected into an account to be known as the student services building account of The University of Texas of the Permian Basin. Money in the account may be used only for the purposes described by Subsection (a).

(e) A fee charged under this section is in addition to any other fee the board is authorized by law to charge at the university and may not be considered in determining the maximum student services fee that may be charged under Section 54.503.

SECTION 2. This Act applies beginning with the 2007 fall semester.

SECTION 3. 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.

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

Amend **CSHB 1157** in SECTION 1 of the bill, in added Subdivision (1), Subsection (b), Section 54.5332, Education Code (Senate committee report, page 1, line 23), by striking "\$100" and substituting "\$150".

HB 495 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 495, A bill to be entitled An Act relating to the punishment for assault of emergency services personnel; imposing a criminal penalty.

Representative Bonnen moved to concur in the senate amendments to **HB 495**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1496): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; 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; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley(C); Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused, Committee Meeting — Chisum.

Absent — Flores; Moreno.

Senate Committee Substitute

CSHB 495, A bill to be entitled An Act relating to the punishment for assault of emergency services personnel; imposing a criminal penalty.

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

SECTION 1. Sections 22.01(b) and (d), Penal Code, are amended to read as follows:

(b) An offense under Subsection (a)(1) is a Class A misdemeanor, except that the offense is a felony of the third degree if the offense is committed against:

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

(2) a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code, if it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this chapter, Chapter 19, or Section 20.03, 20.04, or 21.11 against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code;

(3) a person who contracts with government to perform a service in a facility as defined by Section 1.07(a)(14), Penal Code, or Section 51.02(13) or (14), Family Code, or an employee of that person:

(A) while the person or employee is engaged in performing a service within the scope of the contract, if the actor knows the person or employee is authorized by government to provide the service; or

(B) in retaliation for or on account of the person's or employee's performance of a service within the scope of the contract; ~~or~~

(4) a person the actor knows is a security officer while the officer is performing a duty as a security officer; or

(5) a person the actor knows is emergency services personnel while the person is providing emergency services.

(d) For purposes of Subsection (b), the actor is presumed to have known the person assaulted was a public servant, ~~or~~ a security officer, or emergency services personnel if the person was wearing a distinctive uniform or badge indicating the person's employment as a public servant or status as a security officer or emergency services personnel.

SECTION 2. Section 22.01(e), Penal Code, is amended by adding Subdivision (1) to read as follows:

(1) "Emergency services personnel" includes firefighters, emergency medical services personnel as defined by Section 773.003, Health and Safety Code, and other individuals who, in the course and scope of employment or as a volunteer, provide services for the benefit of the general public during emergency situations.

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 4. This Act takes effect September 1, 2007.

**HB 1594 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 1594, A bill to be entitled An Act relating to expedited credentialing for certain physicians providing services under a managed care plan.

Representative Zerwas 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 1594**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1594**: Zerwas, chair; Eiland, Hancock, Martinez, and Smithee.

**HB 2251 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2251, A bill to be entitled An Act relating to advertising by certain insurers.

Representative Taylor moved to concur in the senate amendments to **HB 2251**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1497): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; 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 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; 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; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley(C); Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused, Committee Meeting — Chisum.

Absent — Flores; Moreno; Peña.

Senate Committee Substitute

CSHB 2251, A bill to be entitled An Act relating to advertising by certain insurers.

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

SECTION 1. Chapter 541, Insurance Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. ADVERTISING REQUIREMENTS

Sec. 541.082. ADVERTISING AND INTERNET WEBSITES. (a) In this section, "insurer" includes:

- (1) a life insurance company;
- (2) a health insurance company;
- (3) an accident insurance company;
- (4) a general casualty company;
- (5) a mutual life insurance company or other mutual insurance company;
- (6) a mutual or natural premium life insurance company;
- (7) a Lloyd's plan;
- (8) a county mutual insurance company;
- (9) a farm mutual insurance company;
- (10) a reciprocal or interinsurance exchange;
- (11) a fraternal benefit society;
- (12) a local mutual aid association;
- (13) a health maintenance organization; or
- (14) a group hospital service corporation.

(b) A web page of an insurer's Internet website must include all appropriate disclosures and information required by applicable rules adopted by the commissioner relating to advertising only if the web page:

(1) describes specific policies or coverage available in this state; or

(2) includes an opportunity for an individual to apply for coverage or obtain a quote from an insurer for an insurance policy or certificate or an evidence of coverage.

(c) As may be permitted by commissioner rule, an insurer may comply with Subsection (b) by including a link to a web page that includes the information necessary to comply with the applicable rules relating to advertising. The link must be prominently placed on the insurer's web page.

(d) Web pages of an Internet website that do not refer to a specific insurance policy, certificate of coverage, or evidence of coverage or that do not provide an opportunity for an individual to apply for coverage or request a quote from an insurer are considered to be institutional advertisements subject to rules adopted by the commissioner relating to advertising.

(e) Web pages or navigation aids within an insurer's Internet website that provide a link to a web page described by Subsection (b) but that do not otherwise contain content described in Subsection (b) are considered to be institutional advertisements subject to rules adopted by the commissioner relating to advertising.

Sec. 541.083. ADVERTISEMENTS TO CERTAIN ASSOCIATIONS. An insurer may advertise to the general public policies or coverage available only to members of an association described by Section 1251.052.

Sec. 541.084. ADVERTISEMENTS RELATING TO MEDICARE PROGRAM. A person may not use an advertisement for an insurance product relating to Medicare coverage unless the advertisement includes in a prominent place the following language or similar language: "Not connected with or endorsed by the United States government or the federal Medicare program."

Sec. 541.085. ADVERTISEMENTS RELATING TO PREFERRED PROVIDER BENEFIT PLANS. It is sufficient for an insurer to use the term "PPO plan" in advertisements when referring to a preferred provider benefit plan offered under Chapter 1301.

Sec. 541.086. ADVERTISING REGARDING GUARANTEED RENEWABLE COVERAGE. (a) An advertisement for a guaranteed renewable accident and health insurance policy must include, in a prominent place, a statement indicating that rates for the policy may change if the advertisement suggests or implies that rates for the product will not change.

(b) If an advertisement is required to include the statement described by Subsection (a), the statement must generally identify the manner in which rates may change, such as by age, by health status, by class, or through application of other general criteria.

Sec. 541.087. ADVERTISEMENTS EXEMPT FROM FILING REQUIREMENTS. An advertisement subject to requirements regarding filing of the advertisement with the department for department review under this code or

commissioner rule and that is the same as or substantially similar to an advertisement previously reviewed and accepted by the department is not required to be filed for department review.

SECTION 2. Section 541.052(b), Insurance Code, is amended to read as follows:

(b) This section applies to an advertisement, announcement, or statement made, published, disseminated, circulated, or placed before the public:

- (1) in a newspaper, magazine, or other publication;
- (2) in a notice, circular, pamphlet, letter, or poster;
- (3) over a radio or television station; ~~or~~
- (4) through the Internet; or
- (5) in any other manner.

SECTION 3. Section 1652.156(c), Insurance Code, is amended to read as follows:

(c) An entity may not use an advertisement for Medicare supplement benefit plans that does not comply with state law, including department rules and Section 541.084.

SECTION 4. This Act takes effect September 1, 2007.

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

Amend **CSHB 2251**, in SECTION 1 of the bill, in added Section 541.082, Insurance Code, by striking Subsection (a) (page 1, lines 15-32) and substituting the following:

(a) In this section, "insurer" includes:

- (1) a life insurance company;
- (2) a health insurance company;
- (3) an accident insurance company;
- (4) a general casualty company;
- (5) a mutual life insurance company or other mutual insurance company;
- (6) a mutual or natural premium life insurance company;
- (7) a Lloyd's plan;
- (8) a county mutual insurance company;
- (9) a farm mutual insurance company;
- (10) a reciprocal or interinsurance exchange;
- (11) a fraternal benefit society;
- (12) a local mutual aid association;
- (13) a health maintenance organization;
- (14) a group hospital service corporation; or
- (15) a multiple employer welfare arrangement that holds a certificate of coverage under Chapter 846.

HB 585 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 585, A bill to be entitled An Act relating to the jurisdiction of a probate court in certain guardianship proceedings.

Representative Laubenberg moved to concur in the senate amendments to **HB 585**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1498): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Christian; Cohen; 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; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; West; Woolley(C); Zerwas.

Present, not voting — Mr. Speaker; Zedler.

Absent, Excused, Committee Meeting — Chisum.

Absent — Coleman; Flores; Moreno; Peña; Vo.

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

Amend **HB 585** by adding the following appropriately numbered section and renumbering the sections of the bill accordingly:

SECTION _____. Section 682A, Texas Probate Code, is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1) Notwithstanding any other law, if the applicant who files an application under Subsection (a) of this section or Section 682 of this code is a person who was appointed conservator of a disabled child for whom a court obtains jurisdiction under Section 606(k) of this code, the applicant may present to the court a written letter or certificate that meets the requirements of Section 687(a) of this code.

(a-2) If, on receipt of the letter or certificate described by Subsection (a-1) of this section, the court is able to make the findings required by Section 684 of this code, the court, notwithstanding Section 677 of this code, shall appoint the

conservator as guardian without conducting a hearing and shall, to the extent possible, preserve the terms of possession and access to the ward that applied before the court obtained jurisdiction under Section 606(k) of this code.

**HB 126 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 126, A bill to be entitled An Act relating to the offense of engaging in organized criminal activity.

Representative Delisi 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 126**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 126**: Delisi, chair; B. Brown, Bohac, McReynolds, and Paxton.

**HB 1623 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

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

Representative Phillips 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 1623**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1623**: Phillips, chair; Deshotel, Gattis, Harper-Brown, and Macias.

RULES SUSPENDED

Representative Keffer moved to suspend all necessary rules to allow the Committee on Ways and Means to meet upon lunch recess today, at Desk 108, for a formal meeting, to consider pending business.

The motion prevailed.

Representative Krusee moved to suspend all necessary rules to allow the Committee on Transportation to consider legislation in committee during lunch recess today at Desk 46.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Appropriations will resume during lunch recess today.

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

Business and Industry, upon lunch recess today, Desk 103, for a formal meeting, to consider **SB 1038**.

Human Services, upon lunch recess today, Desk 120, for a formal meeting, to consider **SB 1649** and **SB 1682**.

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

Transportation, upon lunch recess today, Desk 46, for a formal meeting, to consider pending business.

Urban Affairs, upon lunch recess today, Desk 79, for a formal meeting, to consider pending business.

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

Natural Resources, upon lunch recess today, Desk 112, for a formal meeting, to consider **SB 610**, **SB 919**, **SB 1524**, **SB 1833**, **SB 2002**, **SB 2003**, **SB 2026**, **SB 2038**, and pending business.

Civil Practices, upon lunch recess today, Desk 26, for a formal meeting, to consider **SB 1305**.

LEAVE OF ABSENCE GRANTED

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

Moreno on motion of Pickett.

RECESS

At 12:07 p.m., the chair announced that the house would stand recessed until 1:30 p.m. today.

AFTERNOON SESSION

The house met at 1:30 p.m. and was called to order by Representative Woolley.

HR 2263 - ADOPTED (by Riddle)

Representative Deshotel moved to suspend all necessary rules to take up and consider at this time **HR 2263**.

The motion prevailed.

The following resolution was laid before the house:

HR 2263, Honoring drama teacher Joe Fullen of Houston on his retirement from Langham Creek High School.

HR 2263 was adopted.

On motion of Representative Riddle, the names of all the members of the house were added to **HR 2263** as signers thereof.

HCR 260 - ADOPTED
(by Isett)

Representative Deshotel moved to suspend all necessary rules to take up and consider at this time **HCR 260**.

The motion prevailed.

The following resolution was laid before the house:

HCR 260, Congratulating Michael J. Warner of Austin on his graduation from The University of Texas at Austin.

HCR 260 was adopted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Public Education, upon final adjournment today, Desk 31, for a formal meeting, to consider pending business.

Criminal Jurisprudence, upon first recess tomorrow, 3W.9, for a formal meeting, to consider **SB 263**, **SB 789**, **SB 1116**, and **SB 1622**.

SB 1983 - HOUSE SPONSORS AUTHORIZED

On motion of Representative P. King, Representatives Hardcastle and Keffer were authorized as house sponsors to **SB 1983**.

SB 903 - VOTE RECONSIDERED

Representative Kolkhorst moved to reconsider the vote by which **SB 903**, as amended, was passed on May 15.

The motion to reconsider prevailed.

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 - Vote Reconsidered

Representative Kolkhorst moved to reconsider the vote by which Amendment No. 1 was adopted was May 15.

