

HOUSE JOURNAL

EIGHTIETH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTIETH DAY — WEDNESDAY, APRIL 4, 2007

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

The roll of the house was called and a quorum was announced present (Record 291).

Present — Mr. Speaker; Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; England; 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; 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 — Elkins; Moreno.

Absent — Delisi; Escobar; Quintanilla.

The invocation was offered by Dr. Robert Jeffress, pastor, First Baptist Church, Wichita Falls, as follows:

Dear Heavenly Father, we come before you, the only true God, thanking you for every good gift you have provided for us. We acknowledge that every breath we draw, every material possession we hold, and every opportunity for influence we have ultimately come from you.

I thank you for each of these legislators who sacrifice so much to tend to the affairs of our state and pray that you would grant each one of them what King Solomon prayed for—a hearing heart and ability to discern your will in every matter over which they deliberate.

Most of all, Father, as we observe this passion week, we thank you for sending your son, the Lord Jesus Christ, who lived, died, and rose again that all might have eternal life who trust in him. It is in his powerful name that we pray. Amen.

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

LEAVE OF ABSENCE GRANTED

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

Moreno on motion of Raymond.

CAPITOL PHYSICIAN

The chair recognized Representative Naishtat who presented Dr. Dana Sprute of Austin as the "Doctor for the Day."

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

(Escobar now present)

INTRODUCTION OF GUESTS

The chair recognized Representative Truitt who introduced Ashley Givens of the Texas Scottish Rite Hospital for Children and Carolyn Smith.

(Quintanilla now present)

HR 1369 - ADOPTED (by Coleman)

Representative Coleman moved to suspend all necessary rules to take up and consider at this time **HR 1369**.

The motion prevailed.

The following resolution was laid before the house:

HR 1369, Welcoming Father George Clements to the State Capitol and commending him for his achievements with One Church-One Child and his many other good works.

HR 1369 was read and was adopted.

On motion of Representative Miles, the names of all the members of the house were added to **HR 1369** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Coleman who introduced Father George Clements and members of One Church-One Child.

HCR 184 - ADOPTED
(by Hughes)

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HCR 184**.

The motion prevailed.

The following resolution was laid before the house:

HCR 184, Recognizing April 4, 2007, as Marshall Day at the State Capitol.

HCR 184 was read and was adopted.

On motion of Representative Hilderbran, the names of all the members of the house were added to **HCR 184** as signers thereof.

HCR 180 - ADOPTED
(by Hilderbran)

Representative Hilderbran moved to suspend all necessary rules to take up and consider at this time **HCR 180**.

The motion prevailed.

The following resolution was laid before the house:

HCR 180, Honoring the life of James Harold Doolittle and recognizing his military aviation achievements.

HCR 180 was read and was adopted.

On motion of Representative Escobar, the names of all the members of the house were added to **HCR 180** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Hilderbran who introduced friends and family members of James Harold Doolittle.

(Krusee in the chair)

HR 1284 - ADOPTED
(by Callegari)

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HR 1284**.

The motion prevailed.

The following resolution was laid before the house:

HR 1284, Recognizing April 4, 2007, as Association of Water Board Directors—Texas Day at the Capitol.

HR 1284 was read and was adopted.

On motion of Representative Callegari, the names of all the members of the house were added to **HR 1284** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Callegari who introduced members of the Association of Water Board Directors.

HB 1670 - RECOMMENDED

Representative Geren moved to recommit **HB 1670** to the Committee on Licensing and Administrative Procedures.

The motion prevailed.

HB 2458 - RECOMMENDED

Representative Miller moved to recommit **HB 2458** to the Committee on Agriculture and Livestock.

The motion prevailed.

HR 1379 - ADOPTED

(by Zerwas)

Representative Zerwas moved to suspend all necessary rules to take up and consider at this time **HR 1379**.

The motion prevailed.

The following resolution was laid before the house:

HR 1379, Honoring Sergeant Matthew Clayton Phelps for his service in Iraq.

HR 1379 was read and was adopted.

On motion of Representative Berman, the names of all the members of the house were added to **HR 1379** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Zerwas who introduced Sergeant Matthew Clayton Phelps.

(Delisi now present)

LEAVES OF ABSENCE GRANTED

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

Creighton on motion of Branch.

Phillips on motion of Branch.

(Speaker in the chair)

GENERAL STATE CALENDAR**SENATE BILLS****THIRD READING**

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

SB 300 ON THIRD READING
(Paxton - House Sponsor)

SB 300, A bill to be entitled An Act relating to the duration of judgment liens in favor of the state.

A record vote was requested.

SB 300 was passed by (Record 292): 134 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; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Dukes; 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.; Isett; Jackson; Jones; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Strama; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Hartnett; Solomons.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Creighton; Elkins; Moreno; Phillips.

Absent — Chisum; Coleman; Driver; Dunnam; Hughes; Keffer; Martinez Fischer; Straus; Veasey.

(Krusee in the chair)

POSTPONED BUSINESS

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

HB 590 ON THIRD READING
(by Delisi)

HB 590, A bill to be entitled An Act relating to standards of conduct for and conflicts of interest of state officers and employees.

HB 590 was read third time on March 22, postponed until March 28, and was again postponed until 10 a.m. today.

Amendment No. 1

Representative Delisi offered the following amendment to **HB 590**:

Amend **HB 590** on third reading in amended Section 572.051, Government Code, by inserting the following new Subsection (b), relettering the subsequent subsections accordingly, and correcting cross-references in existing Subsections (c), (d-1), (e), (f), and (g):

(b) A state employee who violates Subsection (a) or an ethics policy adopted under Subsection (c) is subject to termination of the employee's state employment or another employment-related sanction. Notwithstanding this subsection, a state officer or employee who violates Subsection (a) is subject to any applicable civil or criminal penalty if the violation also constitutes a violation of another statute or rule.

(Creighton now present)

A record vote was requested.

Amendment No. 1 was adopted by (Record 293): 138 Yeas, 3 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; 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; 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.

Nays — Burnam; Chavez; Gallego.

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

Absent, Excused — Elkins; Moreno; Phillips.

Absent — Eiland; Eissler; Flynn.

Amendment No. 2

Representative Delisi offered the following amendment to **HB 590**:

Amend **HB 590** on third reading in SECTION 1 of the bill, in amended Section 572.051(a), Government Code, by striking "shall [~~should~~]" and substituting "should".

A record vote was requested.

Amendment No. 2 was adopted by (Record 294): 137 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; Eiland; Eissler; 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; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; 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.

Nays — Gallego.

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

Absent, Excused — Elkins; Moreno; Phillips.

Absent — Chavez; Driver; Herrero; Hill; King, T.; Leibowitz; Mowery.

STATEMENTS OF VOTE

When Record No. 294 was taken, I was in the house but away from my desk. I would have voted yes.

Herrero

When Record No. 294 was taken, I was in the house but away from my desk. I would have voted yes.

Leibowitz

Amendment No. 3

Representative Delisi offered the following amendment to **HB 590**:

Amend **HB 590** on third reading in proposed Section 572.051(b)(1), Government Code, between "ethics policy" and "consistent", by inserting "for the agency's employees".

A record vote was requested.

Amendment No. 3 was adopted by (Record 295): 135 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; Eiland; Eissler; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; 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.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; 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.

Nays — Gallego.

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

Absent, Excused — Elkins; Moreno; Phillips.

Absent — Bohac; Chavez; Crownover; Driver; Gonzalez Tourelles; King, T.; Madden; McReynolds; Pickett.

Amendment No. 4

Representative Martinez Fischer offered the following amendment to **HB 590**:

Amend **HB 590** on third reading by striking added Section 572.051(d-1), Government Code, and substituting the following:

(d-1) Notwithstanding Subsection (d), if a person with knowledge of a violation of an agency ethics policy adopted under Subsection (b) that also constitutes a criminal offense under another law of this state reports the violation to an appropriate prosecuting attorney, then, not later than the 60th day after the date a person notifies the prosecuting attorney under this subsection, the prosecuting attorney shall notify the commission of the status of the prosecuting attorney's investigation of the alleged violation. The commission shall, on the request of the prosecuting attorney, assist the prosecuting attorney in investigating the alleged violation. This subsection does not apply to an alleged violation by a member or employee of the commission.

A record vote was requested.

Amendment No. 4 was adopted by (Record 296): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb;

Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; 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; 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; 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; Krusee(C).

Absent, Excused — Elkins; Moreno; Phillips.

Absent — King, T.; Rodriguez.

A record vote was requested.

HB 590, as amended, was passed by (Record 297): 143 Yeas, 0 Nays, 2 Present, not voting.

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

Absent, Excused — Elkins; Moreno; Phillips.

Absent — Oliveira; Puente.

SB 135 ON SECOND READING
(Eissler - House Sponsor)

SB 135, A bill to be entitled An Act relating to the ability of public school employees to communicate with members of a school district board of trustees.

SB 135 was considered in lieu of **CSHB 362**.

A record vote was requested.

SB 135 was read second time and was passed to third reading by (Record 298): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; Eiland; Eissler; 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.; 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; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; 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; Krusee(C).

Absent, Excused — Elkins; Moreno; Phillips.

Absent — Bonnen; Burnam; Creighton; Driver; Hughes; Pierson; Rose.

