

HOUSE JOURNAL

EIGHTIETH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-NINTH DAY — TUESDAY, APRIL 3, 2007

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 258).

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; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; 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; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Krusee; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Absent, Excused — Elkins.

Absent — Crabb; Gallego; Kolkhorst; Kuempel; Martinez; Peña; Pickett; Riddle; Rodriguez; Van Arsdale.

The invocation was offered by Dalia Salas, pastor, Christian Fellowship of Laredo.

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

CAPITOL PHYSICIAN

The speaker recognized Representative Haggerty who presented Dr. David Palafox of El Paso as the "Doctor for the Day."

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

LEAVE OF ABSENCE GRANTED

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

Elkins on motion of Goolsby.

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).

(Kuempel now present)

**HR 721 - ADOPTED
(by Creighton, Eissler, and Otto)**

Representative Creighton moved to suspend all necessary rules to take up and consider at this time **HR 721**.

The motion prevailed.

The following resolution was laid before the house:

HR 721, Recognizing April 3, 2007, as Montgomery County Day at the State Capitol.

HR 721 was read and was adopted.

INTRODUCTION OF GUESTS

The speaker recognized Representative Creighton who introduced a delegation from Montgomery County.

(Crabb now present)

**HCR 166 - ADOPTED
(by Hilderbran)**

Representative Hilderbran moved to suspend all necessary rules to take up and consider at this time **HCR 166**.

The motion prevailed.

The following resolution was laid before the house:

HCR 166, Recognizing April 3, 2007, as Texas Medal of Arts Awards Day.

HCR 166 was read and was adopted.

On motion of Representative Patrick, the names of all the members of the house were added to **HCR 166** as signers thereof.

(Kolkhorst now present)

INTRODUCTION OF GUESTS

The speaker recognized Representative Hilderbran who introduced Texas Medal of Arts honorees.

(Gallego, Pickett, and Rodriguez now present)

(Hamilton in the chair)

LEAVES OF ABSENCE GRANTED

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

Riddle on motion of Delisi.

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

Farrar on motion of Hernandez.

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

Eiland on motion of Taylor.

(McClendon in the chair)

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

Martinez on motion of Gallego.

(Speaker in the chair)

RESOLUTIONS ADOPTED

Representative Gonzales moved to suspend all necessary rules in order to take up and consider at this time **HR 1048** and **HR 1295 - HR 1297**.

The motion prevailed.

The following resolutions were laid before the house:

HR 1048 (by Gonzales), Honoring Jan Klinck on his retirement as a McAllen city commissioner.

HR 1295 (by Gonzales), Honoring Jean Milliken for her contributions to her community as an educator.

HR 1296 (by Gonzales), Recognizing Carol Lynn Looney of Hidalgo County for her contributions to her community.

HR 1297 (by Gonzales), Honoring Dr. Linda Villarreal for her professional contributions to her community.

The resolutions were adopted.

RESOLUTIONS ADOPTED

Representative Mallory Caraway moved to suspend all necessary rules in order to take up and consider at this time **HR 1009**, **HR 1301** and **HR 1357**.

The motion prevailed.

The following resolutions were laid before the house:

HR 1009 (by Allen and Dutton), Honoring the Huston-Tillotson University Choir on the occasion of its annual Houston concert.

HR 1301 (by Dutton), Honoring Willie Deloise Williams Faine of Houston on her 85th birthday.

HR 1357 (by Mallory Caraway), Congratulating Robert and Claudia Batts of Dallas on their 50th wedding anniversary.

The resolutions were adopted.

HR 483 - READ
(by Flores)

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

HR 483, Commending Sergeant Eleuterio Morales of La Joya for his brave and honorable service during the Vietnam War.

HR 483 - MOTION TO ADD NAMES

On motion of Representative Escobar, the names of all the members of the house were added to **HR 483** as signers thereof.

INTRODUCTION OF GUEST

The speaker recognized Representative Flores who introduced Sergeant Eleuterio Morales who briefly addressed the house.

POSTPONED BUSINESS

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

HB 473 ON SECOND 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.

HB 473 was read second time on March 27 and was postponed until 11 a.m. today.

Amendment No. 1

Representative Solomons offered the following amendment to **HB 473**:

Amend **HB 473** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 413.011, Labor Code, is amended by amending Subsection (d) and adding Subsections (d-1) through (d-6) to read as follows:

(d) Fee guidelines must be fair and reasonable and designed to ensure the quality of medical care and to achieve effective medical cost control. The guidelines may not provide for payment of a fee in excess of the fee charged for similar treatment of an injured individual of an equivalent standard of living and paid by that individual or by someone acting on that individual's behalf. The commissioner shall consider the increased security of payment afforded by this subtitle in establishing the fee guidelines.

(d-1) Notwithstanding Subsections (b) through (d) and Section 413.016 [~~or any other provision of this title~~], an insurance carrier may pay fees to a health care provider that are inconsistent with the fee guidelines adopted by the division

if the insurance carrier, or a network under Chapter 1305, Insurance Code, arranging out-of-network services under Section 1305.006, Insurance Code, has a contract with the health care provider and that contract includes a specific fee schedule. An insurance carrier or the carrier's authorized agent may use an informal or voluntary network, as those terms are defined by Section 413.0115, to obtain a contractual agreement that provides for fees different from the fees authorized under the division's fee guidelines. If a carrier or the carrier's authorized agent chooses to use an informal or voluntary network to obtain a contractual fee arrangement, there must be a contractual arrangement between:

(1) the carrier or authorized agent and the informal or voluntary network that authorizes the network to contract with health care providers on the carrier's behalf; and

(2) the informal or voluntary network and the health care provider that includes a specific fee schedule and complies with the notice requirements established under Subsection (d-2).

(d-2) An informal or voluntary network, or the carrier or the carrier's authorized agent, as appropriate, shall notify each health care provider of any person that is given access to the network's fee arrangements with that health care provider within the time and according to the manner provided by commissioner rule.

(d-3) An insurance carrier shall provide copies of each contract described by Subsection (d-1) to the division on the request of the division. Information included in a contract under Subsection (d-1) is confidential and is not subject to disclosure under Chapter 552, Government Code. For medical fee disputes that arise regarding non-network and out-of-network care, the division may request that copies of each contract under which fees are being paid be submitted to the division for review. Notwithstanding Subsection (d-1) or Section 1305.153, Insurance Code, the insurance carrier may be required to pay fees in accordance with the division's fee guidelines if the contract:

(1) is not provided in a timely manner to the division on the division's request;

(2) does not include a specific fee schedule consistent with Subsection (d-1); and

(3) does not:

(A) clearly state that the contractual fee arrangement is between the health care provider and the named insurance carrier or the named insurance carrier's authorized agent; or

(B) comply with the notice requirements under Subsection (d-2).

(d-4) Notwithstanding this section or any other provision of this title, an insurance carrier, an insurance carrier's authorized agent, or a network certified under Chapter 1305, Insurance Code, arranging for non-network services or out-of-network services under Section 1305.006, Insurance Code, may continue to contract with a health care provider to secure health care for an injured employee for fees that exceed the fees adopted by the division under this section.

(d-5) The commissioner and the commissioner of insurance may adopt rules as necessary to implement this section.

(d-6) Subsections (d-1) through (d-3) and this subsection expire January 1, 2011.