The motion to reconsider prevailed.

Amendment No. 1 was withdrawn.

Amendment No. 3

Representatives Kolkhorst and Noriega offered the following amendment to **SB 903**:

Amend **SB 903** as follows:

In SECTION 751.016 replace the words "office" with "Texas Ethics Commission."

Amendment No. 3 was adopted.

A record vote was requested.

SB 903, as amended, was passed by (Record 1499): 145 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Moreno.

Absent, Excused, Committee Meeting — Chisum.

Absent — Gallego; Hochberg.

POSTPONED BUSINESS

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

**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.

SB 12 was read third time on May 15 and was postponed until 7 p.m. May 16. Amendment No. 1 was pending at the time of postponement.

Amendment No. 1 was withdrawn.

Amendment No. 2

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

Amend **SB 12** on third reading by adding the following appropriately numbered ARTICLE to the bill and renumbering the subsequent ARTICLES of the bill accordingly:

ARTICLE ____ . TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
NOTIFICATION REQUIREMENTS

SECTION ____ .01. Section 382.0516, Health and Safety Code, is amended to read as follows:

Sec. 382.0516. NOTICE TO STATE SENATOR, STATE [~~AND~~] REPRESENTATIVE, AND CERTAIN LOCAL OFFICIALS. (a) On receiving an application for a construction permit or an amendment to a construction permit, a special permit, or an operating permit for a facility that may emit air contaminants, the commission shall send notice of the application to the state senator and representative who represent the area in which the facility is or will be located.

(b) In addition to the notice required by Subsection (a), for an application that relates to an existing or proposed concrete batch plant, on receiving an application for a construction permit, an amendment to a construction permit, an operating permit, or an authorization to use a standard permit, the commission shall send notice of the application:

(1) to the county judge of the county in which the facility is or will be located; and

(2) if the facility is or will be located in a municipality or the extraterritorial jurisdiction of a municipality, to the presiding officer of the municipality's governing body.

SECTION ____ .02. The notice provisions under Section 382.0516, Health and Safety Code, as amended by this article, apply only to an application for a permit that is submitted to the Texas Commission on Environmental Quality on or after the effective date of this article.

SECTION ____ .03. This article takes effect September 1, 2007.

Amendment No. 2 was adopted.

Amendment No. 3

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

Amend **SB 12** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 7.0025, Water Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) If the commission determines that there are multiple violations based on information it receives from a private individual, only those violations that require initiation of formal enforcement may be included in any proposed enforcement action.

(f) The commission may not include in an enforcement action initiated on information received under this section:

(1) a violation that is not a repeat violation resulting from the same root cause in two consecutive investigations in the most recent five-year period; or

(2) a violation that has been corrected in the time specified by the commission or for which the facility has not had the time specified by the commission to correct the violation.

(Speaker in the chair)

Amendment No. 3 was adopted.

Amendment No. 4

On behalf of Representative Driver, Representative Bonnen offered the following amendment to **SB 12**:

Amend **SB 12** on third reading by adding the following appropriately numbered SECTION to the bill, and renumbering subsequent SECTIONS accordingly:

SECTION _____. Sections 382.0191(b), (c), and (d), Health and Safety Code, are amended to read as follows:

(b) The commission may not prohibit or limit the idling of a motor vehicle when idling is necessary to power a heater or air conditioner while a driver is using the vehicle's sleeper berth for a government-mandated rest period. Idling is not necessary to power a heater or air conditioner if the vehicle is within two miles of a facility offering external heating and air conditioning connections at a time when those connections are available.

(c) No driver using the vehicle's sleeper berth may idle the vehicle in a residential area as defined by Section 244.001, Local Government Code, or in a school zone or within 1,000 feet of a hospital or a public school during its hours of operation. An offense under this subsection shall be punishable by a fine not to exceed \$500.

(d) This section expires September 1, 2009 [~~2007~~].

Amendment No. 4 was adopted.

Amendment No. 5

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

Amend **SB 12**, Section 2.06, as follows:

(1) On page 17, line 2, following "combustion engine" insert the following:
and;

(4) transportation congestion mitigation projects.

(2) On page 16, line 25, strike "and".

A record vote was requested.

Amendment No. 5 was adopted by (Record 1500): 106 Yeas, 26 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycock; Bailey; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Christian; Cohen; Coleman; Cook, B.; Corte; Crabb; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Dunnam; Dutton; Eiland; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Geren; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Isett; Jackson; Jones; King, P.; Krusee; Kuempel; Latham; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miles; Morrison; Mowery; Naishtat; Oliveira; Olivo; Orr; Ortiz; Parker; Patrick; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rodriguez; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Talton; Taylor; Thompson; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler.

Nays — Anchia; Berman; Bohac; Bonnen; Cook, R.; Creighton; Deshotel; Driver; Eissler; Garcia; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Kolkhorst; Laubenberg; Macias; McCall; Miller; Murphy; O'Day; Otto; Ritter; Swinford; Van Arsdale; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno.

Absent, Excused, Committee Meeting — Chisum.

Absent — Bolton; Dukes; Gattis; Giddings; Hill; Hughes; Keffer; King, S.; King, T.; Noriega; Paxton; Puente; Rose; Truitt; Turner.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1500. I intended to vote yes.

Bohac

When Record No. 1500 was taken, my vote failed to register. I would have voted yes.

Truitt

Amendment No. 6

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

Amend **SB 12** (House Committee Printing) by adding the following appropriately numbered SECTION to ARTICLE 3 of the bill and renumbering the subsequent SECTIONS of the article accordingly:

SECTION _____. Chapter 39.905(f) of the Utilities Code is reenacted in its entirety and the following sentences shall be added: Funding levels for low-income energy efficiency services as determined by the commission shall be implemented with oversight by the Texas Department of Housing and Community Affairs. The Department shall designate a statewide association of community action agencies to directly receive those funds and shall ensure the timely implementation of weatherization assistance contracts through local provider agencies.

Amendment No. 6 was adopted.

Amendment No. 7

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

Amend **SB 12** on third reading (house committee printing) by adding the following appropriately numbered article and renumbering subsequent articles accordingly:

ARTICLE ____ . CONSIDERATION OF CERTAIN CUMULATIVE EFFECTS

SECTION ____ .01. Section 382.0518, Health and Safety Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) In making its finding under Subsection (b)(2) as to whether emissions from the facility will contravene the intent of this chapter, the commission shall consider the cumulative effects on the public's health and physical property of expected air contaminant emissions from the facility or proposed facility and from other facilities located less than three miles from the facility or proposed facility.

SECTION ____ .02. Section 382.055(d), Health and Safety Code, is amended to read as follows:

(d) In determining whether and under which conditions a preconstruction permit should be renewed, the commission shall consider, at a minimum:

(1) the performance of the owner or operator of the facility according to the method developed by the commission under Section 5.754, Water Code; ~~and~~

(2) the condition and effectiveness of existing emission control equipment and practices; and

(3) the cumulative effects on the public's health and physical property of expected air contaminant emissions from the facility and from other facilities located less than three miles from the facility.

SECTION ____ .03. The changes in law made by this article apply only to the issuance or renewal of a permit the application for which is filed with the Texas Commission on Environmental Quality on or after the effective date of this article. The issuance or renewal of a permit the application for which is filed with the Texas Commission on Environmental Quality before the effective date of this article is governed by the law in effect when the application is filed, and the former law is continued in effect for that purpose.

SECTION ____ .04. Notwithstanding any other provision of this Act, this article takes effect September 1, 2007.

Amendment No. 7 was adopted.

Amendment No. 8

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

Amend **SB 12** on 3rd reading as follows:

1) Strike all references to "Sec. 39.9032" in Subchapter Z, Chapter 39, Utilities Code and replace with "Sec. 39.911";

2) In 39.911(b)(2), by striking Subsection (b)(2) as drafted and inserting the following: "(2) the rated capacity of the distributed renewable generation does not exceed the transmission and distribution utility or electric utility service capacity."

3) In Sec. 39.911 by striking subsection (f) and inserting a new subsection (f) to read as follows: "(f) A transmission and distribution utility or electric utility shall make available to a distributed renewable generation owner for purposes of this section metering required for services provided under this section, including separate meters that measure the load and generator output or a single meter capable of measuring in-flow and out-flow at the point of common coupling meter point. The distributed renewable generation owner must pay the differential cost of the metering unless the meters are provided at no additional cost. Except as provided by this section, Section 39.107 applies to metering under this section."

4) In 39.911, Subsection (g) after the period following "39.904." by inserting the following: "For electric utilities, the commission shall address the ownership of renewable energy credits associated with power sold to the utility."

5) By striking 39.911 Subsection (h) and inserting a new Subsection (h) to read as follows: "(h) An electric utility or retail electric provider may contract with a distributed renewable generation owner so that:

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

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

6) By striking 39.911, Subsection (j) and inserting a new subsection (i) to read as follows: "(i) For distributed renewable generation owners in areas in which customer choice has been introduced, the distributed renewable generation owner must sell the owner's surplus electricity produced to the retail electric provider that serves the distributed renewable generation owner and the provider that serves the owner's load which may include, but is not limited to, an agreed value based on the clearing price of energy at the time of day that the electricity is made available to the grid or it may be a credit applied to an account during a billing period that may be carried over to subsequent billing periods until the credit has been redeemed. The independent organization identified in Section 39.151 shall develop procedures so that the amount of electricity purchased from a distributed renewable generation owner under this section is accounted for in settling the total load served by the provider that serves that owner's load by January 1, 2009. A distributed renewable generation owner requesting net metering services for purposes of this section must have metering devices capable of providing measurements consistent with the independent organization's settlement requirements."

Amendment No. 8 was adopted.

Amendment No. 9

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.

Amendment No. 9 was adopted.

A record vote was requested.

SB 12, as amended, was passed by (Record 1501): 139 Yeas, 0 Nays, 2 Present, not voting. (The vote was reconsidered later today, and **SB 12**, as amended, was passed by Record 1503.)

Yeas — Allen; Alonzo; Anchia; Anderson; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Castro; Chavez; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; 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; 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; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Moreno.

Absent, Excused, Committee Meeting — Chisum.

Absent — Aycock; Callegari; Darby; Gattis; King, S.; Miller; Van Arsdale.

SB 548 ON THIRD 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 read third time on May 16 and was postponed until 8 a.m. today.

Amendment No. 1

Representative Y. Davis offered the following amendment to **SB 548**:

Amend **SB 548** on third reading as follows:

(1) In the introductory language to SECTION 1 of the bill (page 1, lines 4-5), strike "Subsection (b), Section 31.06, Penal Code, is amended" and substitute "Section 31.06, Penal Code, is amended by amending Subsection (b) and adding Subsection (g)".

(2) In SECTION 1 of the bill, immediately following amended Subsection (b), Section 31.06, Penal Code (page 2, between lines 2 and 3), insert the following:

(g) Notwithstanding Subsections (a) and (f), the prima facie evidence or presumption established by those subsections do not apply until 40 days after receipt of notice under Subsection (b) if:

(1) the notice was given only under Subsection (b)(1)(A); and

(2) the defendant claims that the defendant did not receive that notice.

(3) In the introductory language to SECTION 2 of the bill (page 2, lines 3-4), strike "Subsection (c), Section 32.41, Penal Code, is amended" and substitute "Section 32.41, Penal Code, is amended by amending Subsection (c) and adding Subsection (h)".

(4) In SECTION 2 of the bill, immediately following amended Subsection (c), Section 32.41, Penal Code (between page 2, line 27, and page 3, line 1), insert the following:

(h) Notwithstanding Subsections (b) and (d), the presumption established by Subsection (b) does not apply until 40 days after receipt of notice under Subsection (c), and the presumption established by Subsection (d) does not apply, if:

(1) the notice was given only under Subsection (c)(1)(A); and

(2) the defendant claims that the defendant did not receive that notice.

Amendment No. 1 was adopted.

A record vote was requested.

SB 548, as amended, was passed by (Record 1502): 146 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno.

Absent, Excused, Committee Meeting — Chisum.

Absent — Cohen.

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).

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.

CSSB 1655 was read second time on May 15, postponed until May 16, and was again postponed until 9:30 a.m. today.

CSSB 1655 - RECOMMITTED

Representative Hartnett moved to recommit **CSSB 1655** to the Committee on Judiciary.

The motion prevailed.

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, postponed until May 15, postponed until May 16, and was again postponed until 10 a.m. today.

SB 528 - RECOMMITTED

Representative Peña moved to recommit **SB 528** to the Committee on Criminal Jurisprudence.

The motion prevailed.