CSHB 362 - LAID ON THE TABLE SUBJECT TO CALL

Representative Eissler moved to lay **CSHB 362** on the table subject to call.

The motion prevailed.

MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING

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

HB 109 ON THIRD READING
(by Turner, J. Davis, Dukes, England, Peña, et al.)

HB 109, A bill to be entitled An Act relating to eligibility for and information regarding the child health plan program.

A record vote was requested.

HB 109 was passed by (Record 299): 128 Yeas, 17 Nays, 2 Present, not voting.

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

Nays — Berman; Christian; Crabb; Creighton; Flynn; Harper-Brown; Howard, C.; Isett; Laubenberg; Macias; Miller; Parker; Paxton; Riddle; Talton; Taylor; Zedler.

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

Absent, Excused — Elkins; Moreno; Phillips.

STATEMENT OF VOTE

I was shown voting yes on Record No. 299. I intended to vote no.

Woolley

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 473 ON THIRD READING
(by Solomons)**

HB 473, A bill to be entitled An Act relating to the application of certain fee guidelines to health care provided under the workers' compensation system.

A record vote was requested.

HB 473 was passed by (Record 300): 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; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver;

Dukes; Dunnam; Dutton; Eiland; Eissler; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; 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; Krusee(C).

Absent, Excused — Elkins; Moreno; Phillips.

Absent — Chavez.

HB 716 ON THIRD READING

(by Solomons, Anchia, Flynn, McCall, Orr, et al.)

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

A record vote was requested.

HB 716 was passed by (Record 301): 140 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Elkins; Moreno; Phillips.

Absent — Aycock; Coleman; Delisi; Gonzalez Toureilles; Woolley.

STATEMENTS OF VOTE

When Record No. 301 was taken, I was in the house but away from my desk. I would have voted yes.

Aycock

When Record No. 301 was taken, I was in the house but away from my desk. I would have voted yes.

Woolley

HB 73 ON THIRD READING

(by Flynn, Branch, P. King, Peña, Y. Davis, et al.)

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

A record vote was requested.

HB 73 was passed by (Record 302): 143 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Elkins; Moreno; Phillips.

Absent — Berman; Driver.

HB 126 ON THIRD READING

(by Delisi, B. Brown, and Bohac)

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

A record vote was requested.

HB 126 was passed by (Record 303): 144 Yeas, 1 Nays, 2 Present, not voting.

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

Nays — Thompson.

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

Absent, Excused — Elkins; Moreno; Phillips.

HB 764 ON THIRD READING **(by Dutton)**

HB 764, A bill to be entitled An Act relating to the collection of a family protection fee.

A record vote was requested.

HB 764 was passed by (Record 304): 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; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; 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.; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Kuempel; 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; 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; Krusee(C).

Absent, Excused — Elkins; Moreno; Phillips.

Absent — Hughes; Latham; Ritter.

HB 776 ON THIRD READING

(by Dutton)

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.

A record vote was requested.

HB 776 was passed by (Record 305): 142 Yeas, 1 Nays, 2 Present, not voting.

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

Nays — Howard, C.

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

Absent, Excused — Elkins; Moreno; Phillips.

Absent — Bolton; Hill.

HB 2252 ON THIRD READING
(by Taylor and Hancock)

HB 2252, A bill to be entitled An Act relating to disclosure of information about health care-related services or access to health care information provided to persons covered by health benefit plans.

Amendment No. 1

Representative Gattis offered the following amendment to **HB 2252**:

Amend **HB 2252** (house committee printing) by inserting the following new SECTIONS, appropriately numbered, and renumbering SECTIONS of the bill accordingly:

SECTION _____. Chapter 552, Insurance Code, is amended by adding Section 552.0001 to read as follows:

Sec. 552.0001. DEFINITION. In this chapter, "anatomic pathology services" means:

(1) histopathology or surgical pathology, which is the gross and microscopic examination and histologic processing of organ tissue performed by a physician or under the supervision of a physician;

(2) cytopathology, which is the examination of cells from the following:

(A) fluids;

(B) aspirates;

(C) washings;

(D) brushings; or

(E) smears, including a Pap smear, performed by a physician or under the supervision of a physician;

(3) hematology, which is the microscopic evaluation of bone marrow aspirates and biopsies performed by a physician, or under the supervision of a physician, and peripheral blood smears when the attending or treating physician or technologist requests that a blood smear be reviewed by a pathologist;

(4) sub-cellular pathology and molecular pathology; or

(5) a blood-banking service performed by a pathologist.

SECTION _____. The heading to Section 552.003, Insurance Code, is amended to read as follows:

Sec. 552.003. CHARGING DIFFERENT PRICES; ANATOMIC PATHOLOGY BILLING; OFFENSE.

SECTION _____. Section 552.003, Insurance Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) Notwithstanding any other law, a person or entity commits an offense if the person or entity orders, but does not directly supervise or perform, anatomic pathology services for a patient and the person or entity fails to conspicuously disclose in the bill to the patient, insurer, or other third party payor, or in an itemized statement to the patient:

(1) the name and address of the physician or laboratory that provided the anatomic pathology services; and

(2) the net amount paid or to be paid for each anatomic pathology service provided to the patient by the physician or laboratory.

A record vote was requested.

Amendment No. 1 was adopted by (Record 306): 140 Yeas, 1 Nays, 2 Present, not voting. (The vote was reconsidered later today, and Amendment No. 1 was withdrawn.)

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Eissler; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; 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; 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; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Hartnett.

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

Absent, Excused — Elkins; Moreno; Phillips.

Absent — Delisi; Driver; Hamilton; Thompson.

A record vote was requested.

HB 2252, as amended, was passed by (Record 307): 140 Yeas, 1 Nays, 2 Present, not voting. (The vote was reconsidered later today, and **HB 2252** was passed by Record No. 329.)

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; 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; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; 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; 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; Zedler; Zerwas.

Nays — Hartnett.

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

Absent, Excused — Elkins; Moreno; Phillips.

Absent — Creighton; Driver; Hochberg; Laubenberg.

STATEMENT OF VOTE

When Record No. 307 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

HB 233 ON THIRD READING

(by Ritter, C. Howard, Merritt, Guillen, Farabee, et al.)

HB 233, A bill to be entitled An Act relating to a waiver of concealed handgun license fees for certain members and veterans of the military.

(Taylor in the chair)

A record vote was requested.

HB 233 was passed by (Record 308): 136 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycok; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Castro; Chavez; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; 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; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; 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; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Elkins; Moreno; Phillips.

Absent — Callegari; Coleman; Darby; Hardcastle; Hochberg; Jackson; Noriega; Puente; Rodriguez.

HB 842 ON THIRD READING
(by Raymond, Hughes, Paxton, Smithee, and Rodriguez)

HB 842, A bill to be entitled An Act relating to public access to personal financial statements filed by judges and justices.

A record vote was requested.

HB 842 was passed by (Record 309): 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; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; 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; 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; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Elkins; Moreno; Phillips.

Absent — Latham.

HB 959 ON THIRD READING
(by Bonnen)

HB 959, A bill to be entitled An Act relating to the statute of limitations for the offense of injury to a child.

A record vote was requested.

HB 959 was passed by (Record 310): 139 Yeas, 6 Nays, 2 Present, not voting.

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

Nays — Hartnett; Howard, C.; Kolkhorst; Macias; Paxton; Zedler.

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

Absent, Excused — Elkins; Moreno; Phillips.

STATEMENT OF VOTE

I was shown voting no on Record No. 310. I intended to vote yes.

Kolkhorst

HB 1235 ON THIRD READING (by Driver)

HB 1235, A bill to be entitled An Act relating to the regulation by the Texas Commission on Environmental Quality of the idling of a motor vehicle while the driver is using the vehicle's sleeper berth.

Amendment No. 1

Representative Farrar offered the following amendment to **HB 1235**:

Amend **HB 1235** on third reading on page 1, line 16 (second reading engrossment) between "in" and "a" by inserting "a residential area as defined by Section 244.001, Local Government Code, or in"

A record vote was requested.

Amendment No. 1 was adopted by (Record 311): 143 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Elkins; Moreno; Phillips.

Absent — Geren; Puente.

A record vote was requested.

HB 1235, as amended, was passed by (Record 312): 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; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; 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; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Elkins; Moreno; Phillips.

Absent — Puente.

HB 1717 ON THIRD READING (by McReynolds)

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.

A record vote was requested.

HB 1717 was passed by (Record 313): 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; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; 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; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Elkins; Moreno; Phillips.

HB 1766 ON THIRD READING

(by Peña, Van Arsdale, Bohac, R. Cook, Menendez, et al.)

HB 1766, A bill to be entitled An Act relating to the punishment for theft of aluminum, bronze, or copper wiring.

A record vote was requested.

HB 1766 was passed by (Record 314): 142 Yeas, 1 Nays, 2 Present, not voting.

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

Nays — Thompson.

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

Absent, Excused — Elkins; Moreno; Phillips.

Absent — Pitts; Solomons.

HB 1594 ON THIRD READING
(by Zerwas)

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

A record vote was requested.

HB 1594 was passed by (Record 315): 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; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; 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; Paxton; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Strama; Straus; Swinford; Talton; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Elkins; Moreno; Phillips.

Absent — Chavez; Patrick; Solomons.