SECTION 2. Subchapter B, Chapter 413, Labor Code, is amended by adding Section 413.0115 to read as follows:

Sec. 413.0115. REQUIREMENTS FOR CERTAIN VOLUNTARY OR INFORMAL NETWORKS. (a) In this section:

(1) "Informal network" means a health care provider network described by Section 413.011(d-1) that:

(A) is established under a contract between an insurance carrier and health care providers; and

(B) includes a specific fee schedule.

(2) "Voluntary network" means a voluntary workers' compensation health care delivery network established by an insurance carrier under former Section 408.0223, as that section existed before repeal by Chapter 265, Acts of the 79th Legislature, Regular Session, 2005.

(b) Not later than January 1, 2011, each informal network or voluntary network must be certified as a workers' compensation health care network under Chapter 1305, Insurance Code.

(c) Effective September 1, 2007, each informal network and voluntary network must provide the following information to the division:

(1) an executive contact for official correspondence for the network;

(2) a toll-free telephone number by which a health care provider may contact the informal network or voluntary network;

(3) a list of each insurance carrier with whom the network contracts;
and

(4) a list of each entity associated with the network working on behalf of the insurance carrier, including contact information for each entity.

(d) Each informal network and voluntary network shall report any changes to the information provided under Subsection (c) to the division not later than the 30th day after the effective date of the change.

SECTION 3. (a) Section 413.011(d-4), Labor Code, as added by this Act, takes effect January 1, 2011.

(b) Except as provided by Subsection (a) of this section, this Act takes effect September 1, 2007.

Amendment No. 1 was adopted.

Amendment No. 2 (Committee Amendment No. 1)

Representative Elkins offered the following committee amendment to **HB 473**:

Amend **HB 473** on page 1, line 24, after "Chapter 1305, Insurance Code," by inserting "arranging out-of-network services,"

Amendment No. 2 was withdrawn.

HB 473, 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
SENATE BILLS
THIRD READING**

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

**SB 495 ON THIRD READING
(Straus - House Sponsor)**

SB 495, A bill to be entitled An Act relating to allowing a municipal electric utility to enter into hedging contracts for certain commodities.

A record vote was requested.

SB 495 was passed by (Record 259): 137 Yeas, 0 Nays, 1 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; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Driver; Dukes; Dunnam; Dutton; Eissler; England; Escobar; Farabee; Farias; 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 Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Turner; Vaught; Veasey; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Elkins; Farrar; Martinez; Riddle.

Absent — Bolton; Creighton; Deshotel; Peña; Truitt; Van Arsdale; Villarreal.

STATEMENTS OF VOTE

When Record No. 259 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 259 was taken, I was in the house but away from my desk. I would have voted yes.

Van Arsdale

(Van Arsdale now present)

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 1342 ON THIRD READING
(by Oliveira, et al.)**

HB 1342, A bill to be entitled An Act relating to the creation of an additional judicial district in Cameron County.

A record vote was requested.

HB 1342 was passed by (Record 260): 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; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Driver; Dukes; Dunnam; Dutton; Eissler; England; Escobar; Farabee; Farias; 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 Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; Morrison; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Elkins; Farrar; Martinez; Riddle.

Absent — Chavez; Cohen; Deshotel; Mowery; Peña.

STATEMENTS OF VOTE

When Record No. 260 was taken, I was in the house but away from my desk. I would have voted yes.

Chavez

When Record No. 260 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

HB 1343 ON THIRD READING
(by Oliveira, et al.)

HB 1343, A bill to be entitled An Act relating to the creation of an additional judicial district in Cameron County.

A record vote was requested.

HB 1343 was passed by (Record 261): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Driver; Dukes; Dunnam; Dutton; Eissler; England; Escobar; Farabee; Farias; 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 Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; West; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Elkins; Farrar; Martinez; Riddle.

Absent — Deshotel; Peña; Vo; Woolley.

STATEMENTS OF VOTE

When Record No. 261 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 261 was taken, I was in the house but away from my desk. I would have voted yes.

Vo

HB 1631 ON THIRD READING
(by Heflin)

HB 1631, A bill to be entitled An Act relating to abolishing the office of inspector of hides and animals.

A record vote was requested.

HB 1631 was passed by (Record 262): 138 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; Davis, J.; Davis, Y.; Delisi; Driver; Dunnam; Dutton; Eissler; England; Escobar; Farabee; Farias; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Elkins; Farrar; Martinez; Riddle.

Absent — Darby; Deshotel; Dukes; Hilderbran; Moreno; Peña.

STATEMENTS OF VOTE

When Record No. 262 was taken, my vote failed to register. I would have voted yes.

Darby

When Record No. 262 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

HB 1554 ON THIRD READING
(by Chavez)

HB 1554, A bill to be entitled An Act relating to the creation of an additional judicial district in El Paso County.

A record vote was requested.

HB 1554 was passed by (Record 263): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eissler; England; Escobar; Farabee; Farias; 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 Fischer; McCall; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Eiland; Elkins; Farrar; Martinez; Riddle.

Absent — Cohen; Peña.

STATEMENT OF VOTE

I was shown voting present, not voting on Record No. 263. I intended to vote yes.

McClendon

MAJOR STATE CALENDAR HOUSE BILLS SECOND READING

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

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

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

(Phillips in the chair)

(Peña now present)

HB 4062 - PERMISSION TO INTRODUCE

Representative Miller requested permission to introduce and have placed on first reading **HB 4062**.

A record vote was requested.

Permission to introduce was granted by (Record 264): 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; Eissler; England; Escobar; Farabee; Farias; 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; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Eiland; Elkins; Farrar; Martinez; Riddle.

Absent — Homer.

(Speaker in the chair)

HB 4063 - PERMISSION TO INTRODUCE

Representative Miller requested permission to introduce and have placed on first reading **HB 4063**.

A record vote was requested.

Permission to introduce was granted by (Record 265): 141 Yeas, 0 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Elkins; Farrar; Martinez; Riddle.

Absent — Deshotel; Homer; Peña.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Phillips requested permission for the Committee on General Investigating and Ethics to meet while the house is in session at 8 a.m. tomorrow in JHR 100 for a public hearing.

Permission to meet was granted.

FIVE DAY POSTING RULE SUSPENDED

Representative Menendez moved to suspend the five day posting rule to allow the Committee on Urban Affairs, Subcommittee on Housing, to consider **HB 2063** and **HB 3871** at 8 a.m. Thursday, April 5 in E2.012.

The motion prevailed.

RECESS

At 11:44 a.m., the speaker announced that the house would stand recessed until 1 p.m. today.

AFTERNOON SESSION

The house met at 1 p.m. and was called to order by Representative Hopson.

CSHB 109 - (pending business)

Amendment No. 1

Representative Turner offered the following amendment to **CSHB 109**:

Amend **CSHB 109** on page 2, line 27, by striking "gross" and substituting "net [~~gross~~]".

Amendment No. 1 was adopted.

(Speaker in the chair)

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. 18 and Senate List No. 17).

CSHB 109 - (consideration continued)

(Riddle now present)

Amendment No. 2

Representative C. Howard offered the following amendment to **CSHB 109**:

Amend **CSHB 109** as follows:

(1) Strike SECTION 1 of the bill and renumber subsequent SECTIONS of the bill accordingly.

(2) On page 2, line 16, strike "amending Subsection (b) and".

(3) Strike page 2, line 18, through page 3, line 1.

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

(5) On page 3, line 25, strike "net" and substitute "gross".