(Solomons in the chair)

SB 12 - VOTE RECONSIDERED

Representative Bonnen moved to reconsider the vote by which **SB 12**, as amended, was passed.

The motion to reconsider prevailed.

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. 10

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

Amend **SB 12** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 501.138(b-3), Transportation Code, is amended to read as follows:

(b-3) This subsection and Subsection (b-2) expire September 1, 2015 [~~2010~~].

Amendment No. 10 was adopted.

A record vote was requested.

SB 12, as amended, was passed by (Record 1503): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; 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 Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; 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.; Smithee; Solomons(C); Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Hartnett.

Absent, Excused — Moreno.

Absent, Excused, Committee Meeting — Chisum.

Absent — Smith, W.

SB 12 - HOUSE SPONSOR AUTHORIZED

On motion of Representative Bonnen, Representative Branch was authorized as a house sponsor to **SB 12**.

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, postponed until May 15, and was again postponed until 1 p.m. today.

Representative Hartnett moved to postpone consideration of **SB 1783** until 2:50 p.m. today.

The motion prevailed.

MAJOR STATE CALENDAR SENATE BILLS THIRD READING

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

SB 914 ON THIRD READING (Truitt, B. Cook, McClendon, Kolkhorst, and Flynn - House Sponsors)

SB 914, A bill to be entitled An Act relating to the continuation and functions of the Texas Real Estate Commission and the regulation of real estate brokers, salespersons, inspectors, appraisers, residential service companies, and timeshares; providing administrative penalties.

A record vote was requested.

SB 914 was passed by (Record 1504): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; 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 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, 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(C); Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Moreno.

Absent, Excused, Committee Meeting — Chisum.

Absent — Hernandez; Riddle.

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

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

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

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

A record vote was requested.

SB 1781 was passed by (Record 1505): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; 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, 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; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Moreno.

Absent, Excused, Committee Meeting — Chisum.

Absent — Anderson; Howard, C.; Thompson.

STATEMENTS OF VOTE

When Record No. 1505 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

I was shown voting yes on Record No. 1505. I intended to vote no.

Herrero

I was shown voting yes on Record No. 1505. I intended to vote no.

Leibowitz

When Record No. 1505 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

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**:

Turner on motion of Delisi.

SB 772 ON THIRD READING

(Menendez - House Sponsor)

SB 772, A bill to be entitled An Act relating to conditions of employment for certain peace officers.

A record vote was requested.

SB 772 was passed by (Record 1506): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; 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.; 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; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Moreno.

Absent, Excused, Committee Meeting — Chisum; Turner.

Absent — Bolton.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1506. I intended to vote no.

Flynn

SB 1541 ON THIRD READING (Elkins - House Sponsor)

SB 1541, A bill to be entitled An Act relating to the Uniform Commercial Code provisions relating to negotiable instruments.

A record vote was requested.

SB 1541 was passed by (Record 1507): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; 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; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Moreno.

Absent, Excused, Committee Meeting — Chisum; Turner.

Absent — England.

SB 1709 ON THIRD READING
(Turner - House Sponsor)

SB 1709, A bill to be entitled An Act relating to procedures to limit the carrying of handguns by persons other than peace officers on certain premises used for law enforcement.

A record vote was requested.

SB 1709 was passed by (Record 1508): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; 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; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Moreno.

Absent, Excused, Committee Meeting — Chisum; Turner.

SB 1217 ON THIRD READING
(Hamilton - House Sponsor)

SB 1217, A bill to be entitled An Act relating to fees for and terms of permits and licenses issued by the Texas Alcoholic Beverage Commission.

Amendment No. 1

Representative Hamilton offered the following amendment to **SB 1217**:

Amend **SB 1217** as follows:

(1) Insert the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill as appropriate:

SECTION _____. Section 11.40, Alcoholic Beverage Code, is repealed.

Amendment No. 1 was adopted.

A record vote was requested.

SB 1217, as amended, was passed by (Record 1509): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; 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; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Moreno.

Absent, Excused, Committee Meeting — Chisum; Turner.

Absent — Flynn; Hartnett; Peña.

STATEMENT OF VOTE

When Record No. 1509 was taken, my vote failed to register. I would have voted yes.

Flynn

SB 1169 ON THIRD READING (Elkins - House Sponsor)

SB 1169, A bill to be entitled An Act relating to the reimbursement of an insurance carrier for the overpayment of certain workers' compensation benefits.

A record vote was requested.

SB 1169 was passed by (Record 1510): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Christian; Cohen; 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.; 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; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Moreno.

Absent, Excused, Committee Meeting — Chisum; Turner.

Absent — Anchia; Coleman; King, T.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1510. I intended to vote no.

Herrero

I was shown voting yes on Record No. 1510. I intended to vote no.

Leibowitz

SB 955 ON THIRD READING (Turner - House Sponsor)

SB 955, A bill to be entitled An Act relating to use of electronically readable information on a driver's license or personal identification certificate by certain organizations that sponsor youth programs.

A record vote was requested.

SB 955 was passed by (Record 1511): 141 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; 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; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless;

Harper-Brown; 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; 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; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Riddle.

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

Absent, Excused — Moreno.

Absent, Excused, Committee Meeting — Chisum; Turner.

Absent — Bailey; Gonzalez Toureilles; Hughes.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1511. I intended to vote no.

Harless

I was shown voting no on Record No. 1511. I intended to vote yes.

Riddle

SB 255 ON THIRD READING (Phillips - House Sponsor)

SB 255, A bill to be entitled An Act relating to reports and information provided by the Texas Department of Transportation.

A record vote was requested.

SB 255 was passed by (Record 1512): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; 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; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Moreno.

Absent, Excused, Committee Meeting — Chisum; Turner.

Absent — England.

SB 295 ON THIRD READING
(Latham - House Sponsor)

SB 295, A bill to be entitled An Act relating to the administration of polygraph examinations to certain officers and employees of the Department of Public Safety of the State of Texas.

A record vote was requested.

SB 295 was passed by (Record 1513): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycocock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; 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; 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; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Moreno.

Absent, Excused, Committee Meeting — Chisum; Turner.

Absent — Quintanilla.

SB 324 ON THIRD READING
(Chisum - House Sponsor)

SB 324, A bill to be entitled An Act relating to contingent payment clauses in certain construction contracts.

SB 324 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE Y. DAVIS: I'm trying to understand what this does to subcontractors. What does this bill do to subcontractors? I had a couple persons contact me relative to this, so I want to understand how subcontractors are treated under this.

REPRESENTATIVE OTTO: I don't have the bill folder in front of me, I did look at this bill yesterday. What I understand was, this was agreed-to language between the contracting trade association, with subcontractors, to spell out when a subcontractor could look to the contractor for payment and when he should not, in those cases where he's not getting paid, and it specified in certain instances where the general contractor is still going to remain liable to the sub in some cases, even if he isn't getting paid. In some cases he will not.

Y. DAVIS: And because my subcontractors probably weren't a part of that agreed-to language, I just wanted to talk a little bit about their protection, because one of the things we continue to hear from our subcontractors is how they don't get paid. Also, I'm concerned that we don't put additional burden on contractors. So I want to understand if this bill passes, does it limit subcontractors from getting payments for services they provided?

OTTO: No, I do not believe this bill limits subcontractors. What it addresses is who they should look to in order to get paid for their work.

Y. DAVIS: And because a few sessions ago I had a bill, because there were subcontractors who did not get paid, or couldn't get paid, because there were disputes between the general contractor and the entities that they were contracted with. The subcontractor became a victim of their skirmishes, and so I'm trying to make sure that we haven't made that more difficult for subcontractors.

OTTO: I do not think this bill has made that more difficult, where the dispute is between the general contractor and their customer.

Y. DAVIS: Would the subcontractor's payment be delayed and/or is there a period of time that at some point they can no longer be secondary to the dispute, so that if the work that they performed that's a part of the general contract, the work that they performed is not a part of the dispute? Will they have problems getting paid for the work they've done?

OTTO: I can't say unequivocally that it's not going to be delayed, because it's going to depend on the nature of the facts that are there before them. But we're not changing law here, about whether or not they're still able to get their M&M liens on property when they do work.

Y. DAVIS: Let me ask you one other question, Mr. Otto. One other issue that came up relative to the subcontractors and the roles that they have, with regard to their payments and stuff, when this bill passes, I know that there was some language about how long the dispute could go on before it had to go to, before subcontractors could receive their money. Is that correct?

OTTO: I'm not advised about the time limit.

Y. DAVIS: I guess I just want some assurances that this bill doesn't do anything to hurt contractors meeting their obligations with subcontractors and the work that they do, so that we're not creating that kind of imbalance.

OTTO: Yvonne, it's my understanding that this bill actually will improve the situation with subcontractors in these cases about their ability to get paid. It's in no way diminishing their capacity to get paid for their work.

A record vote was requested.

SB 324 was passed by (Record 1514): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Christian; Cohen; Coleman; 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; 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; 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; Strama; Straus; Swinford; Talton; Taylor; Thompson; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Moreno.

Absent, Excused, Committee Meeting — Chisum; Turner.

Absent — Cook, B.; Haggerty; Jones; Merritt; Truitt.

STATEMENT OF VOTE

When Record No. 1514 was taken, I was in the house but away from my desk. I would have voted yes.

Truitt

REMARKS ORDERED PRINTED

Representative Y. Davis moved to print remarks between Representative Otto and Representative Y. Davis.

The motion prevailed.

SB 545 ON THIRD READING
(Jackson and Krusee - House Sponsors)

SB 545, A bill to be entitled An Act relating to the enforcement of commercial motor vehicle safety standards by certain peace officers.

A record vote was requested.

SB 545 was passed by (Record 1515): 137 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Christian; Cohen; Coleman; 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; Guillen; Hamilton; Hancock; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; 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; Strama; Straus; Swinford; Talton; Taylor; Thompson; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Moreno.

Absent, Excused, Committee Meeting — Chisum; Turner.

Absent — Bohac; Cook, B.; Goolsby; Haggerty; Hardcastle; Jackson; Jones; Truitt.

STATEMENT OF VOTE

When Record No. 1515 was taken, I was in the house but away from my desk. I would have voted yes.

Truitt

SB 24 ON THIRD READING
(S. King - House Sponsor)

SB 24, A bill to be entitled An Act relating to certain health care services provided through telemedicine or telehealth under the state Medicaid program.

A record vote was requested.

SB 24 was passed by (Record 1516): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; 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; 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; Murphy; Naishat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Moreno.

Absent, Excused, Committee Meeting — Chisum; Turner.

Absent — Hartnett; Jones; Phillips; Rodriguez.

SB 218 ON THIRD READING
(Hartnett - House Sponsor)

SB 218, A bill to be entitled An Act relating to licensing and inspection requirements of the Department of Family and Protective Services for certain facilities.

A record vote was requested.

SB 218 was passed by (Record 1517): 136 Yeas, 7 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; 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; 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; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Merritt; Miles; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Paxton; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zerwas.

Nays — Aycock; Macias; Miller; Parker; Patrick; Phillips; Zedler.

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

Absent, Excused — Moreno.

Absent, Excused, Committee Meeting — Chisum; Turner.

Absent — Goolsby; McReynolds.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1517. I intended to vote no.

Flynn

SB 329 ON THIRD READING (Harper-Brown - House Sponsor)

SB 329, A bill to be entitled An Act relating to an object or material placed on or attached to a window of a commercial motor vehicle.

A record vote was requested.

SB 329 was passed by (Record 1518): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Christian; Cohen; 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 Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; 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; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente;

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

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

Absent, Excused — Moreno.

Absent, Excused, Committee Meeting — Chisum; Turner.

Absent — Coleman; Davis, Y.; Hilderbran; Keffer.

SB 387 ON THIRD READING
(Harper-Brown - House Sponsor)

SB 387, A bill to be entitled An Act relating to loose material transported by vehicle.

A record vote was requested.

SB 387 was passed by (Record 1519): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; 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; 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; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smithee; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Van Arsdale; Vaught; Veasey; Villarreal; Vo; Woolley; Zedler; Zerwas.

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

Absent, Excused — Moreno.

Absent, Excused, Committee Meeting — Chisum; Turner.

Absent — Harless; O'Day; Smith, W.; West.

(Moreno now present)

SB 932 ON THIRD READING
(Bonnen - House Sponsor)

SB 932, A bill to be entitled An Act relating to the required contents of a voter registration certificate.

A record vote was requested.

SB 932 was passed by (Record 1520): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; 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; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused, Committee Meeting — Chisum; Turner.

Absent — Moreno.

SB 723 ON THIRD READING
(Rose and Pierson - House Sponsors)

SB 723, A bill to be entitled An Act relating to requiring that the Department of Family and Protective Services maintain and report certain information in connection with the placement of children.