HB 239 ON THIRD READING
(by Alonzo and Veasey)

HB 239, A bill to be entitled An Act relating to public use of computers in certain local public libraries.

A record vote was requested.

HB 239 was passed by (Record 316): 137 Yeas, 6 Nays, 3 Present, not voting.

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

Nays — Christian; Harless; Harper-Brown; Howard, C.; Macias; Zedler.

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

Absent, Excused — Elkins; Moreno; Phillips.

Absent — Chavez.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 316. I intended to vote no.

Bonnen

I was shown voting yes on Record No. 316. I intended to vote no.

Kolkhorst

HB 310 ON THIRD READING (by Goolsby and Crabb)

HB 310, A bill to be entitled An Act relating to the transfer of registration and license plates between vehicles with the same owner.

Amendment No. 1

Representative Pickett offered the following amendment to **HB 310**:

Amend **HB 310** on third reading, in proposed Section 502.451(a), Transportation Code, as added by SECTION 2 of the bill, by striking "the seller or transferor shall remove each license plate" and substituting "the seller or transferor may remove each license plate".

Representative Goolsby moved to table Amendment No. 1.

(Speaker in the chair)

A record vote was requested.

The motion to table was lost by (Record 317): 13 Yeas, 117 Nays, 3 Present, not voting.

Yeas — Alonzo; Cook, B.; Crabb; Driver; Gallego; Goolsby; Harper-Brown; Hartnett; Jones; Krusee; Merritt; Riddle; West.

Nays — Allen; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, R.; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; Eissler; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Garcia; Gattis; Geren; Gonzales; Gonzalez Tourelles; Guillen; Haggerty; Hamilton; Hardcastle; Harless; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Jackson; Keffer; King, S.; King, T.; Kolkhorst; Kuempel; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; Woolley; Zedler; Zerwas.

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

Absent, Excused — Elkins; Moreno; Phillips.

Absent — Anderson; Bailey; Corte; Eiland; Giddings; Hancock; Hilderbran; Hill; Hughes; Isett; King, P.; O'Day; Peña; Taylor.

STATEMENTS OF VOTE

When Record No. 317 was taken, I was in the house but away from my desk. I would have voted no.

Anderson

When Record No. 317 was taken, I was in the house but away from my desk. I would have voted no.

Hilderbran

When Record No. 317 was taken, I was in the house but away from my desk. I would have voted no.

Isett

Amendment No. 1 was adopted.

A record vote was requested.

HB 310, as amended, was passed by (Record 318): 129 Yeas, 16 Nays, 1 Present, not voting.

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

Nays — Aycok; Brown, F.; Callegari; Christian; Crownover; Davis, J.; Geren; Harless; Jackson; Kolkhorst; Latham; Macias; Mallory Caraway; Miller; Talton; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Elkins; Moreno; Phillips.

Absent — Gonzalez Toureilles.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 19 and Senate List No. 18).

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Law Enforcement, upon lunch recess today, 1W.14, for a formal meeting, to consider pending business.

Higher Education, upon lunch recess today, 3W.9, for a formal meeting, to consider pending business.

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

RECESS

At 12:04 p.m., the speaker announced that the house would stand recessed until 1:15 p.m. today.

AFTERNOON SESSION

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

HB 621 ON THIRD READING
(by Chavez)

HB 621, A bill to be entitled An Act relating to the exemption from ad valorem taxation of tangible personal property held temporarily at a location in this state for assembling, storing, manufacturing, processing, or fabricating purposes.

A record vote was requested.

HB 621 was passed by (Record 319): 134 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Aycock; Bailey; Berman; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Harless; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Mowery; Murphy; 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; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Elkins; Moreno; Phillips.

Absent — Anderson; Bohac; Branch; Crownover; Delisi; Gattis; Hardcastle; Harper-Brown; Laubenberg; Morrison; Naishtat; Vo.

STATEMENTS OF VOTE

When Record No. 319 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

When Record No. 319 was taken, I was in the house but away from my desk. I would have voted yes.

Branch

When Record No. 319 was taken, I was in the house but away from my desk. I would have voted yes.

Naishtat

(Phillips now present)

HB 688 ON THIRD READING**(by Krusee)**

HB 688, A bill to be entitled An Act relating to a credit or refund for diesel fuel taxes paid on diesel fuel used in this state by auxiliary power units or power take-off equipment.

A record vote was requested.

HB 688 was passed by (Record 320): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; Eiland; Eissler; 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; 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; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Elkins; Moreno.

Absent — Anderson; Branch; Corte; Driver; Thompson; Woolley.

STATEMENTS OF VOTE

When Record No. 320 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

When Record No. 320 was taken, I was in the house but away from my desk. I would have voted yes.

Branch

When Record No. 320 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

HB 953 ON THIRD READING
(by Farabee)

HB 953, A bill to be entitled An Act relating to the appointment of the superintendent of juvenile detention facilities in Wichita County.

(Goolsby in the chair)

A record vote was requested.

HB 953 was passed by (Record 321): 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; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; 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; 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; Goolsby(C).

Absent, Excused — Elkins; Moreno.

HB 967 ON THIRD READING
(by Guillen)

HB 967, A bill to be entitled An Act relating to the reappraisal for ad valorem tax purposes of agricultural or open-space land on which the Texas Animal Health Commission has established a temporary quarantine for ticks.

A record vote was requested.

HB 967 was passed by (Record 322): 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; Chisum; Christian; Cohen; Coleman; 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; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Elkins; Moreno.

Absent — Cook, B.; Mallory Caraway.

HB 1565 ON THIRD READING
(by Puente)

HB 1565, A bill to be entitled An Act relating to the governing body and the boundaries of the Bexar Metropolitan Water District.

A record vote was requested.

HB 1565 was passed by (Record 323): 142 Yeas, 0 Nays, 4 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; 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; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; 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; Van Arsdale; Vaught; Veasey; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Goolsby(C); Menendez; Villarreal.

Absent, Excused — Elkins; Moreno.

Absent — Puente; Turner.

STATEMENT OF VOTE

I was shown voting yes on Record No. 323. I intended to vote no.

Gonzalez Toureilles

**HB 1618 ON THIRD READING
(by Ritter)**

HB 1618, A bill to be entitled An Act relating to a credit or refund for diesel fuel taxes paid on diesel fuel used in this state by certain oil field well service equipment.

A record vote was requested.

HB 1618 was passed by (Record 324): 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; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; 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; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Elkins; Moreno.

Absent — Gonzalez Toureilles; Madden.

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**HB 1505 ON SECOND READING
(by Lucio)**

HB 1505, A bill to be entitled An Act relating to a fee to support intercollegiate athletics at The University of Texas at Brownsville.

(Speaker in the chair)

Amendment No. 1

Representative Oliveira offered the following amendment to **HB 1505**:

Amend **HB 1505** by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter E, Chapter 54, Education Code, is amended by adding Section 54.551 to read as follows:

Sec. 54.551. INTERCOLLEGIATE ATHLETICS FEE; THE UNIVERSITY OF TEXAS AT BROWNSVILLE. (a) Except as otherwise provided by Subsection (g), the board of regents of The University of Texas System may impose on each student enrolled at The University of Texas at Brownsville an intercollegiate athletics fee in an amount not to exceed \$7 per semester credit hour.

(a-1) Notwithstanding any other provision of this section, the maximum fee that may be imposed under this section for the 2008-2009 academic year is \$5 per semester credit hour, and the maximum fee that may be imposed under this section for the 2009-2010 academic year is \$6 per semester credit hour. This subsection expires January 1, 2011.

(b) The board shall deposit revenue from the fee to the credit of an account known as The University of Texas at Brownsville intercollegiate athletics fee account. Money in the account shall be used in accordance with the terms of the partnership agreements entered into between The University of Texas at Brownsville and Texas Southmost College under Section 78.02.

(c) The board may not increase the amount of the fee by more than 10 percent from one academic year to the next unless the amount of the increase is approved by:

(1) a majority vote of the students participating in a general student election held at the university for that purpose; and

(2) a majority of the members of the legislative body of the student government of the university.

(d) A fee imposed under this section is in addition to any other fee the board is authorized by law to impose.

(e) Subject to the limitations of this section on the amount of the fee and any increase in the amount of the fee, the fee imposed under this section must be in the same amount as the intercollegiate athletics fee charged a student at Texas Southmost College by the board of trustees of Southmost Union Junior College District. A student attending either or both institutions may be charged an intercollegiate athletics fee by only one of the institutions.

(f) The board may not impose the fee authorized by this section on a student who is enrolled solely in online courses at the university.

SECTION 2. This Act applies beginning with the 2008 fall semester.

SECTION 3. This Act takes effect August 1, 2008.

Amendment No. 1 was adopted.

HB 1505, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Anderson recorded voting no.)

CSSB 482 ON SECOND READING
(P. King - House Sponsor)

CSSB 482, A bill to be entitled An Act relating to competition and customer choice in the retail electric power market; providing an administrative penalty.

CSSB 482 was considered in lieu of **HB 1189**.

Amendment No. 1

Representative P. King offered the following amendment to **CSSB 482**:

Amend **CSSB 482** (house committee printing) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, lines 5 and 6), strike "Sections 17.157(a) and (b), Utilities Code, are amended" and substitute "Section 17.157, Utilities Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-1) and (d)".