(6) On page 3, line 27, strike "net" and substitute "gross".

Representative Turner moved to table Amendment No. 2.

A record vote was requested.

The motion to table prevailed by (Record 266): 105 Yeas, 36 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Aycock; Bailey; Bolton; Bonnen; Branch; Brown, F.; Burnam; Castro; Chavez; Chisum; Cohen; Coleman; Cook, B.; Cook, R.; Creighton; Darby; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; England; Escobar; Farabee; Farias; Flores; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Herrero; Hill; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; Keffer; King, S.; Kolkhorst; Krusee; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Moreno; Morrison; Mowery; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Otto; Parker; Patrick; Peña; Pickett; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smithee; Solomons; Strama; Straus; Swinford; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; Woolley; Zerwas.

Nays — Anderson; Berman; Bohac; Brown, B.; Callegari; Christian; Corte; Crabb; Crownover; Eissler; Flynn; Hancock; Harper-Brown; Howard, C.; Hughes; Isett; Jackson; King, P.; Kuempel; Latham; Laubenberg; Macias; Miller; Murphy; O'Day; Orr; Paxton; Phillips; Pitts; Riddle; Smith, W.; Talton; Taylor; Van Arsdale; West; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Elkins; Farrar; Martinez.

Absent — Davis, J.; Driver; Hilderbran; King, T.

STATEMENTS OF VOTE

When Record No. 266 was taken, I was in the house but away from my desk. I would have voted no.

Hilderbran

I was shown voting yes on Record No. 266. I intended to vote no.

Hodge

When Record No. 266 was taken, I was in the house but away from my desk. I would have voted yes.

T. King

I was shown voting yes on Record No. 266. I intended to vote no.

Kolkhorst

Amendment No. 3

On behalf of Representative Y. Davis, Representative Thompson offered the following amendment to **CSHB 109**:

Amend **CSHB 109** as follows:

(1) On page 1, line 24, strike "and".

(2) On page 2, line 3, between "children" and the period insert:

; and

(3) information regarding the importance of each conservator of a child promptly informing the other conservator of the child about the child's health benefits coverage

Amendment No. 3 was adopted.

Amendment No. 4

Representative Coleman offered the following amendment to **CSHB 109**:

Amend **CSHB 109** as follows:

(1) On page 1, line 9, strike "child care expenses" and substitute "expenses such as child care and work-related expenses".

(2) Strike SECTION 3 of the bill and substitute:

SECTION 3. Section 62.101(b), Health and Safety Code, is amended to read as follows:

(b) The commission shall establish income eligibility levels consistent with Title XXI, Social Security Act (42 U.S.C. Section 1397aa et seq.), as amended, and any other applicable law or regulations, and subject to the availability of appropriated money, so that a child who is younger than 19 years of age and whose net [~~gross~~] family income is at or below 200 percent of the federal poverty level is eligible for health benefits coverage under the program. [~~In addition, the commission may establish eligibility standards regarding the amount and types of allowable assets for a family whose gross family income is above 150 percent of the federal poverty level.~~]

(3) Strike SECTION 4 of the bill and substitute:

SECTION 4: Subchapter C, Chapter 62, Health and Safety Code, is amended by adding Section 62.1011 to read as follows:

SECTION 62.1011. The commission shall return to the income verification rules that existed on January 1, 2003.

Representative Turner moved to table Amendment No. 4.

A record vote was requested.

The motion to table prevailed by (Record 267): 86 Yeas, 55 Nays, 1 Present, not voting.

Yeas — Anderson; Aycok; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Dukes; Eissler;

England; Flores; Flynn; Gattis; Geren; Giddings; Goolsby; Haggerty; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Hodge; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; McClendon; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Rose; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Deshotel; Dunnam; Dutton; Escobar; Farabee; Farias; Frost; Gallego; Garcia; Gonzales; Gonzalez Toureilles; Hamilton; Heflin; Hernandez; Herrero; Hochberg; Homer; Jones; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez Fischer; McReynolds; Menendez; Merritt; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Strama; Thompson; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Elkins; Farrar; Martinez.

Absent — Guillen; Moreno; Peña; Smith, T.

STATEMENTS OF VOTE

When Record No. 267 was taken, my vote failed to register. I would have voted no.

Guillen

I was shown voting yes on Record No. 267. I intended to vote no.

D. Howard

When Record No. 267 was taken, my vote failed to register. I would have voted no.

Peña

When Record No. 267 was taken, I was temporarily out of the house chamber. I would have voted yes.

T. Smith

REASON FOR VOTE

CSHB 109 is one of the most important bills this session. In order to pass **CSHB 109**, a bipartisan compromise was crafted. Part of the compromise was to keep the bill as filed without amendments. This amendment on the bill would very likely result in the unraveling of the bipartisan compromise and subsequently the defeat of the bill. I would have liked broader CHIP coverage. However, I voted to table the amendment and not risk the defeat of the bill which would have resulted in 102,000 kids not receiving needed health insurance.

Giddings

Amendment No. 5

Representative Gonzales offered the following amendment to **CSHB 109**:

Amend **CSHB 109** on page 1, line 9, by striking "child care expenses" and substituting "expenses such as child care expenses and child support payments".

Representative Turner moved to table Amendment No. 5.

A record vote was requested.

The motion to table prevailed by (Record 268): 93 Yeas, 52 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Eissler; England; Farabee; Flynn; Gattis; Geren; Giddings; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Homer; Hopson; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; McCall; McClendon; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Villarreal; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Cohen; Coleman; Davis, Y.; Dunnam; Dutton; Escobar; Farias; Flores; Frost; Gallego; Garcia; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Howard, D.; Jones; King, T.; Leibowitz; Mallory Caraway; Martinez Fischer; McReynolds; Menendez; Miles; Moreno; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Puente; Quintanilla; Raymond; Rodriguez; Strama; Thompson; Vaught; Veasey; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Elkins; Farrar; Martinez.

MESSAGE FROM THE SENATE

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

CSHB 109 - (consideration continued)**Amendment No. 6**

Representative Leibowitz offered the following amendment to **CSHB 109**:

Amend **CSHB 109** on page 1, line 9, by striking "child care expenses" and substituting "expenses such as child care and work-related expenses".

Representative Turner moved to table Amendment No. 6.

A record vote was requested.

The motion to table prevailed by (Record 269): 93 Yeas, 49 Nays, 2 Present, not voting.

Yeas — Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dutton; Eissler; England; Farabee; Flores; Flynn; Gattis; Geren; Goolsby; Haggerty; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Hodge; Homer; Hopson; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; McCall; McClendon; Merritt; Miles; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Dunnam; Escobar; Farias; Frost; Gallego; Garcia; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Howard, D.; King, T.; Leibowitz; Mallory Caraway; Martinez Fischer; McReynolds; Menendez; Moreno; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Puente; Quintanilla; Raymond; Rodriguez; Strama; Thompson; Vaught; Veasey; Villarreal; Vo.

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

Absent, Excused — Eiland; Elkins; Farrar; Martinez.

Absent — Branch; Hamilton.