A record vote was requested.

SB 723 was passed by (Record 1521): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; 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.; 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; Moreno; 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; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused, Committee Meeting — Chisum; Turner.

Absent — Alonzo.

SB 867 ON THIRD READING
(Peña, Naishtat, and J. Davis - House Sponsors)

SB 867, A bill to be entitled An Act relating to procedures regarding criminal defendants who are or may be persons with mental illness or mental retardation.

A record vote was requested.

SB 867 was passed by (Record 1522): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; 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 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; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; 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; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused, Committee Meeting — Chisum; Turner.

SB 968 ON THIRD READING
(Chisum - House Sponsor)

SB 968, A bill to be entitled An Act relating to financing tools for certain obligations for public improvements.

A record vote was requested.

SB 968 was passed by (Record 1523): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; 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; Moreno; 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; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused, Committee Meeting — Chisum; Turner.

SB 1215 ON THIRD READING **(Miles - House Sponsor)**

SB 1215, A bill to be entitled An Act relating to the quantity of beer or malt liquor a distributor or wholesaler may withdraw from a retailer.

A record vote was requested.

SB 1215 was passed by (Record 1524): 140 Yeas, 4 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; 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; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; 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; Moreno; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Olivo; Orr;

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

Nays — Harper-Brown; Miller; Phillips; Talton.

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

Absent, Excused, Committee Meeting — Chisum; Turner.

Absent — Oliveira.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1524. I intended to vote no.

Flynn

SB 1154 ON THIRD READING

(Phillips - House Sponsor)

SB 1154, A bill to be entitled An Act relating to regulation of metal recycling entities; providing penalties.

Amendment No. 1

Representative Phillips offered the following amendment to **SB 1154**:

Amend **SB 1154** House Committee Substitute as follows:

(1) In SECTION 2, amend Chapter 1956, Occupations Code, Subchapter A, Section 1956.001, page 2, beginning on line 2 of the bill, to read as follows:

(4) "Copper or brass material" means:

(A) insulated or noninsulated copper wire or cable of the type used by a public utility or common carrier that ~~consists of at least 50%~~ contains copper or an alloy of copper or zinc.

Amendment No. 1 was adopted.

A record vote was requested.

SB 1154, as amended, was passed by (Record 1525): 143 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Burnam; Callegari; 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; 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;

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

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

Absent, Excused, Committee Meeting — Chisum; Turner.

Absent — Brown, F.; Castro.

STATEMENT OF VOTE

When Record No. 1525 was taken, I was in the house but away from my desk. I would have voted yes.

Castro

SB 943 ON THIRD READING (Truitt - House Sponsor)

SB 943, A bill to be entitled An Act relating to the licensing and regulation of wholesale distributors of prescription drugs; providing penalties.

A record vote was requested.

SB 943 was passed by (Record 1526): 141 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; 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; Flores; Flynn; 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, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Moreno; 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; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Crabb; Hancock; Miller.

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

Absent, Excused, Committee Meeting — Chisum; Turner.

Absent — Bolton; Macias.

SB 1434 ON THIRD READING
(Flynn - House Sponsor)

SB 1434, A bill to be entitled An Act relating to the selection of election officers for early voting for the general election for state and county officers.

A record vote was requested.

SB 1434 was passed by (Record 1527): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycocock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; 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.; 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; Moreno; 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; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused, Committee Meeting — Chisum; Turner.

Absent — Bolton; Pierson.

STATEMENT OF VOTE

When Record No. 1527 was taken, I was in the house but away from my desk. I would have voted yes.

Pierson

SB 1499 ON THIRD READING
(Corte - House Sponsor)

SB 1499, A bill to be entitled An Act relating to the meeting notice that a governmental body may post in certain emergency situations.

A record vote was requested.

SB 1499 was passed by (Record 1528): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Giddings; Gonzales; Gonzalez Toureilles; 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; Moreno; 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; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused, Committee Meeting — Chisum; Turner.

Absent — Geren; Goolsby.

SB 1723 ON THIRD READING (Krusee - House Sponsor)

SB 1723, A bill to be entitled An Act relating to the collection of surcharges assessed under the driver responsibility program.

A record vote was requested.

SB 1723 was passed by (Record 1529): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; 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; 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; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; 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; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused, Committee Meeting — Chisum; Turner.

Absent — Goolsby; Macias.

SB 361 ON THIRD READING
(J. Davis - House Sponsor)

SB 361, A bill to be entitled An Act relating to the deadline for submitting a federal postcard application to the early voting clerk.

A record vote was requested.

SB 361 was passed by (Record 1530): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; 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; 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; 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; Moreno; 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; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused, Committee Meeting — Chisum; Turner.

Absent — Bolton; Elkins; Hartnett.

POSTPONED BUSINESS

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

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, postponed until May 15, postponed until 1 p.m. today, and was again postponed until this time.

Amendment No. 1

Representative Hartnett offered the following amendment to **SB 1783**:

Amend **SB 1783** in SECTION 1 of the bill by striking added Subsection (c), Section 6.702, Family Code (committee printing page 1, lines 12 through 15), and substituting the following:

(c) A waiting period is not required under Subsection (a) before a court may grant a divorce in a suit in which:

(1) the respondent has been finally convicted of an offense an element of which included the respondent assaulting or threatening the petitioner;

(2) a party submits to the court evidence that the other party to the suit has committed family violence against the party or has mentally, emotionally, verbally, or psychologically abused the party, including:

(A) a copy of a protective order issued under Title 4 against the other party because of family violence;

(B) a police record documenting family violence by the other party against the party submitting the evidence;

(C) a statement by a physician or other medical evidence that indicates that the party submitting the evidence was a victim of family violence;

or

(D) a sworn statement by a counselor or advocate in a family violence program that indicates that the party submitting the evidence was a victim of family violence or mental, emotional, verbal, or psychological abuse; or

(3) the parties submit to the court a certificate of completion of a crisis marriage education course.

Amendment No. 1 was adopted.

Amendment No. 1 - Vote Reconsidered

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

The motion to reconsider prevailed.

Amendment No. 2

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

Amend Amendment No. 1 by Hartnett to **SB 1783** as follows:

(1) In added Subdivision (3), Subsection (c), Section 6.702, Family Code (committee printing page __, line __), between "course" and the period, insert "under Section 6.412".

(2) Add the following appropriately numbered item to the amendment and renumber subsequent items accordingly:

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

SECTION _____. Subchapter E, Chapter 6, Family Code, is amended by adding Section 6.412 to read as follows:

Sec. 6.412. CRISIS MARRIAGE EDUCATION COURSES. (a) A crisis marriage education course must include at least 10 hours, completed within a 48-hour period. The goal of the course, and the focus of each component of the course, is marriage restoration.

(b) A crisis marriage education course must, at a minimum, include instruction in:

- (1) conflict management;
- (2) communication skills;
- (3) forgiveness skills; and
- (4) key components of a successful marriage.

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

- (1) marriage educators;
- (2) clergy or their designees;
- (3) licensed mental health professionals;
- (4) faith-based organizations; and
- (5) community-based organizations.

(d) The curricula of a crisis marriage education course must meet the requirements of this section and provide the skills-based and research-based curricula published by the National Healthy Marriage Resource Center administered by the Administration for Children and Families of the United States Department of Health and Human Services or other similar resources, including the Coalition for Marriage, Family, and Couples Education.

(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. The Health and Human Services Commission shall develop guidelines to determine which individuals and organizations may register with the commission's Internet website.

(f) A person who provides a marriage education course shall provide a signed and dated completion certificate to each couple that completes the course. The certificate must include the name of the course, the name of the course provider, and the completion date.

Amendment No. 2 was withdrawn.

AMENDMENT NO. 1 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BOLTON: I'd like to clarify a few things for the purpose of legislative intent.

REPRESENTATIVE HARTNETT: Yes, ma'am.

BOLTON: And basically, what I want to be sure of, is that your amendment—and I appreciate your recognition that most batterers don't ever get arrested, much less convicted, of anything.

HARTNETT: Correct.

BOLTON: So I appreciate that you're aware of that.

HARTNETT: Right.

BOLTON: So your amendment does not require anyone to go to court, or to go to counseling, in order to extricate themselves from a violent marriage?

HARTNETT: Correct. This is purely an extra option.

REMARKS ORDERED PRINTED

Representative Bolton moved to print remarks between Representative Hartnett and Representative Bolton.

The motion prevailed.

Amendment No. 1 was adopted.

SB 1783 - POINT OF ORDER

Representative Thompson raised a point of order against further consideration of **SB 1783** under Article III, Section 35 of the Texas Constitution on the grounds that it violates the one subject rule.

The chair sustained the point of order.

SB 1783 was returned to the Committee on State Affairs.

MAJOR STATE CALENDAR

SENATE BILLS

SECOND READING

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

SB 792 ON SECOND READING

(W. Smith - House Sponsor)

SB 792, A bill to be entitled An Act relating to the authority of certain counties and other entities with respect to certain transportation projects and to comprehensive development agreements with regard to such projects; authorizing the issuance of bonds; providing penalties.

Amendment No. 1

Representatives Kolkhorst, Zerwas, Anderson, Macias, Miller, Darby, and Bohac offered the following amendment to **SB 792**:

Amend **SB 792** (House Committee printing) as follows:

(1) In SECTION 3.01 of the bill, at the end of proposed Section 223.210, Transportation Code (page 10, between lines 12 and 13), insert:

(s) This section applies to a facility agreement under a comprehensive development agreement in the same manner that it applies to a comprehensive development agreement, regardless of whether the comprehensive development agreement was entered into on or after May 1, 2007, if the facility agreement was entered into on or after that date.

(2) In SECTION 4.01 of the bill, in amended Subsection (f), Section 223.201, Transportation Code (page 10, at the end of line 18), add "or facility agreements under a comprehensive development agreement".

(3) In SECTION 11.01 of the bill, at the end of proposed Section 371.103, Transportation Code (page 62, between lines 4 and 5), insert:

(f) This section applies to a facility agreement under a comprehensive development agreement in the same manner that it applies to a comprehensive development agreement, regardless of whether the commission selected an apparent best value proposer for the comprehensive development agreement before May 1, 2007, if the facility agreement was entered into on or after that date.

(4) In SECTION 11.01 of the bill, in proposed Subsection (a), Section 371.153, Transportation Code (page 64, line 2), strike "later" and substitute "earlier".

AMENDMENT NO. 1 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE LUCIO: Thank you, Lois. The amendment that you're adding will only apply to the moratoriums outside of the carve-outs, is that correct?

REPRESENTATIVE KOLKHORST: That is correct. It is anyone who has, I mean, you've been carved out, Eddie. So if your area decides they want to sign a comprehensive development agreement and move forward on I-69, and that has some public, hopefully, input, and y'all think it's a good deal, you can do that.

REMARKS ORDERED PRINTED

Representative Lucio moved to print remarks between Representative Kolkhorst and Representative Lucio.

The motion prevailed.

Amendment No. 1 was withdrawn.

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 5 and 6).

SB 792 - (consideration continued)

Amendment No. 2

Representatives Kolkhorst, Zerwas, and Darby offered the following amendment to **SB 792**:

Amend **SB 792** in SECTION 3.01 of the bill, following proposed Subsection (k), Section 223.210, Transportation Code (House committee printing, at the end of page 8), by adding:

(k-1) If the department incurs a monetary penalty for the construction of a competing transportation project under a provision in a comprehensive development agreement approved by a county under Subsection (k), payment of the penalty may be made only with money that would otherwise be allocated for projects in the department district in which the county is located.

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative Pickett offered the following amendment to **SB 792**:

Amend **SB 792** in SECTION 3.01 of the bill, in added Section 223.210(r), Transportation Code (House committee printing, page 10, line 12), between "border" and the period, by inserting ", except that Subsection (b) does not apply to a project that is located in a county that has a population of 600,000 or more and is adjacent to an international border only if before May 1, 2007, the project has been adopted by the metropolitan planning organization for the county in the transportation improvement plan or metropolitan transportation plan.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Macias offered the following amendment to **SB 792**:

Amend **SB 792** in SECTION 11.01 of the bill by striking added Subsection (d), Section 371.052, Transportation Code (house committee printing, page 58, line 25, through page 59, line 5).

LEAVE OF ABSENCE GRANTED

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

Puente on motion of Flores.

SB 792 - (consideration continued)

Representative Krusee moved to table Amendment No. 4.

A record vote was requested.