(2) Strike Section 17.157(a), Utilities Code, as amended by SECTION 1 of the bill (page 1, lines 7-10) and substitute the following:

(a) In this section, "small commercial retail customer" does not include an individual or entity that:

(1) during any 12-month period has either a peak demand of more than 10 kilowatt hours or an average monthly usage of more than 3,500 kilowatt hours;

(2) used the services of an aggregator, broker, or consultant to assist with or during the negotiation, review, or execution of an agreement for the provision of retail electricity or telecommunications service; or

(3) used the services of an aggregator, broker, or consultant in filing a complaint with the commission.

(a-1) The commission may investigate or resolve disputes between either a residential or small commercial retail customer and a billing utility, service provider, telecommunications utility, retail electric provider, or electric utility.

(3) In Section 17.157(b), Utilities Code, as amended by SECTION 1 of the bill (page 1, line 11), strike "Subsection (a)" and substitute "Subsection (a-1) ~~(a)~~".

(4) In Section 17.157(b)(2), Utilities Code, as amended by SECTION 1 of the bill (page 1, line 19), strike "residential" and substitute "residential and small commercial retail".

(5) In Section 17.157(b)(3), Utilities Code, as amended by SECTION 1 of the bill (page 2, line 2), strike "residential" and substitute "residential or small commercial retail".

(6) In Section 17.157(b)(4), Utilities Code, as amended by SECTION 1 of the bill (page 2, line 4), strike "residential" and substitute "residential or small commercial retail".

(7) In Section 17.157(b)(5), Utilities Code, as amended by SECTION 1 of the bill (page 2, line 9), strike "~~or small commercial~~" and substitute "or small commercial retail".

(8) In Section 17.157, Utilities Code, as amended by SECTION 1 of the bill (page 2, between lines 12 and 13), insert a new Subsection (d) to read as follows:

(d) Notwithstanding Subsections (a) and (b), this section does not limit the commission's authority to resolve disputes between retail customers and electric utilities, including transmission and distribution utilities, regarding tariffs or rates.

(9) Strike SECTION 2 of the bill (page 2, line 13, through page 3, line 20) and substitute the following:

SECTION 2. Section 39.051, Utilities Code, is amended by adding Subsection (h) to read as follows:

(h) On or before January 1, 2008, a transmission and distribution utility that is an affiliate of a power generation company or a retail electric provider under Section 11.003(2) or 11.006 shall:

(1) have a name and logo that is distinct from the name and logo of its affiliated power generation company or retail electric provider;

(2) have its board of directors composed exclusively of individuals who are not members of the board of directors of its affiliated power generation company or retail electric provider;

(3) have a chief operating officer who is not the chief operating officer of its affiliated power generation company or retail electric provider;

(4) have its headquarters located in a building separate and apart from the building or buildings in which the headquarters of its affiliated power generation company or retail electric provider is located;

(5) maintain an arm's-length relationship with its affiliated power generation company or retail electric provider;

(6) enter into transactions with its affiliated power generation company or retail electric provider only on a commercially reasonable basis and only as approved by a majority of the directors of its governing board of directors;

(7) prepare its separate annual financial statement in accordance with generally accepted accounting principles showing its assets and liabilities as separate and distinct from the assets of its affiliated power generation company or retail electric provider; and

(8) ensure that the commission has complete access to all of the transmission and distribution utility's books and records pertaining to transactions between the utility and its affiliated power generation company or retail electric provider.

(10) Strike the first sentence of Section 39.110(c), Utilities Code, as added by SECTION 4 of the bill (page 4, lines 18-21) and substitute the following:

This section applies only to a retail electric provider that, on December 31, 2006, had more than 250,000 residential customers in this state and was required to offer service to residential customers at the price to beat in accordance with Section 39.202.

(11) In Section 39.2021(d), Utilities Code, as added by SECTION 5 of the bill (page 8, line 1), strike "service plan offered to residential customers" and substitute "service plan offered by the provider to residential customers".

Amendment No. 2

Representatives Eiland and Bohac offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by P. King to **CSSB 482** in Section 5 of the bill as follows:

(1) In the heading to added Section 39.2021, Utilities Code (page 6, line 22), strike "CHOICE." and substitute "CHOICE; RATE REDUCTION."

(2) At the end of added Section 39.2021, Utilities Code (page 8, between lines 26 and 27), insert a new Subsection (h) of that section to read:

(h) On or before January 1, 2008, a retail electric provider shall give to a residential customer under a price to beat tariff on December 31, 2006, a rate reduction of 15 percent. The rate reduction given under this subsection may not be considered as a residential customer's affirmative choice of an electric service plan for purposes of this section.

Amendment No. 2 was withdrawn.

Amendment No. 3

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

Amend **CSSB 482** (house committee printing) as follows:

- (1) Strike Section 1 of the bill (page 1, line 5, through page 2, line 12).
- (2) Strike Section 7 of the bill (page 9, lines 19-22).
- (3) Renumber the remaining sections of the bill accordingly.

Amendment No. 3 was withdrawn.

LEAVE OF ABSENCE GRANTED

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

Y. Davis on motion of Thompson.

CSSB 482 - (consideration continued)

Amendment No. 4

Representatives Oliveira, Eiland, Dunnam, Hartnett, Smithee, Bohac, Gonzales, Coleman, and Darby offered the following amendment to Amendment No. 1:

Amend the P. King amendment to **CSSB 482** by adding the following:

(1) On page 8, after line 26, insert the following and renumber subsequent sections.

SECTION 6. Subchapter E, Chapter 39, Utilities Code, is amended by adding Section 39.2025 to read as follows:

Sec. 39.2025. MARKET REVIEW BASED ON PRICE OF ELECTRICITY.

(a) The commission may review, as described in Subsection (b), the price of the electric service plan under which residential customers who took service under a price to beat tariff on December 31, 2006, who have not subsequently chosen an alternate retail electric service plan and who have not received a ballot pursuant to 39.2021(d), if the average price charged by a retail electric provider to such residential customers is more than two cents per kilowatt hour higher for more than six consecutive months than the simple average of the prices actually charged on customers' bills for other similar electric service plans in the relevant transmission and distribution utility service territory.

(b) If the commission determines that the retail electric provider's price charged to such customers is not reasonable based on its review, the commission may reduce the retail electric provider's residential price charged to such customers, but not to less than one cent per kilowatt hour higher than the simple average of the prices charged for other similar electric service plans in the relevant transmission and distribution utility service territory at the time the downward adjustment is required.

(c) This section does not apply in a transmission and distribution service territory if at the end of calendar year 2007 the number of residential customers identified in subsection (a) is less than 25 percent of the number of residential customers in the transmission and distribution utility service territory in which such customers take service.

(d) The commission shall adopt rules to implement this Section and to ensure that the intent of this Section is carried out.

(e) This section expires on September 1, 2008.

Representative Turner moved to table Amendment No. 4.

A record vote was requested.

The motion to table was lost by (Record 325): 13 Yeas, 127 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Dutton; Giddings; Harper-Brown; Mallory Caraway; Merritt; Miles; Miller; Pierson; Thompson; Turner.

Nays — Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dunnam; Eiland; Eissler; England; Escobar; Farabee; Farias; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Morrison; Murphy; Naishtat; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts;

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

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

Absent, Excused — Davis, Y.; Elkins; Moreno.

Absent — Farrar; Hughes; McClendon; Mowery.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 325. I intended to vote no.

Harper-Brown

I was shown voting no on Record No. 325. I intended to vote yes.

Hodge

When Record No. 325 was taken, my vote failed to register. I would have voted yes.

McClendon

A record vote was requested.

Amendment No. 4 was adopted by (Record 326): 130 Yeas, 11 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dunnam; Eiland; Eissler; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Gonzales; Gonzalez Tourelles; 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.; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miller; Morrison; Murphy; Naishtat; 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; Truitt; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Alonzo; Bailey; Dutton; Giddings; Hodge; Mallory Caraway; Miles; Pierson; Solomons; Thompson; Turner.

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

Absent, Excused — Davis, Y.; Elkins; Moreno.

Absent — Cohen; Kolkhorst; McClendon; Mowery.

STATEMENTS OF VOTE

When Record No. 326 was taken, my vote failed to register. I would have voted yes.

Kolkhorst

When Record No. 326 was taken, my vote failed to register. I would have voted no.

McClendon

I was shown voting no on Record No. 326. I intended to vote yes.

Pierson

A record vote was requested.

Amendment No. 1, as amended, was adopted by (Record 327): 138 Yeas, 4 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; 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; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Murphy; Naishtat; O'Day; Oliveira; Olivo; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Hodge; Mallory Caraway; Miles; Turner.

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

Absent, Excused — Davis, Y.; Elkins; Moreno.

Absent — Flores; Ortiz; Pierson.

STATEMENT OF VOTE

When Record No. 327 was taken, I was in the house but away from my desk. I would have voted no.