Amendment No. 7

Representative Dunnam offered the following amendment to **CSHB 109**:

Amend **CSHB 109** by striking SECTION 3 of the bill and substituting:

SECTION 3. Section 62.101(b), Health and Safety Code, is amended to read as follows:

(b) The commission shall establish income eligibility levels consistent with Title XXI, Social Security Act (42 U.S.C. Section 1397aa et seq.), as amended, and any other applicable law or regulations, and subject to the availability of appropriated money, so that a child who is younger than 19 years of age and whose net ~~[gross]~~ family income is at or below 200 percent of the federal poverty level is eligible for health benefits coverage under the program. ~~[In addition, the commission may establish eligibility standards regarding the amount and types of allowable assets for a family whose gross family income is above 150 percent of the federal poverty level.]~~

Amendment No. 7 was withdrawn.

Amendment No. 8

Representative Flynn offered the following amendment to **CSHB 109**:

Amend **CSHB 109** as follows:

(1) On page 2, line 16, strike "Subsection (b)" and substitute "Subsections (a) and (b)".

(2) On page 2, between lines 17 and 18, insert the following:

(a) A child is eligible for health benefits coverage under the child health plan if the child:

- (1) is younger than 19 years of age;
- (2) is not eligible for medical assistance under the Medicaid program;
- (3) is not covered by a health benefits plan offering adequate benefits, as determined by the commission;
- (4) has a family income that is less than or equal to the income eligibility level established under Subsection (b); ~~and~~
- (5) is determined by the commission to be:
 - (A) a United States citizen; or
 - (B) eligible for coverage under Section 62.105; and
- (6) satisfies any other eligibility standard imposed under the child health plan program in accordance with 42 U.S.C. Section 1397bb, as amended, and any other applicable law or regulations.

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

SECTION _____. Section 62.105, Health and Safety Code, is amended to read as follows:

Sec. 62.105. COVERAGE FOR QUALIFIED ALIENS. (a) The commission shall provide coverage under the state Medicaid program and under the program established under this chapter to a child who is a qualified alien, as that term is defined by 8 U.S.C. Section 1641(b), if the federal government authorizes the state to provide that coverage. The commission shall comply with any prerequisite imposed under the federal law to providing that coverage.

(b) The commission shall verify that the child meets the requirements of this section by accessing the Systematic Alien Verification for Entitlements Program provided by the United States Citizenship and Immigration Services Bureau of the United States Department of Homeland Security.

Amendment No. 9

Representative Rose offered the following amendment to Amendment No. 8:

Amend Amendment No. 8 by Flynn to **CSHB 109** by striking added Section 62.105(b), Health and Safety Code (page 2, lines 7 through 11), and substituting the following:

(b) The commission shall verify that the child meets the requirements of this section by:

(1) accessing the Systematic Alien Verification for Entitlements Program provided by the United States Citizenship and Immigration Services Bureau of the United States Department of Homeland Security;

(2) for a child whose information has not been entered into the Systematic Alien Verification for Entitlements Program with the United States Citizenship and Immigration Services Bureau of the United States Department of Homeland Security, using another procedure used by the commission in determining eligibility for the medical assistance program under Chapter 32, Human Resources Code, to verify the status of a child; or

(3) if the commission is unable to verify that the child meets the requirements of this section by using the methods under Subdivision (1) or (2), using any other procedure allowed by federal law to verify the status of the child.

AMENDMENT NO. 9 - STATEMENT OF LEGISLATIVE INTENT

I offered an amendment to the Flynn amendment to **CSHB 109** that was acceptable to Representative Flynn. And this amendment, as amended, was acceptable to Representative Turner, author of **CSHB 109**. It was my intent, through the amended Flynn amendment, that the agency be authorized to determine U.S. citizenship of CHIP eligible children consistent with current federal law and current agency procedure. It was my further intent that the agency be authorized to employ the full scope of methods currently used to determine eligibility under Section 62.105.

Rose

Amendment No. 9 was adopted.

A record vote was requested.

Amendment No. 8, as amended, was adopted by (Record 270): 109 Yeas, 30 Nays, 3 Present, not voting.

Yeas — Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Eissler; England; Farabee; Farias; Flynn; Frost; Garcia; Gattis; Geren; Gonzalez Tourelles; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Hochberg; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; Mallory Caraway; McReynolds; Menendez; Merritt; Miller; Morrison; Murphy; Noriega; O'Day; Oliveira; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Vaught; Vo; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Burnam; Castro; Chavez; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; Escobar; Flores; Gallego; Giddings; Gonzales; Guillen; Hernandez; Herrero; Hodge; Leibowitz; Martinez Fischer; McClendon; Miles; Moreno; Naishtat; Olivo; Peña; Rodriguez; Thompson; Villarreal.

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

Absent, Excused — Eiland; Elkins; Farrar; Martinez.

Absent — Cohen; King, T.; McCall; Mowery.

STATEMENTS OF VOTE

I was shown voting no on Record No. 270. I intended to vote yes.

Gallego

I was shown voting yes on Record No. 270. I intended to vote no.

Lucio

I was shown voting yes on Record No. 270. I intended to vote no.

Ortiz

Amendment No. 10

Representative Dunnam offered the following amendment to **CSHB 109**:

Amend **CSHB 109** by striking SECTION 3 of the bill and substituting:

SECTION 3. Section 62.101(b), Health and Safety Code, is amended to read as follows:

(b) The commission shall establish income eligibility levels consistent with Title XXI, Social Security Act (42 U.S.C. Section 1397aa et seq.), as amended, and any other applicable law or regulations, and subject to the availability of appropriated money, so that a child who is younger than 19 years of age and whose net [gross] family income is at or below 200 percent of the federal poverty level is eligible for health benefits coverage under the program. ~~[In addition, the commission may establish eligibility standards regarding the amount and types of allowable assets for a family whose gross family income is above 150 percent of the federal poverty level.]~~

Representative Turner moved to table Amendment No. 10.

A record vote was requested.

The motion to table prevailed by (Record 271): 83 Yeas, 58 Nays, 1 Present, not voting.

Yeas — Anderson; Aycoc; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Dukes; Eissler; England; Flynn; Gattis; Geren; Giddings; Goolsby; Haggerty; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; McCall; McClendon; Miller; Morrison; Mowery; Murphy; Noriega; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Rose; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dunnam; Dutton; Escobar; Farabee; Farias; Flores; Frost; Gallego; Garcia; Gonzales; Gonzalez Toureilles; Guillen; Hamilton; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; King, T.; Leibowitz; Mallory Caraway; Martinez Fischer; Menendez; Merritt; Miles; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Strama; Thompson; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Elkins; Farrar; Martinez.

Absent — McReynolds; Moreno; Naishtat; Smith, T.

STATEMENT OF VOTE

When Record No. 271 was taken, I was temporarily out of the house chamber. I would have voted yes.

T. Smith

Amendment No. 11

Representative Bolton offered the following amendment to **CSHB 109**:

Amend **CSHB 109** on page 3 by striking lines 15-20 and substituting: provide transportation for a household member with a disability; or (C) for any vehicles not described by Paragraph (A) or (B), a combined total value of \$25,500, provided that not more than \$18,000 of value of any single vehicle may be exempted.

Amendment No. 11 was withdrawn.

Amendment No. 12

Representative Gattis offered the following amendment to **CSHB 109**:

Amend **CSHB 109** by striking SECTION 5 of the bill and renumbering subsequent SECTIONS of the bill accordingly.