The motion to table prevailed by (Record 1531): 101 Yeas, 41 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bolton; Bonnen; Branch; Brown, F.; Callegari; Chavez; Cohen; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dutton; Eiland; Elkins; England; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Giddings; Gonzales; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Isett; Jackson; Jones; Keffer; King, T.; Krusee; Kuempel; Lucio; Madden; Mallory Caraway; Martinez; McCall; McReynolds; Menendez; Merritt; Miles; Mowery; Naishtat; Noriega; Oliveira;

Olivo; Orr; Ortiz; Otto; Patrick; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Strama; Swinford; Taylor; Thompson; Truitt; Vaught; Vo; West; Woolley; Zedler; Zerwas.

Nays — Anderson; Aycock; Bailey; Berman; Bohac; Brown, B.; Burnam; Castro; Christian; Corte; Creighton; Dunnam; Eissler; Farias; Gattis; Geren; Harper-Brown; Hilderbran; Hughes; King, P.; King, S.; Kolkhorst; Latham; Laubenberg; Leibowitz; Macias; Martinez Fischer; McClendon; Miller; Morrison; Murphy; O'Day; Parker; Paxton; Riddle; Smithee; Straus; Talton; Van Arsdale; Veasey; Villarreal.

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

Absent, Excused — Puente.

Absent, Excused, Committee Meeting — Chisum; Turner.

Absent — Gonzalez Toureilles; Hill; Moreno.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1531. I intended to vote no.

Harless

Amendment No. 5

Representative Pickett offered the following amendment to **SB 792**:

Amend **SB 792** by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill appropriately:

ARTICLE ____ . METROPOLITAN PLANNING ORGANIZATIONS
SECTION ____ .01. Subchapter D, Chapter 472, Transportation Code, is amended by adding Section 472.034 to read as follows:

Sec. 472.034. ETHICS POLICY. Each policy board shall adopt bylaws establishing an ethics policy to prevent a policy board member from having a conflict of interest in business before the metropolitan planning organization.

Amendment No. 5 was adopted.

Amendment No. 6

Representative Pickett offered the following amendment to **SB 792**:

Amend **SB 792** (house committee printing) by adding the following appropriately numbered SECTION to ARTICLE 10 of the bill and renumbering subsequent SECTIONS accordingly:

SECTION ____ . Section 370.302, Transportation Code, is amended by adding Subsection (j) to read as follows:

(j) An authority created under Section 370.031(c) may not enter into an agreement:

(1) for the construction, operation, or maintenance of a transportation project that requires a total expenditure of more than \$200 million unless the project is approved by a majority of the voters who:

(A) reside within the boundaries of the authority; and

(B) vote in an election held for the purpose of approving the transportation project; or

(2) with another state of the United States or the United Mexican States unless the agreement is approved by a majority vote of the governing body of a municipality creating or participating in the authority.

Amendment No. 6 was adopted.

Amendment No. 7

Representative Pickett offered the following amendment to **SB 792**:

Amend **SB 792** (House committee printing) in ARTICLE 10 of the bill by adding the following appropriately numbered SECTION and renumbering SECTIONS of the ARTICLE appropriately:

SECTION 10. _____. Section 370.251, Transportation Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1), the [The] governing body of an authority is a board of directors consisting of representatives of each county in which a transportation project of the authority is located or is proposed to be located. The commissioners court of each county that initially forms the authority shall appoint at least two directors to the board. Additional directors may be appointed to the board at the time of initial formation by agreement of the counties creating the authority to ensure fair representation of political subdivisions in the counties of the authority that will be affected by a transportation project of the authority, provided that the number of directors must be an odd number. The commissioners court of a county that is subsequently added to the authority shall appoint one director to the board. The governor shall appoint one director to the board who shall serve as the presiding officer of the board and shall appoint an additional director to the board if an appointment is necessary to maintain an odd number of directors on the board.

(a-1) Subject to Subsections (g)(1), (3), (4), and (5) and Section 370.252, to be eligible to serve as director of an authority created by a municipality an individual:

(1) may be a representative of an entity that also has representation on a metropolitan planning organization in the region where the municipality is located; and

(2) is not required to be a resident of Texas if the metropolitan planning organization's geographic area includes territory in another state.

Amendment No. 7 was adopted.

Amendment No. 8

Representative England offered the following amendment to **SB 792**:

Amend **SB 792** (House committee printing) as follows:

(1) In SECTION 7.01 of the bill, added Section 228.0111(s)(1), Transportation Code (page 28, lines 4 and 5), strike "except for the State Highway 161 project in Dallas County".

(2) In SECTION 7.01 of the bill, added Section 228.0111(s)(4), Transportation Code (page 28, line 13), strike "or".

(3) In SECTION 7.01 of the bill, added Section 228.011(s)(5), Transportation Code (page 28, line 15), between "IH 30" and the period, insert the following:

; or

(6) the state Highway 161 project in Dallas County

(4) Strike SECTION 7.02 of the bill (page 29, line 26 through page 30, line 1).

(Turner now present)

(Speaker in the chair)

Representative W. Smith moved to table Amendment No. 8.

A record vote was requested.

The motion to table prevailed by (Record 1532): 74 Yeas, 62 Nays, 2 Present, not voting.

Yeas — Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Dutton; Eissler; Elkins; Escobar; Farrar; Flynn; Garcia; Gattis; Geren; Gonzales; Goolsby; Hamilton; Hancock; Harless; Harper-Brown; Hernandez; Herrero; Hilderbran; Hill; Hopson; Howard, C.; Howard, D.; Jones; Keffer; King, T.; Kolkhorst; Krusee; Kuempel; Leibowitz; Lucio; Macias; Mallory Caraway; Miller; Murphy; Noriega; O'Day; Olivo; Orr; Ortiz; Otto; Parker; Peña; Phillips; Pickett; Ritter; Smith, W.; Smithee; Straus; Swinford; Talton; Taylor; Van Arsdale; Veasey; Vo; West; Zedler.

Nays — Allen; Alonzo; Anchia; Anderson; Bailey; Bolton; Branch; Burnam; Castro; Chavez; Cohen; Davis, Y.; Driver; Dukes; Eiland; England; Farabee; Flores; Frost; Gallego; Giddings; Gonzalez Toureilles; Guillen; Haggerty; Hartnett; Heflin; Hochberg; Hodge; Homer; Hughes; Isett; Jackson; Latham; Laubenberg; Madden; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Mowery; Naishtat; Oliveira; Patrick; Paxton; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Smith, T.; Solomons; Thompson; Truitt; Vaught; Villarreal; Woolley; Zerwas.

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

Absent, Excused — Puente.

Absent, Excused, Committee Meeting — Chisum.

Absent — Aycock; Dunnam; Farias; Hardcastle; King, P.; King, S.; Martinez Fischer; Moreno; Morrison; Turner.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1532. I intended to vote yes.

Heflin

I was shown voting yes on Record No. 1532. I intended to vote no.

Hill

I was shown voting no on Record No. 1532. I intended to vote yes.

Laubenberg

I was shown voting yes on Record No. 1532. I intended to vote no.

Mallory Caraway

I was shown voting yes on Record No. 1532. I intended to vote no.

Parker

I was shown voting no on Record No. 1532. I intended to vote yes.

Paxton

Amendment No. 9

Representative Phillips offered the following amendment to **SB 792**:

Amend **SB 792** as follows:

(1) In SECTION 3.01 of the bill, immediately after proposed Section 223.210(g), Transportation Code (House committee printing, page 7, between lines 10 and 11), insert:

(g-1) Subsection (b) does not apply to a comprehensive development agreement in connection with a project other than a Trans-Texas Corridor project if:

(1) the project is located in the territory of a regional mobility authority that:

(A) was created before January 1, 2005; and

(B) is composed of a single county having a population of less than 125,000; and

(2) the commissioners court of the county in which the project is located by official action approves the exemption from Subsection (b).

(2) In SECTION 7.01 of the bill, in proposed Subsection (s)(3), Section 228.0111, Transportation Code (House committee printing, page 28, line 11), between "County" and the semicolon insert ", regardless of which local toll project entity develops the extension into Grayson County".

Amendment No. 9 was adopted.

Amendment No. 10

Representative Peña offered the following amendment to **SB 792**:

Amend **SB 792** in SECTION 3.01 of the bill, by striking proposed Subsection (f), Section 223.210, Transportation Code (House Committee Printing, page 7, lines 4-7), and substituting:

(f) Subsection (b) does not apply to a comprehensive development agreement in connection with a project:

(1) on the ISTEA High Priority Corridor identified in Sections 1105(c)(18) and (20) of the Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. No. 102-240), as amended by Section 1211 of the Transportation Equity Act for the 21st Century (Pub. L. No. 105-178, as amended by Title IX, Pub. L. No. 105-206), including land adjacent to the project needed to widen the project for a transportation use, if the project remains in a highway corridor designated by those laws; and

(2) located south of the San Antonio River.

Amendment No. 10 was adopted.

Amendment No. 11

Representative Creighton offered the following amendment to **SB 792**:

Amend **SB 792**, House committee report, as follows:

(1) In SECTION 7.01 of the bill, strike Subdivisions (7) and (8), Subsection (a), Section 228.011 (page 15, lines 10-13), and substitute the following:

(7) Westpark Toll Road Phase II, between Grand Parkway (State Highway 99) and FM 1463;

(8) Fort Bend Parkway, between State Highway 6 and the Brazos River;
and

(9) Montgomery County Parkway, between State Highway 242 and the Grand Parkway (State Highway 99), and if the Grand Parkway project has not begun construction, a non-tolled extension of the Montgomery County Parkway to allow a connection to Interstate Highway 45."

Amendment No. 11 was adopted.

Amendment No. 12

Representative Callegari offered the following amendment to **SB 792**:

Amend **SB 792** (House committee printing) as follows:

(1) In SECTION 9.07 of the bill, between added Subsections (d) and (e), Section 366.185, Transportation Code (page 53, between lines 4 and 5), insert the following:

(d-1) This subsection takes effect only if Senate Bill No. 1886, Acts of the 80th Legislature, Regular Session, 2007, is enacted and becomes law. The rules adopted under Subsection (d) must be consistent with the design-build procedures provided by Subchapter J, Chapter 271, Local Government Code.

(2) In SECTION 9.07 of the bill, added Subsection (e), Section 366.185, Transportation Code (page 53, lines 5 through 11), strike the first sentence of the subsection and substitute the following:

An authority may contract for the construction of a turnpike project by a construction manager at-risk procedure under which the construction manager at-risk provides consultation services to the authority during the design of the turnpike project and is responsible for the construction of the turnpike project in accordance with the authority's plans and specifications.

(3) In ARTICLE 10 of the bill, add the following SECTION, appropriately numbered, and renumber subsequent SECTIONS accordingly:

SECTION 10.____. (a) Section 370.314, Transportation Code, is amended to read as follows:

Sec. 370.314. DESIGN-BUILD PROCEDURES [~~COMBINATION OF ENGINEERING, DESIGN, AND CONSTRUCTION SERVICES~~]. (a) An authority may procure a combination of engineering, design, and construction services in a single procurement for a transportation project provided that any contract awarded must be the one that results in the best value to the authority.

(b) Procedures adopted under Subsection (a) must be consistent with the design-build procedures provided by Subchapter J, Chapter 271, Local Government Code.

(b) Subsection (a) of this section takes effect only if **SB 1886**, Acts of the 80th Legislature, Regular Session, 2007, is enacted and becomes law.

Amendment No. 12 was adopted.

(Corte in the chair)

Amendment No. 13

Representatives Kolkhorst, Miles, Miller, Anderson, Bohac, Darby, and Zerwas offered the following amendment to **SB 792**:

Amend **SB 792** (House Committee printing) as follows:

(1) In SECTION 3.01 of the bill, at the end of proposed Section 223.210, Transportation Code (page 10, between lines 12 and 13), insert:

(s) This section applies to a facility agreement under a comprehensive development agreement in the same manner that it applies to a comprehensive development agreement, regardless of whether the comprehensive development agreement was entered into on or after May 1, 2007, if the facility agreement was entered into on or after that date.

(2) In SECTION 4.01 of the bill, in amended Subsection (f), Section 223.201, Transportation Code (page 10, at the end of line 18), add "or facility agreements under a comprehensive development agreement".

(3) In SECTION 11.01 of the bill, at the end of proposed Section 371.103, Transportation Code (page 62, between lines 4 and 5), insert:

(f) This section applies to a facility agreement under a comprehensive development agreement in the same manner that it applies to a comprehensive development agreement, regardless of whether the commission selected an apparent best value proposer for the comprehensive development agreement before May 1, 2007, if the facility agreement was entered into on or after that date.