Pierson

Amendment No. 5

Representative Turner offered the following amendment to **CSSB 482**:

Amend **CSSB 482** (house committee printing) as follows:

(1) Strike the recitation to Section 3 of the bill (page 3, lines 21 and 22), and substitute:

SECTION 3. Section 39.101, Utilities Code, is amended by amending Subsection (h) and adding Subsection (i) to read as follows:

(h) A retail electric provider, power generation company, aggregator, or other entity that provides retail electric service may not disconnect service to a residential customer during an extreme weather emergency or on a weekend day. The entity providing service shall defer collection of the full payment of bills that are due during an extreme weather emergency until after the emergency is over and shall offer ~~work with~~ customers a deferred payment plan providing for a period of not less than five months for a customer to pay deferred amounts [to establish a pay schedule for deferred bills]. For purposes of this subsection, "extreme weather emergency" means ~~a period when~~:

(1) a day for which the National Weather Service forecasts that the ~~previous day's highest~~ temperature will reach or fall below [did not exceed] 32 degrees Fahrenheit in any part of a county in the relevant service territory [and the temperature is predicted to remain at or below that level for the next 24 hours according to the nearest National Weather Service reports]; [or]

(2) a day for which the National Weather Service forecasts that the heat index will reach or exceed 100 degrees Fahrenheit in any part of a county in the relevant service territory; or

(3) a period when, ~~[issues a heat advisory for any county in the relevant service territory, or when such an advisory has been issued]~~ on any one of the previous two calendar days, the National Weather Service observes a heat index of 100 degrees Fahrenheit or more in any part of a county in the relevant service territory.

(2) Add to the bill the following SECTION, numbered appropriately:

SECTION _____. (a) Subchapter C, Chapter 39, Utilities Code, is amended by adding Section 39.1015 to read as follows:

Sec. 39.1015. SUSPENSION OF DISCONNECTION FOR CERTAIN CUSTOMERS. (a) In this section:

(1) "Critical care residential customer" means a residential electric customer for whom an interruption or suspension of electric service will create a dangerous or life-threatening condition.

(2) "Elderly low-income customer" means a low-income customer who is 65 years old or older.

(3) "Low-income customer" means an electric customer:

(A) whose household income is not more than 125 percent of the federal poverty guidelines;

(B) who receives food stamps from the Health and Human Services Commission; or

(C) who receives medical assistance from a state agency that administers a part of the medical assistance program.

(4) "Service provider" means a retail electric provider, power generation company, aggregator, or other entity that provides retail electric service.

(b) During the period beginning July 1 and ending September 30 of each year a service provider:

(1) may not disconnect service or authorize the disconnection of service to a critical care residential customer or elderly low-income customer who contacts the service provider regarding bill payment or in response to a disconnection notice;

(2) may not disconnect service or authorize the disconnection of service to a low-income customer other than an elderly low-income customer if the customer:

(A) contacts the service provider regarding bill payment or in response to a disconnection notice; and

(B) enters into a deferred payment plan with the service provider for the current month's electric charges and meets the terms of any then current deferred payment plan;

(3) shall request reconnection of service or reconnect service to a critical care residential customer or an elderly low-income customer whose service is disconnected before or during the period if:

(A) the customer contacts the service provider regarding bill payment or in response to a disconnection notice; or

(B) the service provider has previously been notified that the customer is a critical care residential customer;

(4) shall request reconnection of service or reconnect service to a low-income customer whose service is disconnected before or during the period if the customer enters into a deferred payment plan with the service provider; and

(5) shall rescind a request for disconnection of service to a critical care residential customer, elderly low-income customer, or low-income customer made before the period begins if the service provider is prohibited under this subsection from disconnecting or authorizing the disconnection of the customer's service during the period.

(c) A service provider may not disconnect service or authorize the disconnection of a critical care residential customer's service during the period provided by Subsection (b) regardless of whether the customer contacts the service provider as provided by Subsection (b) if the service provider has previously been notified that the customer is a critical care residential customer.

(d) A service provider shall allow a critical care residential customer, elderly low-income customer, or low-income customer to establish with the provider a deferred payment plan in person or by telephone. The service provider shall confirm the payment plan with the customer in writing. The deferred payment plan may not include a penalty for late payments accrued during the period provided by Subsection (b). The service provider shall allow a critical care residential customer, elderly low-income customer, or low-income customer to renegotiate the terms of the deferred payment plan at least one time, regardless of whether the customer's economic or financial circumstances have changed. For a

low-income customer other than an elderly low-income customer, during the period provided by Subsection (b), the payment plan may require the payment of not more than 25 percent of the then current month's charges plus any due installments of a previous deferred payment plan. For a low-income customer other than an elderly low-income customer, the service provider is not required to extend a deferred payment plan entered into under this subsection beyond the March billing cycle following the period provided by Subsection (b).

(e) A deferred payment plan established under Subsection (d) for one or more electric bills that come due during the period provided by Subsection (b) must provide:

(1) for a critical care residential customer or elderly low-income customer, that the customer is not required to pay more than 25 percent of the deferred electric bills as part of the first electric bill issued after the end of the period and that the remaining balance is to be paid in equal installments over the next five billing cycles, unless the customer requests a lesser number of installments; and

(2) for a low-income customer other than an elderly low-income customer, that the customer is required to pay not more than 25 percent of the deferred bills to initiate the agreement and that the remaining balance is to be paid in equal installments over the next five billing cycles, unless the customer requests a lesser number of installments.

(f) A service provider may pursue disconnection of electrical service for a critical care residential customer or an elderly low-income customer only after the period provided by Subsection (b) and only if the customer does not meet the terms of the deferred payment plan, unless the disconnection is otherwise prohibited. A service provider may pursue disconnection of service for a low-income customer other than an elderly low-income customer if the customer does not meet the terms of the deferred payment plan, unless the disconnection is otherwise prohibited. The service provider shall give the customer appropriate notice that the customer has not met the terms of the plan before the service provider disconnects or authorizes the disconnection of service.

(g) A service provider may encourage a critical care residential customer or elderly low-income customer to make partial payment of a deferred electric bill during the period provided by Subsection (b), but the service provider shall clearly inform the customer that the customer may not be disconnected for nonpayment before October 1 following the period provided by Subsection (b).

(b) This section takes effect June 1, 2007, if this Act 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 this section to take effect on that date, this section takes effect September 30, 2007.

(3) Renumber the SECTIONS of the bill accordingly.

Amendment No. 5 was withdrawn.

Amendment No. 6

Representative Turner offered the following amendment to **CSSB 482**:

Amend **CSSB 482** by adding the following new SECTION 5 and renumbering accordingly:

SECTION 5. Section 39.158, Utilities Code, is amended by adding Subsections (e), (f), and (g) to read as follows:

(e) In order to protect competition and retail customers in this state, notwithstanding any other provision of this title, an electric utility or transmission and distribution utility must obtain commission approval prior to the close of a transaction:

(1) whereby the electric utility or transmission and distribution utility merges or consolidates with another electric utility or transmission and distribution utility; or

(2) whereby the electric utility or transmission and distribution utility proposes to sell at least 50 percent of the stock of the electric utility or transmission and distribution utility.

(f) The commission may only approve a transaction under Subsection (e) if it finds that the transaction:

(1) is in the public interest; and

(2) will not result in an adverse impact on the rates or services of the electric utility or transmission and distribution utility.

(g) In carrying out the review contemplated in Subsection (e), the commission shall consider:

(1) the extent to which the transaction facilitates the development of the competitive market;

(2) the extent to which the transaction mitigates market power in either the retail or wholesale electricity market; or

(3) other purposes consistent with this title.

(Hughes in the chair)

Amendment No. 7

Representative Geren offered the following amendment to Amendment No. 6:

Amend Amendment No. 6 (by Turner) to **CSSB 482** by inserting the appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Notwithstanding any other law, the Commission shall complete the review under subsection ____ within 120 days after filing.

Amendment No. 7 was adopted.

(Speaker in the chair)

Representative P. King moved to table Amendment No. 6, as amended.

CSSB 482 - POINT OF ORDER

Representative Talton raised a point of order against further consideration of **CSSB 482** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker sustained the point of order and submitted the following statement:

Rep. Talton raises a point of order against further consideration of **SB 482** on the grounds that the bill analysis violates Rule 4, Section 32(c) because it is inaccurate.

SECTION 6 of **SB 482** amends Section 39.902, Utilities Code, a statute which addresses "Customer Education." The bill analysis refers, in error, to SECTION 6 as amending Section 39.202, Utilities Code, which actually addresses "Price to Beat" provisions of the code. To add to the confusion, the analysis notes that SECTION 7 of the original amends Section 39.902, Utilities Code, the provision relating to "Customer Education."

The chair is aware that committee clerks and other house staff make every reasonable effort to analyze complex legislation under crushing deadlines, often with limited expertise in the subject matter that they are discussing in their bill analyses. This is why, in the absence of the "substantial compliance rule" (which was repealed by the 78th Legislature when it adopted its house rules), the chair has balanced these concerns against the requirement that an error in a bill analysis be substantially or materially misleading before sustaining a point of order.

Because both Section 39.202 and Section 39.902, Utilities Code exist in law, were both mentioned in the analysis, and were both amended in **SB 482** at some point during the legislative process, the chair has no choice but to find that the discussion and treatment of these provisions in the analysis is materially or substantially misleading to the reader.

Accordingly, the point of order is well-taken and sustained.

CSSB 482 was returned to the Committee on Regulated Industries.

LEAVE OF ABSENCE GRANTED

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

Noriega on motion of Pickett.