Amendment No. 13

Representative Corte offered the following amendment to Amendment No. 12:

Amend Amendment No. 12 by Gattis by striking the text of the amendment and substituting:

Amend **CSHB 109** by striking SECTION 5 of the bill and substituting: SECTION 5. Section 62.102, Health and Safety Code, is amended to read as follows:

Sec. 62.102. CONTINUOUS COVERAGE. The commission shall provide that an individual who is determined to be eligible for coverage under the child health plan remains eligible for those benefits until the earlier of:

(1) the end of a period, not to exceed 12 months, following the date of the first eligibility determination;

(2) the end of each [the] six-month period following the date of each subsequent [the] eligibility determination; or

(3)[(2)] the individual's 19th birthday.

Amendment No. 13 was adopted. (Harper-Brown, Laubenberg, and Parker recorded voting no.)

Representative Turner moved to table Amendment No. 12, as amended.

A record vote was requested.

The motion to table prevailed by (Record 272): 92 Yeas, 49 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bailey; Bolton; Branch; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; England; Escobar; Farabee; Farias; Flores; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Harper-Brown; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Jones; Keffer; King, T.; Krusee; Kuempel; Laubenberg; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Moreno; Mowery; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smithee; Strama; Straus; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; Zerwas.

Nays — Anderson; Aycock; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Eissler; Flynn; Gattis; Hancock; Harless; Hartnett; Hill; Hughes; Isett; Jackson; King, P.; Kolkhorst; Latham; Macias; Miller; Morrison; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, W.; Solomons; Swinford; Talton; Taylor; Van Arsdale; West; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Elkins; Farrar; Martinez.

Absent — Chisum; Hardcastle; Hilderbran; King, S.

STATEMENTS OF VOTE

When Record No. 272 was taken, I was in the house but away from my desk. I would have voted no.

Chisum

When Record No. 272 was taken, my vote failed to register. I would have voted no.

Hilderbran

I was shown voting yes on Record No. 272. I intended to vote no.

C. Howard

When Record No. 272 was taken, my vote failed to register. I would have voted yes.

S. King

Amendment No. 14

Representative Martinez Fischer offered the following amendment to **CSHB 109**:

Amend **CSHB 109** on page 2, between lines 14 and 15, by inserting:

(e) The commission shall ensure that information provided under this section is available in both English and Spanish.

Amendment No. 14 was adopted. (Christian, Crabb, Harper-Brown, Phillips, and Talton recorded voting no.)

Amendment No. 15

Representative Frost offered the following amendment to **CSHB 109**:

Amend **CSHB 109** as follows:

(1) On page 2, line 16, strike "Subsection (b-1)" and substitute "Subsections (b-1) and (b-2)".

(2) On page 3, between lines 20 and 21, insert:

(b-2) For the purpose of calculating family income, the commission may not consider the income of a child's stepparent unless coverage is available to the child through group health benefits plan coverage available through the stepparent's employer.

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

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

Representative Turner moved to table Amendment No. 15.

A record vote was requested.

The motion to table prevailed by (Record 273): 88 Yeas, 52 Nays, 1 Present, not voting.

Yeas — Allen; Anderson; Aycock; Berman; Bohac; Branch; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cook, B.; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Eissler; England; Flores; Flynn; Gattis; Geren; Giddings; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; McCall; McClendon; Menendez; Merritt; Miller; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Puente; Riddle; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Alonzo; Anchia; Bolton; Bonnen; Burnam; Castro; Coleman; Cook, R.; Davis, Y.; Dunnam; Dutton; Escobar; Farabee; Farias; Frost; Gallego; Garcia; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Hopson; Howard, D.; King, T.; Leibowitz; Mallory Caraway; Martinez Fischer; McReynolds; Miles; Moreno; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Quintanilla; Raymond; Ritter; Rodriguez; Strama; Thompson; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Elkins; Farrar; Martinez.

Absent — Bailey; Cohen; Corte; Homer; Morrison.

Amendment No. 16

Representative Taylor offered the following amendment to **CSHB 109**:

Amend **CSHB 109** by striking SECTION 6 of the bill and renumbering subsequent SECTIONS of the bill accordingly.

Amendment No. 16 was withdrawn.

Amendment No. 17

Representative Olivo offered the following amendment to **CSHB 109**:

Amend **CSHB 109** by adding the following appropriately numbered SECTION and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION ____: Section 32.042(a), Health and Safety Code, is amended by adding Subsection (3) to read as follows:

§ 32.042. DUTIES OF BOARD; RULES. (a) The board by rule shall adopt:

(1) minimum standards and objectives to implement voluntary perinatal health care systems; ~~and~~

(2) policies for health promotion and education, risk assessment, access to care, and perinatal system structure, including the transfer and transportation of pregnant women and infants; and

(3) enrollment and renewal policies that allow for coverage under the perinatal program beginning before conception and continuing until the child's sixth birthday.

Representative Turner moved to table Amendment No. 17.

A record vote was requested.

The motion to table prevailed by (Record 274): 99 Yeas, 42 Nays, 1 Present, not voting.

Yeas — Allen; Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Eissler; England; Farabee; Flores; Flynn; Gattis; Geren; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Homer; Hopson; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Puente; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Alonzo; Anchia; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Dunnam; Dutton; Escobar; Farias; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Hernandez; Herrero; Howard,

D.; King, T.; Leibowitz; Mallory Caraway; Martinez Fischer; Moreno; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pierson; Quintanilla; Raymond; Rodriguez; Strama; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Elkins; Farrar; Martinez.

Absent — Hochberg; Hodge; Peña; Thompson.

STATEMENT OF VOTE

When Record No. 274 was taken, I was in the house but away from my desk. I would have voted no.

Thompson

Amendment No. 18

Representative Bolton offered the following amendment to **CSHB 109**:

Amend **CSHB 109** on page 3 by striking lines 15-20 and substituting: provide transportation for a household member with a disability; or

(C) for any vehicles not described by Paragraph (A) or (B), a combined total value of \$25,500, provided that not more than \$18,000 of value of any single vehicle may be exempted.

Representative Turner moved to table Amendment No. 18.

(Branch in the chair)

A record vote was requested.

The motion to table prevailed by (Record 275): 90 Yeas, 53 Nays, 2 Present, not voting.

Yeas — Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Darby; Davis, J.; Delisi; Driver; Dukes; Eissler; England; Farabee; Flores; Flynn; Gattis; Geren; Giddings; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Homer; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; McCall; McClendon; McReynolds; Merritt; Miles; Miller; Morrison; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Puente; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dunnam; Dutton; Escobar; Farias; Frost; Gallego; Garcia; Gonzales; Gonzalez Tourelles; Guillen; Heflin; Hernandez; Herrero; Hill; Hochberg; Hodge; Hopson; Howard, D.; King, T.; Leibowitz; Mallory Caraway; Martinez Fischer; Menendez; Moreno; Mowery; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Quintanilla; Raymond; Rodriguez; Strama; Thompson; Vaught; Veasey; Villarreal; Vo.

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

Absent, Excused — Eiland; Elkins; Farrar; Martinez.

Absent — Creighton.