(4) In SECTION 11.01 of the bill, in proposed Subsection (a), Section 371.153, Transportation Code (page 64, line 2), strike "later" and substitute "earlier".

Amendment No. 14

Representative Kolkhorst offered the following amendment to Amendment No. 13:

Amend Amendment No. 13 to **SB 792** by Kolkhorst in item (1) of the amendment, at the end of proposed Subsection (s), Section 223.210, Transportation Code (page 1, line 10), by adding "This subsection does not apply to a facility agreement under a comprehensive development agreement to which Subsection (b) does not apply."

Amendment No. 14 was adopted.

Amendment No. 13, as amended, was adopted.

Amendment No. 15

Representatives Kolkhorst, Darby, and Zerwas offered the following amendment to **SB 792**:

Amend **SB 792** in SECTION 3.01 of the bill, following proposed Subsection (k), Section 223.210, Transportation Code (House committee printing, at the end of page 8), by adding:

(k-1) If the department incurs a monetary penalty for the construction of a competing transportation project under a provision in a comprehensive development agreement approved by a county under Subsection (k), payment of the penalty may be made only with money that would otherwise be allocated for projects in the department district in which the county is located.

Amendment No. 15 was adopted.

Amendment No. 16

Representative Kolkhorst offered the following amendment to **SB 792**:

Amend **SB 792** in SECTION 7.01 of the bill, in proposed Section 228.0111, Transportation Code (House committee printing, page 21, between lines 10 and 11), by inserting:

(f-3) A third party that develops a market valuation under Subsection (f) may not be an entity that:

(1) invests money, either directly or indirectly through investment in the entity's equities or obligations, in a private entity that participates in the financing, development, construction, or operation of toll projects; or

(2) directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with a private entity that participates in the financing, development, construction, or operation of toll projects, as the term "control" is described by Section 21.605, Business Organizations Code.

Amendment No. 16 was adopted.

Amendment No. 17

Representative Kolkhorst offered the following amendment to **SB 792**:

Amend **SB 792** in SECTION 11.01 of the bill, in proposed Section 371.101(c), Transportation Code (House committee printing, page 59, line 22), by striking "new".

(Speaker in the chair)

Representative Krusee moved to table Amendment No. 17.

A record vote was requested.

The motion to table was lost by (Record 1533): 65 Yeas, 79 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Bailey; Bolton; Branch; Brown, F.; Christian; Cohen; Cook, B.; Crabb; Davis, Y.; Delisi; Deshotel; Driver; Dutton; Eiland; England; Escobar; Farrar; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Hartnett; Hernandez; Hill; Hochberg; Howard, C.; Howard, D.; Isett; Jones; Keffer; Krusee; Kuempel; Laubenberg; Lucio; Madden; Martinez; McCall; Merritt; Murphy; Oliveira; Ortiz; Otto; Phillips; Pierson; Pitts; Ritter; Smith, T.; Smith, W.; Solomons; Talton; Truitt; Vaught; Vo; West; Woolley; Zerwas.

Nays — Aycock; Berman; Bohac; Bonnen; Brown, B.; Burnam; Callegari; Castro; Chavez; Coleman; Cook, R.; Corte; Creighton; Crownover; Darby; Davis, J.; Dukes; Dunnam; Eissler; Elkins; Farabee; Farias; Flores; Flynn; Frost; Gallego; Gattis; Geren; Guillen; Harless; Harper-Brown; Heflin; Herrero; Hilderbran; Hodge; Homer; Hopson; Hughes; King, P.; King, T.; Kolkhorst; Latham; Leibowitz; Macias; Mallory Caraway; Martinez Fischer; McClendon; McReynolds; Menendez; Miles; Miller; Morrison; Mowery; Naisstat; Noriega; O'Day; Olivo; Orr; Parker; Patrick; Paxton; Peña; Pickett; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Smithee; Strama; Straus; Swinford; Taylor; Thompson; Turner; Van Arsdale; Veasey; Villarreal; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Puente.

Absent, Excused, Committee Meeting — Chisum.

Absent — Jackson; King, S.; Moreno.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1533. I intended to vote no.

Anderson

I was shown voting yes on Record No. 1533. I intended to vote no.

Delisi

I was shown voting no on Record No. 1533. I intended to vote yes.

Gallego

I was shown voting no on Record No. 1533. I intended to vote yes.

Geren

Amendment No. 18

Representative Pickett offered the following amendment to Amendment No. 17:

Amend the Kolkhorst amendment on page 1, by adding the following item to the amendment:

Amend **SB 792**, in Section 11.01 of the bill, at the end of proposed Section 371.101(c), Transportation Code (on page 59, line 23), between "project" and the period, insert the following:

, if not included in an agreed base case financial model under Subsection (b)

Amendment No. 18 was adopted.

Amendment No. 17, as amended, was adopted.

Amendment No. 19

Representative Morrison offered the following amendment to **SB 792**:

Amend **SB 792** in SECTION 3.01 of the bill, proposed Section 223.210(f), Transportation Code (House committee printing, on page 7, lines 6 and 7), by striking "the San Antonio River" and substituting "Refugio County".

Amendment No. 19 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. 7).

SB 792 - (consideration continued)

Amendment No. 20

Representative Riddle offered the following amendment to **SB 792**:

Amend **SB 792** in SECTION 3.01 of the bill in proposed Subsection (e), Section 223.210, Transportation Code (House committee printing page 7, line 3), between "project" and the period, by inserting "other than the F2 Study Segment of that project".

AMENDMENT NO. 20 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE RIDDLE: When I went to you a little while ago and told you about this amendment and we discussed the fact that, with the moratorium, this would hold the construction off. Yes, it does have something to do with funding, but it also has to do with the beginning of construction, that it would give time for us to determine the location. Did I not share with you that my constituents have offered alternative routes? They're not opposed to the Grand Parkway in concept, did I not share that with you?

REPRESENTATIVE W. SMITH: You have indicated to me that an alternate route had been looked at, yes.

RIDDLE: Well, that they had offered an alternate route. And did I not share with you that they were not opposed to Grand Parkway in concept, they were opposed to the northernmost location of the F-2 segment, and that we needed more time, and that the construction, under the moratorium, that that would not go forward? You just indicated that that had nothing to do with it. Did you intend to say that?

W. SMITH: That it has nothing not do with what? Say that again, I didn't understand.

RIDDLE: The construction. You said it had more to do with the finance and not construction, the beginning of construction.

W. SMITH: No, it has to do, from what you talked with me about, it has to do with an alignment study, and of course where you put those makes a difference on how much they cost. But your concern seems to be more of the location, other than the issue of the financing.

RIDDLE: But the moratorium, did I not share with you, that that would give time in order for a better location to be determined?

W. SMITH: Yes, you did.

RIDDLE: That is what this is about, is giving my district more time so that their voice will be heard, that their neighborhoods will not be destroyed, that the community will not be destroyed, and that we can determine a better location.

Representative W. Smith moved to table Amendment No. 20.

A record vote was requested.

The motion to table prevailed by (Record 1534): 118 Yeas, 26 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Aycock; Bailey; Bonnen; Branch; Brown, F.; Burnam; Castro; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; England; Escobar; Farabee; Farrar; Flores; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; 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; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Moreno; Morrison; Mowery; Murphy; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Truitt; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler.

Nays — Anderson; Berman; Bohac; Bolton; Brown, B.; Callegari; Chavez; Crabb; Elkins; Flynn; Frost; Gattis; Harless; Harper-Brown; Hughes; Latham; Laubenberg; Macias; Miller; O'Day; Peña; Riddle; Thompson; Turner; Van Arsdale; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Puente.

Absent, Excused, Committee Meeting — Chisum.

Absent — Deshotel; Farias; Talton.

STATEMENT OF VOTE

I was shown voting no on Record No. 1534. I intended to vote yes.

Bolton

Amendment No. 21

Representative Y. Davis offered the following amendment to **SB 792**:

Amend **SB 792** by adding the following SECTION to the bill, appropriately numbered, and renumbering existing SECTIONS accordingly:

SECTION _____. Chapter 379C, Local Government Code, is amended by adding Section 379C.0085 to read as follows:

Sec. 379C.0085. RESALE OF CERTAIN REAL PROPERTY; OFFER TO LAND BANK. (a) In this section, "department" means the Texas Department of Transportation.

(b) This section applies only to real property in a municipality to which this chapter applies that was acquired by the department for right-of-way purposes through the use of eminent domain, including any land acquired for toll projects or under the terms of a comprehensive development agreement under the Transportation Code.

(c) If all or any part of the real property ceases to be needed for right-of-way purposes, in connection with the unneeded property, the department shall comply with Sections 21.102 and 21.103, Property Code.

(d) If the property owner, or the owner's heirs, successors, or assigns, elects not to repurchase the real property from the department, the department shall offer the land bank the option to acquire all or any part of the unneeded property, without cost or expense to the land bank.

Amendment No. 21 was withdrawn.

Amendment No. 22

Representative Quintanilla offered the following amendment to **SB 792**:

Amend **SB 792** (House committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES accordingly.

ARTICLE _____. INTERNATIONAL TOLL BRIDGES

SECTION _____.01. Subchapter A, Chapter 364, Transportation Code, is amended by adding Section 364.0001 to read as follows:

Sec. 364.0001. DEFINITION. In this chapter, "bridge" includes a bridge used by vehicles, pedestrians, or railroads, or a combination of vehicles, pedestrians, or railroads.

SECTION _____.02. Subchapter A, Chapter 364, Transportation Code, is amended by adding Section 364.004 to read as follows:

Sec. 364.004. AGREEMENTS RELATING TO TOLL BRIDGE. (a) A county may enter into and make payments under an agreement with a private entity or another governmental entity to acquire, construct, maintain, or operate a toll bridge, including an international toll bridge, and a private or governmental entity in this state may enter into an agreement with a county for that purpose.

(b) In connection with or in support of an agreement entered into under Subsection (a), the county may enter into a lease, an operating agreement, a service agreement, a license agreement, a franchise agreement, or a similar agreement with a private entity or another governmental entity.

SECTION ____.03. If another Act of the 80th Legislature, Regular Session, 2007, enacts Section 364.0001 or 364.004, Transportation Code, it is the intent of the legislature that Sections 364.0001 and 364.004, Transportation Code, as added by this ARTICLE prevail, regardless of the relative dates of enactment and regardless of whether any differences are reconcilable, notwithstanding Section 311.025(b), Government Code.

Amendment No. 22 was adopted.

Amendment No. 23

Representative Parker offered the following amendment to **SB 792**:

Amend **SB 792** in SECTION 9.09 of the bill by striking added Section 366.2575, Transportation Code (House committee printing, page 55, lines 14 through 17), and substituting:

Sec. 366.2575. BOARD VOTE ON COUNTY REQUEST. On request of the commissioners court of a county of an authority, the board shall vote on whether to build a project that the county requests.

(Morrison in the chair)

Amendment No. 23 was adopted.

Amendment No. 24

Representative Aycock offered the following amendment to **SB 792**:

Amend **SB 792** (committee printing) by adding the following SECTION to the bill, appropriately numbered, and renumbering existing SECTIONS accordingly:

SECTION _____. (a) Section 21.042(e), Property Code, is amended to read as follows:

(e) If a portion of a tract or parcel of real property is condemned for the use, construction, operation, or maintenance of the state highway system or of a county toll project described by Chapter 284, Transportation Code, that is eligible for designation as part of the state highway system, or for the use, construction, development, operation, or maintenance of an improvement or project by a metropolitan rapid transit authority created before January 1, 1980, with a principal municipality having a population of less than 1.9 million and established under Chapter 451, Transportation Code, the special commissioners shall determine the damage to the property owner regardless of whether the property owner makes a claim for damages to the remaining property. In awarding compensation or assessing the damages, the special commissioner shall consider:

(1) any special and direct benefits that arise from the highway improvement or the transit authority improvement or project that are peculiar to the property owner and that relate to the property owner's ownership, use, or enjoyment of the particular parcel of remaining real property; and

(2) for a portion of a tract or parcel of real property that is outside the municipal limits or the extraterritorial jurisdiction of a municipality with a population of 50,000 or more, any diminished access to or from the remaining property.

(b) Section 203.0521(b-1), Transportation Code, is repealed.

(c) The change in law made by this section applies only to a condemnation proceeding in which the condemnation petition is filed on or after the effective date of this section. A condemnation proceeding pending on the effective date of this section is governed by the law in effect immediately before the effective date of this section, and that law is continued in effect for that purpose.

(d) This section takes effect September 1, 2007.

(Speaker in the chair)

Representative W. Smith moved to table Amendment No. 24.

A record vote was requested.