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

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

CSSB 483 was considered in lieu of **HB 1190**.

Amendment No. 1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) The commission shall approve~~[-, modify,]~~ or reject a plan within 90 ~~[180]~~ days after the date ~~[of]~~ a utility or company files a plan ~~[filing]~~ under Subsection (b)(1) or (2) ~~[(b)]~~.

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

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

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

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

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

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

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

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

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

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

Amendment No. 1 was adopted.

Amendment No. 2

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

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

SECTION _____. (a) The legislature finds that:

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

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

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

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

(a) To prevent market power abuses or other violations of this section, the [The] commission shall monitor market power associated with the generation, transmission, distribution, and sale of electricity in this state. On a finding that market power abuses or other violations of this section are occurring, the commission shall require reasonable mitigation of the market power by ordering the construction of additional transmission or distribution facilities, by seeking an injunction or civil penalties as necessary to eliminate or to remedy the market power abuse or violation as authorized by Chapter 15, by imposing an administrative penalty as authorized by Chapter 15, or by suspending, revoking, or amending a certificate or registration as authorized by Section 39.356. Section 15.024(c) does not apply to an administrative penalty imposed under this section. For purposes of this subchapter, market power abuses are practices by persons possessing market power that are unreasonably discriminatory or tend to unreasonably restrict, impair, or reduce the level of competition, including practices that tie unregulated products or services to regulated products or services or unreasonably discriminate in the provision of regulated services. For purposes of this section, "market power abuses" include predatory pricing, withholding of production, precluding entry, and collusion. A violation of the code of conduct provided by Subsection (d) that materially impairs the ability of a person to compete in a competitive market shall be deemed to be an abuse of market power. The possession of a high market share in a market open to competition may not, of itself, be deemed to be an abuse of market power; however, this sentence shall not affect the application of state and federal antitrust laws.

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

pursuing a private right of action. In this subsection, "qualifying person" means a retail electric provider that meets the requirements for standing to sue for market power abuses under Sections 15.01 through 15.26, Business & Commerce Code.

Amendment No. 2 was adopted.

Amendment No. 3

Representative T. Smith offered the following amendment to **CSSB 483**:

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

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

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

; and

(4) no person owns, controls, or owns and controls in any combination more than 25 percent of the installed generation capacity located in or capable of delivering electricity to an ERCOT zone, as determined according to Section 39.154.

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

(4) In Section 39.153(a-1), Utilities Code, as added by SECTION 2 of the bill (page 2, line 22), strike the underlined period and substitute "or more than 25 percent of the installed generation capacity in an ERCOT zone".

(5) In Section 39.154(a), Utilities Code, as amended by SECTION 3 of the bill (page 4, line 25), strike the period and substitute "or more than 25 percent of the installed generation capacity located in, or capable of delivering electricity to, an ERCOT zone".

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

(7) In Section 39.156(b), Utilities Code, as amended by SECTION 5 of the bill (page 6, line 16), between "region" and ", not", insert "or more than 25 percent of the generation capacity located in, or capable of delivering electricity to, an ERCOT zone".

(8) In Section 39.156(b), Utilities Code, as amended by SECTION 5 of the bill (page 6, line 17), strike "exceeds the 20 percent limitation" and substitute "exceeds the applicable limitation".

(Noriega now present)

Representative P. King moved to table Amendment No. 3.

CSSB 483 - POINT OF ORDER

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

MESSAGE FROM THE SENATE

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

CSSB 483 - (consideration continued)

The speaker sustained the point of order.

CSSB 483 was returned to the Committee on Regulated Industries.

LEAVE OF ABSENCE GRANTED

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

Delisi on motion of Homer.

CSHB 425 ON SECOND READING (by Madden)

CSHB 425, A bill to be entitled An Act relating to the instructional requirements for education services provided in a juvenile residential facility operated by a juvenile board or under contract with the Texas Youth Commission.

Amendment No. 1

Representative Hochberg offered the following amendment to **CSHB 425**:

Amend **CSHB 425** as follows:

(1) On page 1, lines 10 and 11, strike "in coordination with the Texas Juvenile Probation Commission,".

(2) On page 1, strike lines 13 and 14 and substitute "charter school in a pre-adjudication secure detention facility or a post-adjudication secure correctional facility operated by a juvenile board or a post-adjudication secure correctional facility operated under contract".

(3) On page 1, strike lines 21 and 22 and substitute the following:

(b) The commissioner shall coordinate with:

(1) the Texas Juvenile Probation Commission in determining the instructional requirements for education services provided under Subsection (a) in a pre-adjudication secure detention facility or a post-adjudication secure correctional facility operated by a juvenile board; and

(2) the Texas Youth Commission in determining the instructional requirements for education services provided under Subsection (a) in a post-adjudication secure correctional facility operated under contract with the Texas Youth Commission.

(c) The commissioner shall adopt rules necessary to administer this section. The rules must ensure that:

(1) a student who receives education services in a pre-adjudication secure detention facility described by this section is offered courses that enable the student to maintain progress toward completing high school graduation requirements; and

(2) a student who receives education services in a post-adjudication secure correctional facility described by this section is offered, at a minimum, the courses necessary to enable the student to complete high school graduation requirements.

(d) The Texas Juvenile Probation Commission or the Texas Youth Commission, as applicable, shall coordinate with the commissioner in establishing standards for:

(1) ensuring security in the provision of education services in the facilities; and

(2) providing children in the custody of the facilities access to education services.

Amendment No. 1 was adopted.

(W. Smith in the chair)

CSHB 425, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1887 ON SECOND READING

(by Truitt, Peña, Branch, Latham, Woolley, Anchia, et al.)

HB 1887, A bill to be entitled An Act relating to the punishment for and prevention of the offense of burglary of vehicles.

Amendment No. 1

Representatives Latham, Castro, Escobar, Gattis, Merritt, Martinez Fischer, Paxton, and Driver offered the following amendment to **HB 1887**:

Amend **HB 1887** (house committee printing) as follows:

(1) On page 1, strike lines 5-20 and substitute the following:

SECTION 1. Section 30.04, Penal Code, is amended by amending Subsection (d) and adding Subsections (d-1), (f), and (g) to read as follows:

(d) An offense under this section is:

(1) a Class B misdemeanor if the amount of pecuniary loss to tangible personal property is less than \$500;

(2) a Class A misdemeanor if the amount of pecuniary loss to tangible personal property is \$500 or more but less than \$1,500;

(3) a state jail felony if:

(A) the amount of pecuniary loss to tangible personal property is \$1,500 or more but less than \$20,000;

(B) the amount of pecuniary loss to tangible personal property is less than \$1,500 and the actor has previously been convicted two or more times under this section;

(C) the amount of pecuniary loss to tangible personal property is less than \$1,500 and the actor commits theft of an official ballot or official carrier envelope for an election in the course of committing the offense; or

(D) the amount of pecuniary loss to tangible personal property is less than \$1,500 and [unless] the vehicle or part of the vehicle broken into or entered is a rail car;

(4) a felony of the third degree if the amount of pecuniary loss to tangible personal property is \$20,000 or more but less than \$100,000;

(5) a felony of the second degree if the amount of pecuniary loss to tangible personal property is \$100,000 or more but less than \$200,000; or

(6) a felony of the first degree if the amount of pecuniary loss to tangible personal property is \$200,000 or more [~~in which event the offense is a state jail felony~~].

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

(f) If the actor, pursuant to one scheme or continuing course of conduct, commits three or more offenses under this section in a 24-hour period, the conduct may be considered as one offense and the amounts of pecuniary loss aggregated in determining the grade of offense.

(g) For the purposes of Subsection (d), the amount of pecuniary loss to tangible personal property is the sum of:

(1) the cost of repairing or restoring the vehicle, if the actor damaged the vehicle in the course of committing the offense; and

(2) the fair market value of any tangible personal property the actor stole from the vehicle, if the actor committed theft in the course of committing the offense.

(3) Strike SECTIONS 2 and 3 of the bill (page 2, lines 4-15) and renumber subsequent SECTIONS of the bill accordingly.

Representative Truitt moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 328): 77 Yeas, 57 Nays, 3 Present, not voting.

Yeas — Anchia; Anderson; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crownover; Darby; Dukes; England; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Hochberg; Homer; Hopson; Howard, C.; Howard, D.; Isett; Jackson; Keffer; King, P.; King, T.; Kolkhorst; Krusee; Laubenberg; Lucio; Macias; Martinez; McClendon; Menendez; Miller; Morrison; Mowery; Murphy; Orr; Otto; Parker; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Riddle; Ritter; Rose; Smith, T.; Solomons; Strama; Straus; Swinford; Taylor; Truitt; Villarreal; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Bailey; Berman; Bohac; Bolton; Burnam; Castro; Cohen; Coleman; Crabb; Creighton; Deshotel; Driver; Dunnam; Dutton; Eiland; Eissler; Escobar; Farabee; Farias; Flynn; Garcia; Gattis; Gonzalez Toureilles; Heflin; Hernandez; Herrero; Hodge; Jones; Kuempel; Latham; Leibowitz; Madden; Mallory Caraway; Martinez Fischer; McCall; McReynolds; Merritt; Miles; Naishtat; Noriega; O'Day; Olivo; Ortiz; Pierson; Quintanilla; Raymond; Rodriguez; Smithee; Talton; Thompson; Turner; Van Arsdale; Vaught; Veasey; Vo.