STATEMENT OF VOTE

When Record No. 275 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

Amendment No. 19

Representative Coleman offered the following amendment to **CSHB 109**:

Amend **CSHB 109** on page 1 by adding the following ARTICLE and SECTIONS and renumbering the subsequent ARTICLES and SECTIONS appropriately:

ARTICLE 1. LEGISLATIVE FINDINGS

SECTION 1.01. FINDINGS. The Legislature finds that:

(1) the drastic reductions in funding for the children's health insurance program and the extensive public policy changes made to the program in the regular session of the 78th Legislature have resulted in devastating effects on the health and well-being of Texas children and their families and to the overall fiscal health of this state;

(2) economic research has proven that reductions in state funding for health care services do more harm than good to the Texas economy because each dollar of state revenue that is eliminated from the children's health insurance program results in:

(A) an average loss of \$2.30 in federal health care funding for Texas and an average loss of approximately \$7 in gross state product, \$5 in personal income, and \$2 in retail sales; and

(B) an increase of \$1.60 in insurance premiums for Texans who have private health insurance, plus a \$1.50 increase in those Texans' out-of-pocket health care costs;

(3) as a result of these reductions in health care services made by the 78th Legislature, local taxpayers bear the entire cost of health care for persons who are no longer receiving services under the children's health insurance program, often through vastly more expensive visits to hospital emergency rooms, even though the federal government would have paid about 72 percent of the costs of those services through the program;

(4) children in other states have already received over \$913.4 million in federal funds that were intended to provide health care coverage for Texas children under the children's health insurance program, which includes \$20 million in federal funds scheduled to lapse on March 31, 2007, and this state will lose additional federal funds each year if the state fails to restore state funding and repeal the restrictive eligibility and benefits policies enacted by the 78th Legislature;

(5) restoring benefits under the children's health insurance program and expanding that program to cover more uninsured children will result in healthier future generations of Texans and immeasurable long-term savings for this state;

(6) this state must make its economy stronger and its workforce more productive by improving access to health care through prudent and sound fiscal policies that maximize the availability of federal funds for health care services for uninsured Texans; and

(7) the investment of state resources to maximize receipt of federal funds would:

(A) prevent the redistribution to other states of tax dollars that Texans have paid to the federal government;

(B) alleviate the inefficient cost-shifting of health care services for uninsured Texans to local governments; and

(C) stem the escalation of costs being passed on to Texans who have private health insurance.

SECTION 1.02. PURPOSE. As a result of the findings made by the Legislature as stated in Section 1.01 of this article, the purposes of this Act are to:

(1) reduce the number of uninsured children in Texas by providing reasonable access to health coverage for as many children as possible;

(2) reverse restrictive policy changes made by the 78th Legislature with respect to the program in order to remove barriers to enrollment and eligibility;

(3) insure as many children under the program as possible through this Act, through policies and rules adopted by the Health and Human Services Commission, and through future legislation, thereby ensuring that the state adopt health policies that work to promote, not limit, health coverage for Texas' children.

Representative Turner moved to table Amendment No. 19.

A record vote was requested.

The motion to table prevailed by (Record 276): 94 Yeas, 46 Nays, 2 Present, not voting.

Yeas — Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dutton; Eissler; England; Farabee; Flores; Flynn; Gattis; Geren; Giddings; Goolsby; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Heflin; Hilderbran; Hill; Homer; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; McCall; McClendon; McReynolds; Merritt; Miles; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Puente; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Castro; Cohen; Coleman; Dunnam; Escobar; Farias; Frost; Gallego; Garcia; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Hernandez; Herrero; Hochberg; Hodge; Hopson; Howard, D.; King,

T.; Leibowitz; Mallory Caraway; Martinez Fischer; Menendez; Moreno; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Quintanilla; Raymond; Rodriguez; Strama; Thompson; Vaught; Veasey; Villarreal; Vo.

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

Absent, Excused — Eiland; Elkins; Farrar; Martinez.

Absent — Creighton; Davis, Y.; Harper-Brown; King, S.

STATEMENT OF VOTE

When Record No. 276 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

Amendment No. 20

Representative Taylor offered the following amendment to **CSHB 109**:

Amend **CSHB 109** by striking SECTION 6 of the bill and renumbering subsequent SECTIONS of the bill accordingly.

Amendment No. 21

Representative Taylor offered the following amendment to Amendment No. 20:

Amend Floor Amendment No. 20 by Taylor to **CSHB 109** on page 1 by striking line 2 and substituting the following:
and substituting the following appropriately numbered SECTION:

SECTION _____. Section 62.154, Health and Safety Code, is amended by adding Subsection (e) to read as follows:

(e) The waiting period described by Subsection (d) does not apply to a newborn infant younger than 90 days old.

Amendment No. 21 was adopted.

Representative Turner moved to table Amendment No. 20, as amended.

A record vote was requested.

The motion to table prevailed by (Record 277): 96 Yeas, 45 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bailey; Bolton; Brown, B.; Brown, F.; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; England; Escobar; Farabee; Farias; Flores; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Harless; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; Keffer; King, T.; Kolkhorst; Krusee; Kuempel; Leibowitz; Lucio; Mallory Caraway; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Moreno; Mowery; Naishtat; Noriega; Oliveira; Olivo; Ortiz;

Parker; Patrick; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Solomons; Strama; Swinford; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Zerwas.

Nays — Anderson; Aycock; Berman; Bohac; Bonnen; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Driver; Eissler; Flynn; Gattis; Hardcastle; Harper-Brown; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; King, P.; Latham; Laubenberg; Macias; Madden; Miller; Morrison; Murphy; O'Day; Orr; Otto; Paxton; Phillips; Riddle; Smithee; Talton; Taylor; Van Arsdale; Woolley; Zedler.

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

Absent, Excused — Eiland; Elkins; Farrar; Martinez.

Absent — King, S.; Pierson; Straus.

STATEMENTS OF VOTE

When Record No. 277 was taken, my vote failed to register. I would have voted yes.

S. King

I was shown voting yes on Record No. 277. I intended to vote no.

Kolkhorst

When Record No. 277 was taken, my vote failed to register. I would have voted no.

Pierson

(Speaker in the chair)

Amendment No. 22

Representative Herrero offered the following amendment to **CSHB 109**:

Amend **CSHB 109** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. The Health and Human Services Commission may not terminate the provision of health benefits to a child who is enrolled in the child health plan program under Chapter 62, Health and Safety Code, before the date the commission fully terminates the contract and transitions all components to a new contractor selected after a competitive bidding procurement process for the implementation of the redesigned integrated eligibility and benefits determination system for health and human services that was in effect on January 1, 2007.

Representative Rose moved to table Amendment No. 22.

A record vote was requested.

The motion to table prevailed by (Record 278): 97 Yeas, 43 Nays, 1 Present, not voting.

Yeas — Allen; Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chavez; Christian; Cook, B.; Cook, R.; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dutton; Eissler; England; Farabee; Flores; Garcia; Gattis; Geren; Giddings; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Homer; Hopson; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; McCall; McClendon; McReynolds; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Puente; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zerwas.

Nays — Alonzo; Anchia; Bolton; Burnam; Castro; Cohen; Coleman; Davis, Y.; Dunnam; Escobar; Farias; Flynn; Frost; Gallego; Gonzales; Gonzalez Toureilles; Guillen; Hernandez; Herrero; Hochberg; Hodge; Howard, D.; Leibowitz; Mallory Caraway; Martinez Fischer; Menendez; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Quintanilla; Raymond; Rodriguez; Strama; Thompson; Vaught; Veasey; Villarreal; Vo; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Elkins; Farrar; Martinez.

Absent — Chisum; Corte; Moreno; Peña; Pierson.

STATEMENTS OF VOTE

I was shown voting no on Record No. 278. I intended to vote yes.

Flynn

I was shown voting yes on Record No. 278. I intended to vote no.