The motion to table prevailed by (Record 1535): 91 Yeas, 45 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Bolton; Bonnen; Branch; Callegari; Christian; Coleman; Corte; Crabb; Creighton; Crownover; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Elkins; England; Escobar; Farrar; Gallego; Garcia; Giddings; Gonzales; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Howard, C.; Howard, D.; Isett; Jackson; Jones; Keffer; King, T.; Krusee; Kuempel; Laubenberg; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; McCall; McReynolds; Menendez; Merritt; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Paxton; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Smith, T.; Smith, W.; Strama; Taylor; Thompson; Truitt; Turner; Vaught; Vo; West; Woolley; Zedler; Zerwas.

Nays — Aycock; Berman; Bohac; Brown, B.; Brown, F.; Burnam; Castro; Chavez; Cohen; Cook, B.; Cook, R.; Darby; Delisi; Eissler; Farabee; Flores; Flynn; Frost; Gattis; Geren; Gonzalez Toureilles; Harless; Harper-Brown; Hartnett; Heflin; Hodge; Homer; Hopson; Hughes; King, S.; Kolkhorst; Latham; Macias; Martinez Fischer; McClendon; Miller; O'Day; Patrick; Peña; Smithee; Solomons; Straus; Swinford; Van Arsdale; Villarreal.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Puente.

Absent, Excused, Committee Meeting — Chisum.

Absent — Bailey; Farias; King, P.; Miles; Moreno; Morrison; Mowery; Murphy; Rose; Talton; Veasey.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1535. I intended to vote no.

Anderson

I was shown voting yes on Record No. 1535. I intended to vote no.

Taylor

Amendment No. 25

Representative Turner offered the following amendment to **SB 792**:

Amend **SB 792** by adding the following Section, appropriately numbered:

SECTION _____. Subchapter B, Chapter 228, TRANSPORTATION CODE, is amended by adding Section 228.065 to read as follows:

SECTION 228.065. An entity operating a toll lane pursuant to Section 228.007(b) of this Chapter has, with regard to toll collection and enforcement for that toll lane, the same powers and duties as the department under this Chapter. Each failure to pay a toll or administrative fee imposed under this section is a separate offense. An offense under this section is a misdemeanor punishable by a fine not to exceed \$250, and the provisions of Section 228.056 apply to the prosecution of an offense. The entity may use revenues for improvement, extension, expansion or maintenance of the toll lane.

Amendment No. 25 was adopted.

Amendment No. 26

Representative Hilderbran offered the following amendment to **SB 792**:

Amend **SB 792** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subchapter C, Chapter 227, Transportation Code, is amended by adding Section 227.035 to read as follows:

Sec. 227.035. PROJECTS PROHIBITED IN CERTAIN COUNTIES. The department may not construct or operate a facility as part of the Trans-Texas Corridor in a county that is west of the counties in which IH 35 is located.

Representative W. Smith moved to table Amendment No. 26.

A record vote was requested.

The motion to table prevailed by (Record 1536): 93 Yeas, 47 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Christian; Cohen; Coleman; Cook, B.; Crabb; Creighton; Crownover; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; England; Escobar; Farabee; Farrar; Flynn; Garcia; Geren; Giddings; Gonzales; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez; Herrero; Hill; Hochberg; Homer; Howard, C.; Howard, D.; Isett; Jackson; Jones; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; McCall; McReynolds; Merritt; Murphy; Noriega; Oliveira; Ortiz; Otto; Parker; Patrick; Phillips; Pickett; Pitts; Quintanilla; Ritter; Rodriguez; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Vo; West; Woolley; Zedler.

Nays — Anderson; Aycock; Burnam; Castro; Chavez; Cook, R.; Corte; Darby; Delisi; Dunnam; Elkins; Flores; Frost; Gallego; Gattis; Gonzalez Tourelles; Guillen; Harper-Brown; Heflin; Hilderbran; Hodges; Hopson; Hughes; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Macias; Martinez Fischer; McClendon; Menendez; Miles; Miller; Morrison; O'Day; Olivo; Orr; Paxton; Peña; Raymond; Riddle; Rose; Van Arsdale; Veasey; Villarreal; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Puente.

Absent, Excused, Committee Meeting — Chisum.

Absent — Bailey; Farias; Moreno; Mowery; Naishtat; Pierson; Straus.

Amendment No. 27

Representatives Y. Davis and Alonzo offered the following amendment to **SB 792**:

Amend **SB 792** by adding the following SECTION to the bill, appropriately numbered, and renumbering existing SECTIONS accordingly:

SECTION _____. Chapter 379C, Local Government Code, is amended by adding Section 379C.0085 to read as follows:

Sec. 379C.0085. RESALE OF CERTAIN REAL PROPERTY; OFFER TO LAND BANK. (a) In this section, "department" means the Texas Department of Transportation.

(b) This section applies only to real property in a municipality to which this chapter applies that was acquired by the department for right-of-way purposes through the use of eminent domain, including any land acquired for toll projects or under the terms of a comprehensive development agreement under the Transportation Code.

(c) If all or any part of the real property ceases to be needed for right-of-way purposes, in connection with the unneeded property, the department shall comply with Sections 21.102 and 21.103, Property Code.

(d) If the property owner, or the owner's heirs, successors, or assigns, elects not to repurchase the real property from the department, the department may offer the land bank the option to acquire all or any part of the unneeded property, without cost or expense to the land bank.

Amendment No. 27 was adopted.

Amendment No. 28

Representative Farias offered the following amendment to **SB 792**:

Amend **SB 792** in SECTION 3.01 of the bill, in proposed Subsection (i), Section 223.210, Transportation Code (page 8, line 5), between "281" and "that" by inserting "or Loop 1604".

Amendment No. 28 was adopted.

REMARKS ORDERED PRINTED

Representative Riddle moved to print remarks between Representative W. Smith and Representative Riddle.

The motion prevailed.

A record vote was requested.

SB 792, as amended, was passed to third reading by (Record 1537): 145 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; 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 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; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Macias; Riddle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Puente.

Absent, Excused, Committee Meeting — Chisum.

SB 792 ON THIRD READING

(W. Smith - House Sponsor)

CONSTITUTIONAL RULE SUSPENDED

Representative W. Smith moved to suspend the constitutional rule requiring bills to be read on three several days and to place **SB 792** on its third reading and final passage.

The motion prevailed by (Record 1538): 143 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; 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; 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; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Davis, Y.; Riddle; Thompson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Puente.

Absent, Excused, Committee Meeting — Chisum.

Absent — Gonzales.

The speaker laid **SB 792** before the house on its third reading and final passage.

A record vote was requested.

SB 792 was read third time and was passed by (Record 1539): 143 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; 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 Tourelles; Goolsby; Guillen; Haggerty; Hamilton; 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, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Macias; Riddle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Puente.

Absent, Excused, Committee Meeting — Chisum.

Absent — Hilderbran; Moreno.

STATEMENT OF VOTE

When Record No. 1539 was taken, my vote failed to register. I would have voted yes.

Hilderbran

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Licensing and Administrative Procedures, upon final adjournment today, Desk 99, for a formal meeting, to consider **SB 1238**.

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

Judiciary, upon final adjournment today, Desk 70, for a formal meeting, to consider pending bills.

County Affairs, upon final adjournment today, Desk 105, for a formal meeting, to consider **SB 1984**.

HB 2439 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2439, A bill to be entitled An Act relating to the functions of local mental health and mental retardation authorities.

Representative Truitt moved to concur in the senate amendments to **HB 2439**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1540): 133 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; 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; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts;

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

Nays — Anchia.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Puente.

Absent, Excused, Committee Meeting — Chisum.

Absent — Bonnen; Cohen; Creighton; Geren; Haggerty; Hamilton; Martinez Fischer; Moreno; Mowery; Orr; Ritter; Smithee; Veasey.

STATEMENT OF VOTE

When Record No. 1540 was taken, I was in the house but away from my desk. I would have voted yes.

Geren

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

Amend **HB 2439** (Senate committee printing) as follows:

(1) In SECTION 6 of the bill, in added Section 533.0359, Health and Safety Code (page 7, line 62), between "AUTHORITIES." and "In", insert "(a)".

(2) In SECTION 6 of the bill, immediately following the text of added Section 533.0359, Health and Safety Code (page 7, between lines 65 and 66), insert the following:

(b) The executive commissioner by rule shall prohibit a trustee or employee of a local mental health authority from soliciting or accepting from another person a benefit, including a security or stock, a gift, or another item of value, that is intended to influence the person's conduct of authority business.

HB 195 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 195, A bill to be entitled An Act relating to the transfer of certain abandoned or forfeited property to county or municipal agencies.

Representative Gonzalez Toureilles moved to concur in the senate amendments to **HB 195**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1541): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; 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.; 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; Naishat; Noriega; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Puente.

Absent, Excused, Committee Meeting — Chisum.

Absent — Anderson; Moreno; O'Day.

Senate Committee Substitute

CSHB 195, A bill to be entitled An Act relating to the transfer of certain abandoned or forfeited property to county or municipal agencies or school districts.

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

SECTION 1. Article 59.06(b), Code of Criminal Procedure, is amended to read as follows:

(b) If a local agreement exists between the attorney representing the state and law enforcement agencies, the attorney representing the state may transfer the property to law enforcement agencies to maintain, repair, use, and operate the property for official purposes if the property is free of any interest of an interest holder. The agency receiving the forfeited property may purchase the interest of an interest holder so that the property can be released for use by the agency. The agency receiving the forfeited property may maintain, repair, use, and operate the property with money appropriated for current operations. If the property is a motor vehicle subject to registration under the motor vehicle registration laws of this state, the agency receiving the forfeited vehicle is considered to be the purchaser and the certificate of title shall issue to the agency. A law enforcement [The] agency to which property is transferred under this subsection at any time may transfer or loan the property to any other [a] municipal or county [law enforcement] agency or to a school district for the use of that agency or district. A municipal or county agency or school district to which a law enforcement agency loans a motor vehicle under this subsection:

(1) shall maintain the vehicle and pay for all costs associated with the use and repair of the vehicle; and

(2) is liable to the loaning agency for any damages to the vehicle or reduction in the value of the vehicle attributable to the receiving agency's or district's use of the vehicle.

SECTION 2. Section 683.016, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsection (e) to read as follows:

(a) The law enforcement agency that takes an abandoned motor vehicle into custody that is not claimed under Section 683.012 may:

(1) use the vehicle for agency purposes; or

(2) transfer the vehicle to any municipal or county agency or school district for the use of that agency or district.

(b) The law enforcement agency shall auction the vehicle as provided by this subchapter if the law enforcement agency or the municipal or county agency or school district to which the vehicle was transferred under Subsection (a) discontinues use of the vehicle.

(e) A law enforcement agency must comply with the notice requirements of Section 683.012 before the law enforcement agency may transfer a vehicle under Subsection (a)(2).

SECTION 3. Article 59.06(b), Code of Criminal Procedure, and Section 683.016, Transportation Code, as amended by this Act, apply to personal property seized or taken into custody on or after the effective date of this Act. Personal property seized or taken into custody before the effective date of this Act is governed by the law in effect on the date the property is seized or taken into custody, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2007.

SB 893 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Raymond submitted the conference committee report on **SB 893**.

Representative Raymond moved to adopt the conference committee report on **SB 893**.

A record vote was requested.

The motion to adopt the conference committee report on **SB 893** prevailed by (Record 1542): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; 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; 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; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Puente.

Absent, Excused, Committee Meeting — Chisum.

Absent — Anchia; Farias; Moreno.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

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

Transportation, upon final adjournment today, Desk 46, for a formal meeting, to consider pending business.

Pensions and Investments, will reconvene upon final adjournment today, E2.030, for a public hearing, to consider posted bills.

PROVIDING FOR ADJOURNMENT

Representative Taylor moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 9 a.m. tomorrow.

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.)

ADJOURNMENT

In accordance with a previous motion, the house, at 6:17 p.m., adjourned until 9 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HCR 253 (By Kuempel), Honoring Thomas L. Johnson, Sr., on his induction into the Texas Transportation Institute Hall of Honor.

To Rules and Resolutions.

HCR 254 (By Peña), Congratulating The University of Texas-Pan American ROTC Battalion on earning the 2006 General Douglas MacArthur Award.

To Rules and Resolutions.

HCR 257 (By Corte), Honoring Texans who have died while serving in the Global War on Terrorism and all men and women who have served in the United States armed forces.

To Rules and Resolutions.

HCR 258 (By Gonzalez Toureilles), Honoring the city of Orange Grove on its centennial.

To Rules and Resolutions.

HR 2182 (By Escobar), Urging Congress to support the construction of a veterans hospital in the Rio Grande Valley.