Present, not voting — Mr. Speaker; Aycock; Smith, W.(C).

Absent, Excused — Davis, Y.; Delisi; Elkins; Moreno.

Absent — Davis, J.; Farrar; Guillen; Harless; Hill; Hughes; King, S.; Oliveira; Patrick.

STATEMENTS OF VOTE

I was shown voting no on Record No. 328. I intended to vote yes.

Gonzalez Toureilles

When Record No. 328 was taken, my vote failed to register. I would have voted no.

Guillen

When Record No. 328 was taken, my vote failed to register. I would have voted yes.

S. King

I was shown voting no on Record No. 328. I intended to vote yes.

Noriega

HB 1887 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Merritt recorded voting no.)

**HB 2024 ON SECOND READING
(by Kolkhorst)**

HB 2024, A bill to be entitled An Act relating to the continuation and functions of the Texas Veterinary Medical Diagnostic Laboratory.

Amendment No. 1

Representative Aycock offered the following amendment to **HB 2024**:

Amend **HB 2024** as follows:

(1) On page 1, strike lines 10 and 15 and substitute the following:

Sec. 88.701. TEXAS VETERINARY MEDICAL DIAGNOSTIC LABORATORY. ~~(a)~~ The Texas Veterinary Medical Diagnostic Laboratory is a state agency under the jurisdiction and supervision of the board.

~~[(b) The agency is not a part of the Texas A&M University System.]~~

(2) On pages 1 and 2, strike page 1, line 23, through page 2, line 3, and substitute the following:

~~[Sec. 88.703. SUNSET PROVISION. The Texas Veterinary Medical Diagnostic Laboratory is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the laboratory is abolished and this subchapter expires September 1, 2007.]~~

Amendment No. 1 was adopted.

Amendment No. 2

Representative McReynolds offered the following amendment to **HB 2024**:

Amend **HB 2024** (House Committee Printing) on page 6, between lines 9 and 10, by inserting the following:

Sec. 88.710. PLAN COORDINATOR; NATIONAL POULTRY IMPROVEMENT PLAN. (a) The poultry programs administrator for the Texas Veterinary Medical Diagnostic Laboratory serves as the state plan coordinator for the National Poultry Improvement Plan.

(b) The state plan coordinator shall work with the Texas Poultry Improvement Board in the administration of the National Poultry Improvement Plan.

Amendment No. 2 was adopted.

HB 2024, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

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

CSHB 85 ON SECOND READING

(by Branch, Giddings, Solomons, D. Howard, et al.)

CSHB 85, A bill to be entitled An Act relating to credit card marketing activities at postsecondary educational institutions; providing a civil penalty.

CSHB 85 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 54 ON SECOND READING

(by Chavez, Hilderbran, Strama, Dukes, Giddings, et al.)

HB 54, A bill to be entitled An Act relating to the advertising, promoting, and conducting of certain live musical performances; providing a civil penalty.

HB 54 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 177 ON SECOND READING
(by Bailey and Leibowitz)

CSHB 177, A bill to be entitled An Act relating to provision of hot water service to residential rental units.

CSHB 177 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Aycock and Kolkhorst recorded voting no.)

HB 2005 ON SECOND READING
(by Woolley, et al.)

HB 2005, A bill to be entitled An Act relating to liability of certain physical therapists, physical therapist assistants, occupational therapists, and occupational therapy assistants who voluntarily provide health care services.

HB 2005 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1390 ON SECOND READING
(by Turner)

CSHB 1390, A bill to be entitled An Act relating to a firefighters' relief and retirement fund in certain municipalities.

CSHB 1390 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1820 ON SECOND READING
(by Hamilton)

HB 1820, A bill to be entitled An Act relating to the authority to impose a county hotel occupancy tax and to the maximum rate of the tax.

Amendment No. 1

Representative Orr offered the following amendment to **HB 1820**:

Amend **HB 1820** as follows:

(1) On page 1, line 5, strike "Section 352.002(a), Tax Code, is" and substitute "Sections 352.002(a) and (d), Tax Code, are".

(2) On page 3, line 14, strike "and".

(3) On page 3, line 16, strike the period and substitute:

; and

(23) a county that borders Whitney Lake.

(4) On page 3, between lines 16 and 17, insert the following:

(d) The tax imposed by a county authorized by Subsection (a)(4), (6), (8), (9), (10), (11), (12), (17), (19), (20), ~~or~~ (21), or (23) to impose the tax does not apply to a hotel located in a municipality that imposes a tax under Chapter 351 applicable to the hotel. This subsection does not apply to:

(1) a county authorized by Subsection (a)(6) to impose the tax that:

(A) has a population of less than 40,000 and adjoins the most populous county in this state; or

(B) has a population of more than 200,000 and borders the Neches River; or

(2) a county authorized by Subsection (a)(9) to impose the tax that has a population of more than 9,000.

(5) Insert the following appropriately numbered SECTION to read as follows and renumber subsequent SECTIONS accordingly:

SECTION ____. Subchapter B, Chapter 352, Tax Code, is amended by adding Section 352.1034 to read as follows:

Sec. 352.1034. CERTAIN COUNTIES BORDERING WHITNEY LAKE.
The revenue from a tax imposed under this chapter by a county authorized to impose the tax by Section 352.002(a)(23) may be used only for the purpose described in Section 352.101(a)(3) and only in relation to unincorporated areas of the county.

Amendment No. 1 was adopted.

HB 1820, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1093 ON SECOND READING

(by Geren, Vaught, Garcia, Macias, Berman, et al.)

HB 1093, A bill to be entitled An Act relating to the offense of funeral service disruption.

HB 1093 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 638 ON SECOND READING

(by Hughes and Flynn)

HB 638, A bill to be entitled An Act relating to the eligibility of certain retired peace officers to obtain a weapons proficiency certificate.

Amendment No. 1

Representative Talton offered the following amendment to **HB 638**:

Amend **HB 638** (House Committee Printing) as follows:

(1) On page 1, at the end of line 19, insert the following:

For purposes of this subsection, proof that a retired officer is entitled to receive a pension or annuity or is not entitled to receive a pension or annuity only because the agency that last employed the retired officer does not offer a pension or annuity may include a retired peace officer identification card issued under Subchapter H, Chapter 614, Government Code.

(2) Strike SECTION 2 of the bill and substitute the following appropriately numbered SECTIONS:

SECTION _____. Chapter 614, Government Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. IDENTIFICATION CARDS FOR CERTAIN RETIRED
PEACE OFFICERS

Sec. 614.121. DEFINITION. In this subchapter, "honorably retired peace officer" means a former peace officer who:

(1) previously served but is not currently serving as an elected, appointed, or employed peace officer under Article 2.12, Code of Criminal Procedure, or other law;

(2) did not retire in lieu of any disciplinary action;

(3) was eligible to retire from a law enforcement agency in this state or was ineligible to retire only as a result of an injury received in the course of the officer's employment with the agency; and

(4) is entitled to receive a pension or annuity for service with a state or local law enforcement agency or is not entitled to receive a pension or annuity only because the law enforcement agency that employed the retired officer does not offer a pension or annuity to its retired employees.

Sec. 614.122. ISSUANCE OF IDENTIFICATION CARD. The law enforcement agency or other governmental entity that was the last entity to appoint or employ an honorably retired peace officer as a peace officer shall issue an identification card to its honorably retired peace officers.

Sec. 614.123. APPEARANCE AND CONTENT OF IDENTIFICATION CARD. (a) The identification card must include:

(1) the full name of the honorably retired peace officer;

(2) a photograph of the honorably retired peace officer consistent with the honorably retired peace officer's appearance;

(3) the name of the law enforcement agency or other governmental entity that issued the card to the honorably retired peace officer;

(4) if applicable, the signature of the person authorizing the issuance of the card on behalf of the law enforcement agency or other governmental entity to the honorably retired peace officer;

(5) a brief description of the honorably retired peace officer, including the honorably retired peace officer's height, weight, and eye color;

(6) the thumbprint of the honorably retired peace officer;

(7) the date the honorably retired peace officer last served as a peace officer for the law enforcement agency or other governmental entity; and

(8) the date the law enforcement agency or other governmental entity issued the card to the honorably retired peace officer.

(b) On the identification card, the law enforcement agency or other governmental entity that issues the card shall print:

(1) "State of Texas" and the state seal; and

(2) "This identification card certifies that (insert name of honorably retired peace officer) is an honorably retired peace officer of (insert name of law enforcement agency or other governmental entity that last appointed or employed the honorably retired peace officer)."

Sec. 614.124. EXPIRATION DATE. An identification card issued under this subchapter expires on a date specified by the law enforcement agency or other governmental entity issuing the card.

Sec. 614.125. LOST OR STOLEN CARDS. If an identification card issued under this subchapter is lost or stolen, the law enforcement agency or other governmental entity issuing the card may:

(1) require an honorably retired peace officer to submit an affidavit executed by the officer to the law enforcement agency or other governmental entity stating that the identification card was lost or stolen; and

(2) issue a duplicate identification card to the officer.

SECTION _____. (a) Each law enforcement agency or other governmental entity required to issue identification cards under Subchapter H, Chapter 614, Government Code, as added by this Act, shall issue the cards not later than January 1, 2008.