Garcia

When Record No. 278 was taken, I was in the house but away from my desk. I would have voted no.

Pierson

I was shown voting no on Record No. 278. I intended to vote yes.

Zedler

Amendment No. 23

Representative Coleman offered the following amendment to **CSHB 109**:

Amend **CSHB 109** by adding the following appropriately numbered SECTION and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 62.005, Health and Safety Code, is added to read as follows: EXPENDITURE OF AVAILABLE MONEY. For each state fiscal biennium the commission shall develop a plan to use all federal money available

for the state child health insurance program for that biennium, including money remaining from previous years' allocations of federal money for the plan, to provide health coverage for:

(1) up to 662,000 children; or

(2) the maximum number of children that may be provided services under the plan.

Representative Turner moved to table Amendment No. 23.

A record vote was requested.

The motion to table prevailed by (Record 279): 98 Yeas, 47 Nays, 1 Present, not voting.

Yeas — Allen; Anderson; Aycock; Bailey; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dutton; Eissler; England; Farabee; Flores; Flynn; Gattis; Geren; Giddings; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Hodge; Homer; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; McCall; McClendon; McReynolds; Merritt; Miles; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Puente; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Alonzo; Anchia; Berman; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Dunnam; Escobar; Farias; Frost; Gallego; Garcia; Gonzales; Gonzalez Toureilles; Guillen; Hernandez; Herrero; Hochberg; Hopson; Howard, D.; King, T.; Leibowitz; Mallory Caraway; Martinez Fischer; Menendez; Moreno; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Quintanilla; Raymond; Rodriguez; Strama; Thompson; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Elkins; Farrar; Martinez.

STATEMENT OF VOTE

I was shown voting no on Record No. 279. I intended to vote yes.

Berman

Amendment No. 24

Representative Herrero offered the following amendment to **CSHB 109**:

Amend **CSHB 109** by adding the following appropriately numbered SECTION and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION ____: Section 62.104, Health and Safety Code, is amended by adding Subsection (h) to read as follows:

(h) In the event of an error in renewing or enrolling an eligible child, the commission shall promulgate rules requiring reimbursement to the provider that rendered services to the eligible child any medical costs that would have been covered under the program during the period that coverage was unfairly denied.

Representative Turner moved to table Amendment No. 24.

A record vote was requested.

The motion to table prevailed by (Record 280): 94 Yeas, 48 Nays, 1 Present, not voting.

Yeas — Allen; Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dutton; Eissler; England; Farabee; Flores; Flynn; Gattis; Geren; Giddings; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Homer; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; McCall; McClendon; McReynolds; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler.

Nays — Alonzo; Anchia; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Dunnam; Escobar; Farias; Frost; Gallego; Gonzales; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Hopson; Howard, D.; King, T.; Leibowitz; Mallory Caraway; Martinez Fischer; Menendez; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Puente; Quintanilla; Raymond; Rodriguez; Strama; Thompson; Vaught; Veasey; Villarreal; Vo; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Elkins; Farrar; Martinez.

Absent — Garcia; Gonzalez Toureilles; Moreno.

STATEMENT OF VOTE

When Record No. 280 was taken, I was in the house but away from my desk. I would have voted no.

Garcia

Amendment No. 25

Representative Gallego offered the following amendment to **CSHB 109**:

Amend **CSHB 109** by adding the following appropriately numbered SECTION and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION ____: Section 62.151, Health and Safety Code, is amended by adding Subsection (g) to read as follows:

(g) In developing the covered benefits, the commission shall adopt the necessary rules to ensure that benefits provided under any dental coverage plan include coverage for anesthesia.

Representative Turner moved to table Amendment No. 25.

A record vote was requested.

The motion to table prevailed by (Record 281): 84 Yeas, 60 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dutton; Eissler; England; Flores; Flynn; Gattis; Geren; Goolsby; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; McClendon; McReynolds; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Chavez; Coleman; Cook, R.; Crabb; Davis, Y.; Dunnam; Escobar; Farabee; Farias; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Hamilton; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; King, T.; Leibowitz; Mallory Caraway; Martinez Fischer; McCall; Menendez; Miles; Moreno; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Strama; Thompson; Vaught; Veasey; Villarreal; Vo; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Elkins; Farrar; Martinez.

Absent — Cohen.

STATEMENT OF VOTE

I was shown voting yes on Record No. 281. I intended to vote no.

Zedler

Amendment No. 26

Representative Taylor offered the following amendment to **CSHB 109**:

Amend **CSHB 109** by striking SECTION 6 of the bill and substituting the following appropriately numbered SECTION:

SECTION _____. Section 62.154, Health and Safety Code, is amended by amending Subsection (d) and adding Subsection (e) to read as follows:

(d) The waiting period required by Subsection (a) must extend for a period of 30 [~~90~~] days after:

(1) the first day of the month in which the applicant is enrolled under the child health plan, if the date of enrollment is on or before the 15th day of the month; or

(2) the first day of the month after which the applicant is enrolled under the child health plan, if the date of enrollment is after the 15th day of the month.

(e) The waiting period described by Subsection (d) does not apply to a newborn infant younger than 90 days old.

Representative Turner moved to table Amendment No. 26.

A record vote was requested.

The motion to table prevailed by (Record 282): 84 Yeas, 56 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Bailey; Bolton; Burnam; Castro; Chavez; Coleman; Cook, R.; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; England; Escobar; Farabee; Farias; Flores; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Hamilton; Harless; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; Keffer; King, S.; King, T.; Krusee; Leibowitz; Lucio; Mallory Caraway; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Patrick; Peña; Pickett; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Strama; Straus; Swinford; Turner; Vaught; Veasey; Villarreal; Vo.

Nays — Aycock; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Driver; Eissler; Flynn; Gattis; Haggerty; Hancock; Hardcastle; Harper-Brown; Hill; Howard, C.; Hughes; Isett; Jackson; King, P.; Kolkhorst; Kuempel; Latham; Laubenberg; Macias; Madden; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Paxton; Phillips; Pitts; Riddle; Smith, W.; Smithee; Solomons; Talton; Taylor; Thompson; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Elkins; Farrar; Martinez.

Absent — Branch; Callegari; Cohen; Miller; Moreno.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 282. I intended to vote no.

Anderson

When Record No. 282 was taken, I was in the house but away from my desk. I would have voted no.

Branch

I was shown voting no on Record No. 282. I intended to vote yes.

Thompson

Amendment No. 27

Representative Flores offered the following amendment to **CSHB 109**:

Amend **CSHB 109** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 62.156, Health and Safety Code, is amended to read as follows:

Sec. 62.156, HEALTH CARE PROVIDERS. (a) Health care providers who provide health care services under the child health plan must satisfy certification and licensure requirements, as required by the commission, consistent with law.

(b) The commission shall establish a method of tracking applications from health care providers under this section. The commission or the commission's contractor must notify the health care provider of the decision regarding contracting with the provider not later than the 30th day after the commission receives the provider's application.

Representative Turner moved to table Amendment No. 27.

A record vote was requested.

The motion to table prevailed by (Record 283): 97 Yeas, 36 Nays, 2 Present, not voting.

Yeas — Allen; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Dukes; Eissler; England; Farabee; Farias; Flynn; Frost; Giddings; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Hodge; Hopson; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; McCall; McClendon; McReynolds; Merritt; Miles; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Puente; Riddle; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Talton; Taylor; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; West; Woolley; Zedler; Zerwas.