To Defense Affairs and State-Federal Relations.

SB 961 to Defense Affairs and State-Federal Relations.

SB 1024 to Judiciary.

SB 1640 to Appropriations.

SB 2044 to Urban Affairs.

SB 2054 to Natural Resources.

SB 2057 to Civil Practices.

SIGNED BY THE SPEAKER

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

Senate List No. 43

SB 66, SB 75, SB 99, SB 156, SB 178, SB 242, SB 244, SB 288, SB 291, SB 377, SB 596, SB 600, SB 625, SB 680, SB 744, SB 796, SB 802, SB 814, SB 952, SB 1426, SB 1502, SB 1615, SB 1659, SB 1666, SB 1667, SB 1867, SCR 73, SJR 20

MESSAGES FROM THE SENATE

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

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, May 17, 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 680 Swinford SPONSOR: Seliger
Relating to the sale of certain small municipal parks.

HCR 23 Gallego SPONSOR: Ellis
In memory of the Honorable Ann Richards, 45th governor of Texas.

HCR 256 Noriega, Rick SPONSOR: Brimer
Recalling **SB 903** from the senate for further consideration.

THE SENATE HAS TAKEN THE FOLLOWING OTHER ACTION:

SB 903

Returned to the House for further actions.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, May 17, 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 188 Hochberg SPONSOR: Van de Putte
Relating to the adoption of textbooks and the use of credits for textbooks or other instructional materials in a school district or open-enrollment charter school.
(Committee Substitute)

HB 342 Naishtat SPONSOR: Watson
Relating to concurrent guardianship proceedings in this state and in a foreign jurisdiction.

HB 413 Eissler SPONSOR: Carona
Relating to erecting certain signs on certain rights-of-way; providing penalties.
(Committee Substitute)

HB 447 Callegari SPONSOR:
Jackson, Mike
Relating to contracts by governmental entities and related professional services, to public works performance and payment bonds, and to certain regulations of local authorities.
(Committee Substitute/Amended)

HB 463 Flores SPONSOR: Carona
Relating to the regulation of air conditioning and refrigeration contracting; providing an administrative penalty.
(Committee Substitute/Amended)

HB 479 Flores SPONSOR: Hinojosa
Relating to the succession of the La Joya Water Supply Corporation by the Tabasco Special Utility District.
(Committee Substitute)

HB 654 Hilderbran SPONSOR: Fraser
Relating to a pilot project to develop and operate a crisis stabilization unit on Kerrville State Hospital grounds.

HB 693 Paxton SPONSOR: Carona
Relating to the form of "Welcome to Texas" signs along certain highways.

HB 1009 Escobar SPONSOR: Lucio
Relating to the use of state hotel occupancy tax revenue to clean and maintain beaches in certain municipalities.
(Committee Substitute/Amended)

HB 1230 Rodriguez SPONSOR: Zaffirini
Relating to services provided to youth with disabilities transitioning from school-oriented living to post-schooling activities, services for adults, and community living.

HB 1652 Macias SPONSOR: Fraser

Relating to the provision of forms for personal financial statements filed with the Texas Ethics Commission.

HB 2163 Harless SPONSOR: Carona
Relating to the definition of automotive wrecking and salvage yard.

HB 2546 Noriega, Rick SPONSOR: Carona
Relating to the sale of ammonium nitrate; creating an offense.

HB 2625 Murphy SPONSOR: Hegar
Relating to the determination of prevailing wage rates in Texas counties.

HB 3601 Swinford SPONSOR: Carona
Relating to the conduct of certain contested cases involving the sale or lease of motor vehicles.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 17, 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 2054 Deuell
Relating to the powers and duties of the Parker Creek Municipal Utility District of Rockwall County; providing authority to issue bonds.

SB 2057 Wentworth
Relating to recovery of attorney's fees for certain claims arising from the abandonment of hazardous wastes on the claimant's property.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 5

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 17, 2007 - 5

The Honorable Speaker of the House

House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 312 Turner SPONSOR: Whitmire
Relating to the burden of proof in a community supervision revocation hearing regarding a defendant's ability to make certain court-ordered payments.

HB 587 Gonzalez Toureilles SPONSOR: Hinojosa
Relating to the recording of certain information by the clerk of a court.
(Amended)

HB 662 Dukes SPONSOR: Ellis
Relating to the coordination and improvement of certain programs and services for the prevention of and early intervention in child abuse and neglect.
(Amended)

HB 1090 Swinford SPONSOR:
Jackson, Mike
Relating to the establishment of a program by the Department of Agriculture to make grants to encourage the construction of facilities that generate electric energy with certain types of agricultural residues, waste, debris, or crops.
(Committee Substitute/Amended)

HB 1355 Gattis SPONSOR: Shapleigh
Relating to dog attacks on persons; creating an offense.
(Committee Substitute/Amended)

HB 1412 McReynolds SPONSOR: Deuell
Relating to the regional emergency medical dispatch resource centers program.

HB 1610 Madden SPONSOR: Whitmire
Relating to the requirement that a judge release on community supervision certain defendants convicted of certain state jail felonies.
(Amended)

HB 1634 Dukes SPONSOR: Deuell
Relating to incentives for the film, television, and multimedia production industries.
(Committee Substitute/Amended)

HB 1720 McReynolds SPONSOR: Ogden
Relating to the counties eligible to create a county assistance district that may impose a sales and use tax.
(Committee Substitute)

HB 2056 Homer SPONSOR: Whitmire
Relating to providing a civil penalty for a violation of the Antiquities Code of Texas.

HB 2144 Flores SPONSOR: Williams

Relating to the regulation of the practice of public accountancy by certain out-of-state license holders.

(Committee Substitute)

HB 2611 Madden SPONSOR: Whitmire
Relating to the eligibility of certain inmates of the Texas Department of Criminal Justice for medically recommended intensive supervision.

HB 3074 Creighton SPONSOR: Uresti
Relating to advertising of entities that contract with local workforce development boards.

HB 3158 Smith, Wayne SPONSOR: Williams
Relating to the name, powers, and board of directors of the Chambers County-Cedar Bayou Navigation District.

HB 3827 Morrison SPONSOR: Zaffirini
Relating to the authority of the governing board of a junior college district to hold an open or closed meeting by telephone conference call.
(Committee Substitute)

HJR 69 Heflin SPONSOR: Seliger
Proposing a constitutional amendment to abolish the constitutional authority for the office of inspector of hides and animals.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 6

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Thursday, May 17, 2007 - 6

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 44 Hodge SPONSOR: Uresti
Relating to the restoration of good conduct time forfeited during a term of imprisonment.
(Amended)

HB 536 Truitt SPONSOR: Wentworth
Relating to the consent required for a municipality to annex a water or sewer district.
(Committee Substitute)

HB 1010 Howard, Donna SPONSOR: Janek
Relating to the appraisal for ad valorem tax purposes of property located in more than one appraisal district and to the boundaries of an appraisal district.

HB 1579 Guillen SPONSOR: Deuell
Relating to reimbursement for health care services provided at certain times to persons enrolled in the Medicaid managed care program.

HB 2345 Anderson SPONSOR: Watson
Relating to the creation of the Texas Organic Agricultural Industry Advisory Board.
(Committee Substitute)

HB 2735 Berman SPONSOR: Harris
Relating to lobbying expenditures that are made jointly.

HB 2931 King, Tracy SPONSOR: Zaffirini
Relating to required notice of and a lien resulting from damage to a fence.

HB 3322 Truitt SPONSOR: Watson
Relating to a plan-to-plan transfer of certain assets from the TexaSaver 457 plan administered by the Employees Retirement System of Texas to a 457 plan created by an institution of higher education.

HB 3505 Hartnett SPONSOR: West, Royce
Relating to requirements for judicial training on issues regarding family violence, sexual assault, and child abuse and neglect.
(Committee Substitute/Amended)

SB 961 Shapleigh
Relating to an allotment under the Foundation School Program for certain students who are military dependents.

SB 1640 Williams
Relating to the student loan program administered by the Texas Higher Education Coordinating Board; authorizing the issuance of bonds.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 7

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 17, 2007 - 7

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 41 Paxton SPONSOR: Seliger
 Relating to the confidentiality of home address information of certain federal judges and state judges and their spouses.
 (Committee Substitute/Amended)

HB 323 Hamilton SPONSOR: Lucio
 Relating to three-point seat belts on buses that transport schoolchildren.
 (Committee Substitute/Amended)

HB 530 Madden SPONSOR: Seliger
 Relating to the operation and funding of drug court programs.
 (Committee Substitute/Amended)

HB 604 Howard, Donna SPONSOR: Wentworth
 Relating to the appraisal for ad valorem tax purposes of certain land used for wildlife management under a conservation easement.
 (Amended)

HB 1602 Van Arsdale SPONSOR: Fraser
 Relating to venue in civil actions under the Jones Act.
 (Committee Substitute/Amended)

HB 3281 King, Phil SPONSOR: Duncan
 Relating to the recovery of medical or health care expenses in civil actions.

HB 3446 Rose SPONSOR: Eltife
 Relating to the promotion by the governor's office of economic development of Texas manufactured products; providing civil and administrative penalties.
 (Amended)

HB 3900 Morrison SPONSOR: Shapiro
 Relating to the Texas tomorrow fund II prepaid tuition unit undergraduate education program.
 (Committee Substitute/Amended)

HCR 259 Miles SPONSOR: Ellis
 Honoring Bardoli Global for helping students of color to study abroad.

SJR 68 Wentworth
 Proposing a constitutional amendment to allow certain elected county or district officeholders to become a candidate for another office in a primary election held in the final year of the officeholder's term without causing the automatic resignation of the officeholder.

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

SB 61 (31 Yeas, 0 Nays)

SB 63 (31 Yeas, 0 Nays)

SB 561 (31 Yeas, 0 Nays)

SB 877 (31 Yeas, 0 Nays)

SB 908 (31 Yeas, 0 Nays)

SB 949 (31 Yeas, 0 Nays)

SB 1222 (31 Yeas, 0 Nays)

SB 1318 (31 Yeas, 0 Nays)

SB 1372 (31 Yeas, 0 Nays)

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

SB 1896

Senate Conferees: Lucio - Chair/Deuell/Nelson/Shapleigh/West, Royce

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 2004

Senate Conferees: Lucio - Chair/Carona/Duncan/Fraser/Van de Putte

HB 2261

Senate Conferees: Jackson, Mike - Chair/Brimer/Eltife/Fraser/Harris

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 8 (30 Yeas, 1 Nay)

SB 426 (31 Yeas, 0 Nays)

SB 893 (31 Yeas, 0 Nays)

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 16

Agriculture and Livestock - **SB 1249, SB 1339, SB 1561**

Civil Practices - **HCR 224, SB 210, SB 791, SB 1167, SB 1288**

Corrections - **SB 1428**

Energy Resources - **SB 1574**

Environmental Regulation - **SB 1317, SB 1592, SB 1604**

Financial Institutions - **SB 62**

Human Services - **SB 27, SB 131, SB 972, SB 1866**

Insurance - **SB 828**

Judiciary - **SB 1125, SB 1404, SB 1414, SB 1555, SB 1701, SB 2025, SB 2030**

Juvenile Justice and Family Issues - **SB 43, SB 47, SB 74, SB 220, SB 231, SB 804, SB 956, SB 999, SB 1295**

Natural Resources - **SB 1341, SB 1436**

Public Education - **SB 9, SB 1788**

Public Health - **SB 415, SB 515, SB 552, SB 556, SB 760, SB 776, SB 994**

State Affairs - **SB 920**

Transportation - **HCR 249, HR 1959, SB 718, SB 766, SB 1117, SB 1531, SB 1897**

Urban Affairs - **SB 1212, SB 1733**

ENROLLED

May 16 - HB 71, HB 75, HB 86, HB 90, HB 184, HB 210, HB 280, HB 290, HB 389, HB 391, HB 421, HB 486, HB 488, HB 505, HB 519, HB 534, HB 606, HB 682, HB 716, HB 872, HB 953, HB 989, HB 1042, HB 1127, HB 1194, HB 1244, HB 1248, HB 1298, HB 1590, HB 1694, HB 1710, HB 1739, HB 1766, HB 1850, HB 1887, HB 1972, HB 2045, HB 2278, HB 2281, HB 2282, HB 2288, HB 2322, HB 2400, HB 2411, HB 2455, HB 2492, HB 2682, HB 2683, HB 2685, HB 2840, HB 2870, HB 3089, HB 3166, HB 3167, HB 3564, HCR 70, HCR 125, HCR 196, HCR 235, HCR 252