(b) The change in law made by this Act to Section 1701.357(c), Occupations Code, applies only to an application for a weapons proficiency certificate under that section filed on or after September 1, 2007. An application for a weapons proficiency certificate under Section 1701.357, Occupations Code, filed before September 1, 2007, is covered by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

(3) Renumber remaining SECTIONS as appropriate.

Amendment No. 1 was adopted.

(Speaker in the chair)

HB 638, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2282 ON SECOND READING

(by Corte)

HB 2282, A bill to be entitled An Act relating to the issuance of Legion of Merit specialty license plates.

HB 2282 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2322 ON SECOND READING
(by Guillen)

CSHB 2322, A bill to be entitled An Act relating to the rate of the hotel occupancy tax imposed by certain counties without a municipality.

CSHB 2322 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1622 ON SECOND READING
(by Delisi, et al.)

HB 1622, A bill to be entitled An Act relating to the reporting of certain grievances by school district employees.

HB 1622 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1852 ON SECOND READING
(by Corte)

CSHB 1852, A bill to be entitled An Act relating to the authority of a county to regulate the installation and use of lighting in certain areas.

CSHB 1852 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1560 ON SECOND READING
(by Callegari)

HB 1560, A bill to be entitled An Act relating to liability of a governmental unit for certain recreational activities.

HB 1560 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Allen, Gonzalez Toureilles, Herrero, and Leibowitz recorded voting no.)

CSHB 732 ON SECOND READING
(by Krusee)

CSHB 732, A bill to be entitled An Act relating to recording requirements for certain documents.

CSHB 732 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 855 ON SECOND READING**(by Delisi, Rose, Gattis, et al.)**

CSHB 855, A bill to be entitled An Act relating to the prosecution of the offense of failure to identify.

Representative Gattis moved to postpone consideration of **CSHB 855** until 10 a.m. tomorrow.

The motion prevailed.

HB 2252 - VOTE RECONSIDERED

Representative Taylor moved to reconsider the vote by which **HB 2252**, as amended, was passed.

The motion to reconsider prevailed.

HB 2252 ON THIRD READING**(by Taylor and Hancock)**

HB 2252, A bill to be entitled An Act relating to disclosure of information about health care-related services or access to health care information provided to persons covered by health benefit plans.

Amendment No. 1 - Vote Reconsidered

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

The motion to reconsider prevailed.

Amendment No. 1 was withdrawn.

A record vote was requested.

HB 2252 was passed by (Record 329): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; 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; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; 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 — Davis, Y.; Delisi; Elkins; Moreno.

Absent — Deshotel; Driver; Isett; Krusee; Mallory Caraway; Quintanilla.

STATEMENT OF VOTE

When Record No. 329 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

(Bonnen in the chair)

COMMITTEES GRANTED PERMISSION TO MEET

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

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

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

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

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

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

Energy Resources will meet at the posted time, 7:30 a.m. tomorrow.

Business and Industry will meet at the posted meeting upon final recess.

PROVIDING FOR RECESS

Representative Alonzo moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 9 a.m. tomorrow in memory of Juan Juarez of Crystal City.

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.)

RECESS

In accordance with a previous motion, the house, at 6 p.m., recessed until 9 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 4056 (By Rose), Relating to the creation and to the administration, powers, duties, operation and financing of Hays County Municipal Utility District No. 6.

To Natural Resources.

HB 4057 (By Solomons), Relating to the powers and duties of the Denton County Levee Improvement District No. 1 of Denton and Dallas Counties, Texas; providing authority to issue bonds.

To Natural Resources.

HB 4058 (By Olivo), Relating to the powers and duties of the Fort Bend County Levee Improvement District No. 19; providing authority to impose a tax and issue bonds.

To Natural Resources.

HB 4059 (By Parker), Relating to the authority of the Commissioners Court of Denton County to impose a road use fee on certain entities.

To County Affairs.

HB 4060 (By Parker), Relating to the creation of the Four Seasons Ranch Municipal Utility District No. 1 of Denton and Grayson Counties; providing authority to impose a tax and issue bonds.

To Natural Resources.

HB 4061 (By Parker), Relating to the creation of the Denton County Municipal Utility District No. 7; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

HB 4062 (By Miller), Relating to certain administrative duties and responsibilities of the Department of Agriculture.

To Agriculture and Livestock.

HB 4063 (By Miller), Relating to updating a motor fuel tax citation in relation to the sale of certain fuel mixtures.

To Ways and Means.

HB 4064 (By R. Cook), Relating to the terms of office for directors of the Lost Pines Groundwater Conservation District.

To Natural Resources.

HB 4065 (By Otto), Relating to the establishment by the Texas Workforce Commission of a pilot program to provide grants for the construction of certain facilities for job training and employment services.

To Economic Development.

HB 4066 (By J. Davis), Relating to the creation of the NASA Area Management District; providing authority to impose an assessment, impose a sales and use tax, and issue bonds.

To Natural Resources.

HB 4067 (By T. King), Relating to the boundaries of the Zavala-Dimmit Counties Water Improvement District No. 1.

To Natural Resources.

HB 4068 (By Guillen), Relating to the authority of Zapata County to adopt development regulations for certain unincorporated areas of the county; providing a penalty.

To Natural Resources.

HB 4069 (By Phillips), Relating to the creation of the Platinum Ranch Municipal Utility District No. 1 of Grayson County; providing authority to impose taxes and issue bonds; granting the power of eminent domain.

To Natural Resources.

SB 125 to Urban Affairs.

SB 306 to Criminal Jurisprudence.

SB 362 to Public Health.

SB 462 to Local Government Ways and Means.

SB 565 to Judiciary.

SB 718 to Transportation.

SB 802 to Human Services.

SB 1119 to Urban Affairs.

SB 1795 to Transportation.

SCR 50 to Rules and Resolutions.

SIGNED BY THE SPEAKER

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

House List No. 19

HCR 166

Senate List No. 18

SB 495

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Wednesday, April 4, 2007

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 57 Thompson SPONSOR: Ellis
Designating February 2007 as Black History Month in Texas.

HCR 74 King, Tracy SPONSOR: Zaffirini
Congratulating the Cotulla High School football team on an exceptional 2006 season.

HCR 83 Guillen SPONSOR: Zaffirini
Honoring Hector Trevino on the occasion of his retirement from the U.S. Border Patrol.

HCR 98 Noriega, Rick SPONSOR: Ellis
In memory of James DeAnda of Houston, retired chief judge of the U.S. District Court for the Southern District of Texas.

HCR 110 Naishtat SPONSOR: Watson
Commemorating the 30th anniversary of the Assistance League of Austin.

HCR 127 Zerwas SPONSOR: Janek
Designating September 2007 as Leukemia and Lymphoma Awareness Month.

HCR 129 Homer SPONSOR: Eltife

In memory of Donna Annita High of Paris.

HCR 130 Homer SPONSOR: Eltife
In memory of Commissioner Micheal Roger Blackburn of Lamar County.

HCR 184 Hughes SPONSOR: Eltife
Recognizing April 4, 2007, as Marshall Day at the State Capitol.

SB 44 Nelson
Relating to the provision of intervention or counseling services to certain persons who have committed family violence and to a process for accrediting those services.

SB 60 Zaffirini
Relating to the offense of failing to secure a child passenger in a motor vehicle and to fines for the offense.

SB 288 Nelson
Relating to health care associated infection rates at certain health care facilities and the creation of an advisory panel.

SB 462 Harris
Relating to the allocation of revenue from the municipal hotel occupancy tax for the arts for certain municipalities.

SB 542 West, Royce
Relating to county authority regarding subdivision platting and land development.

SB 990 Harris
Relating to the marital property interest in certain employee benefits.

SB 995 Nelson
Relating to the publication of certain information regarding proposed toll projects.

SB 1012 Williams
Relating to the establishment of regional participation agreements between certain municipalities and districts; authorizing the issuance of bonds.

SB 1207 Hegar
Relating to the removal by the county commissioners court of appointed special district board members who engage in misconduct.

SCR 51 Duncan
Recognizing the Lubbock Independent School District on the occasion of its 100th anniversary.

SCR 52 Whitmire
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, April 4, 2007, and ending on Tuesday, April 10, 2007.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 3

Border and International Affairs - **HB 1471, HB 2155, HB 2662, HB 2931**

Business and Industry - **HB 472**

Defense Affairs and State-Federal Relations - **HB 285**

Elections - **HB 2017**

Government Reform - **HB 67, SB 300, SB 670**

Law Enforcement - **HB 488, HB 563, HB 1110, HB 1422, SB 295**

Local Government Ways and Means - **HB 264, HB 1910, HB 2188, HB 2297, HB 3084, HB 3189, HB 3191, HB 3193, SB 456**

Pensions and Investments - **HB 1105, HB 2400, HB 2427**

Public Education - **SB 135**

Public Health - **HB 56, HB 161, HB 948, HB 1412, HB 1683, HB 1973, HCR 35**

ENGROSSED

April 3 - HB 1342, HB 1343, HB 1554, HB 1631

ENROLLED

April 3 - HCR 5

SENT TO THE GOVERNOR

April 3 - HCR 3, HCR 4, HCR 5, HCR 153, HCR 156, HCR 165