Nays — Alonzo; Anchia; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dunnam; Escobar; Flores; Garcia; Gattis; Geren; Gonzales; Gonzalez Toureilles; Guillen; Hernandez; Herrero; Hochberg; Howard, D.; Leibowitz; Mallory Caraway; Martinez Fischer; Menendez; Noriega; Olivo; Peña; Pickett; Pierson; Quintanilla; Raymond; Rodriguez; Strama; Thompson.

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

Absent, Excused — Eiland; Elkins; Farrar; Martinez.

Absent — Bailey; Bolton; Cohen; Dutton; Gallego; Homer; Moreno; Naishtat; Oliveira; Ritter; Vo.

STATEMENTS OF VOTE

When Record No. 283 was taken, I was in the house but away from my desk. I would have voted no.

Gallego

I was shown voting yes on Record No. 283. I intended to vote no.

Lucio

I was shown voting yes on Record No. 283. I intended to vote no.

Villarreal

Amendment No. 28

Representative Miller offered the following amendment to **CSHB 109**:

Amend **CSHB 109** as follows:

(1) On page 2, line 16, strike "Subsection (b)" and substitute "Subsections (a) and (b)".

(2) On page 2, between lines 17 and 18, insert the following:

(a) A child is eligible for health benefits coverage under the child health plan if the child:

(1) is younger than 19 years of age;

(2) is not eligible for medical assistance under the Medicaid program;

(3) is not covered by a health benefits plan offering adequate benefits, as determined by the commission;

(4) has a family income that is less than or equal to the income eligibility level established under Subsection (b); ~~and~~

(5) is not eligible for reasonably affordable coverage as a dependent under a group health benefits plan offered by an employer, as described by Section 62.1012; and

(6) satisfies any other eligibility standard imposed under the child health plan program in accordance with 42 U.S.C. Section 1397bb, as amended, and any other applicable law or regulations.

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

SECTION _____. Subchapter C, Chapter 62, Health and Safety Code, is amended by adding Section 62.1012 to read as follows:

Sec. 62.1012. REASONABLY AFFORDABLE COVERAGE OFFERED BY EMPLOYER. (a) A child is not eligible for health benefits coverage under the child health plan if:

(1) the child is eligible for coverage as a dependent under a group health benefits plan offered by an employer; and

(2) the cost of coverage to the employee does not exceed 10 percent of the employee's gross income.

(b) The commission shall require each person considered in the calculation of family income who is employed to submit for each eligibility determination an affidavit by the person's employer stating that the employer does not offer health

benefits coverage for the child at a cost to the employee, including any cost of employee coverage or other dependent coverage necessary to obtain dependent coverage for the child, that is 10 percent or less of the employee's gross income.

Representative Turner moved to table Amendment No. 28.

A record vote was requested.

The motion to table prevailed by (Record 284): 87 Yeas, 53 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bailey; Bolton; Branch; Brown, F.; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; England; Escobar; Farabee; Farias; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Heflin; Hernandez; Herrero; Hill; Hochberg; Hodge; Homer; Howard, D.; King, S.; King, T.; Kuempel; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Rodriguez; Rose; Smith, T.; Solomons; Strama; Straus; Swinford; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Zerwas.

Nays — Anderson; Aycock; Berman; Bohac; Bonnen; Brown, B.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Eissler; Flores; Flynn; Gattis; Geren; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; Kolkhorst; Latham; Laubenberg; Macias; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Riddle; Ritter; Smith, W.; Smithee; Talton; Taylor; Van Arsdale; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Elkins; Farrar; Martinez.

Absent — Driver; Guillen; Jones; Krusee; Moreno.

STATEMENTS OF VOTE

When Record No. 284 was taken, my vote failed to register. I would have voted yes.

Guillen

I was shown voting yes on Record No. 284. I intended to vote no.

Kuempel

I was shown voting yes on Record No. 284. I intended to vote no.

Zerwas

STATEMENT BY REPRESENTATIVE HOPSON

I am for fully funding the CHIP program and adding over a 100,000 kids.

Since 2003 we have removed kids from CHIP. I believe **CSHB 109** will reverse this trend and would be good for my district, but I believe amendments could cause the bill not to pass and I would like to keep the bill as clean as possible.

A record vote was requested.

CSHB 109, as amended, was passed to engrossment by (Record 285): 126 Yeas, 16 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; England; Escobar; Farabee; Farias; 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; Krusee; Kuempel; Latham; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Moreno; 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; Zedler; Zerwas.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Elkins; Farrar; Martinez.

Absent — Chavez; Creighton; Flores.

STATEMENTS OF VOTE

When Record No. 285 was taken, my vote failed to register. I would have voted yes.

Chavez

I was shown voting yes on Record No. 285. I intended to vote no.

Christian

When Record No. 285 was taken, my vote failed to register. I would have voted no.

Creighton

I was shown voting no on Record No. 285. I intended to vote yes.

Eissler

When Record No. 285 was taken, I was in the house but away from my desk. I would have voted yes.

Flores

When Record No. 285 was taken, I was temporarily out of the house chamber. I would have voted yes.

Martinez

I was shown voting yes on Record No. 285. I intended to vote no.

Zedler

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 1634 ON SECOND READING
(by Dukes, Strama, Giddings, Isett, Hilderbran, et al.)**

CSHB 1634, A bill to be entitled An Act relating to incentives for the film, television, and multimedia production industries.

CSHB 1634 - POINT OF ORDER

Representative Talton raised a point of order against further consideration of **CSHB 1634** under Rule 4, Section 18 of the House Rules on the grounds that the committee minutes are inaccurate.

The speaker sustained the point of order.

CSHB 1634 was returned to the Committee on Culture, Recreation, and Tourism.

**CSHB 716 ON SECOND READING
(by Solomons, et al.)**

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

Amendment No. 1

Representative Solomons offered the following amendment to **CSHB 716**:

Amend **CSHB 716** as follows:

(1) On page 1, lines 9 through 11, strike "that includes the name, employment information, and annual income information of the loan applicant, as stated on the mortgage loan documents".

(2) On page 1, line 23, strike the quotation mark following the period.

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

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

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

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

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

Amendment No. 1 was adopted.

Amendment No. 2

Representatives Alonzo and Y. Davis offered the following amendment to **CSHB 716**:

Amend **CSHB 716** as follows:

- (1) On page 8, line 9, strike "or" and substitute "[~~or~~"]".
- (2) On page 8, insert the following between lines 10 and 11:
 - (G) false statement to obtain property or credit; or
 - (H) money laundering;
- (3) On page 8, line 16, strike "[~~or~~]" and substitute "or".
- (4) On page 8, strike lines 19-21.

Representative Solomons moved to table Amendment No. 2.

A record vote was requested.

The motion to table prevailed by (Record 286): 105 Yeas, 19 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Anderson; Aycock; Berman; Bolton; Bonnen; Branch; Brown, F.; Callegari; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dutton; Eissler; England; Farabee; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Gonzales; Gonzalez Toureilles; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Isett; Jackson; Jones; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; Mallory Caraway; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Puente; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Truitt; Turner; Van Arsdale; Villarreal; West; Woolley; Zedler; Zerwas.

Nays — Alonzo; Burnam; Castro; Chavez; Coleman; Dunnam; Escobar; Farias; Guillen; Herrero; Leibowitz; Martinez Fischer; Noriega; Olivo; Quintanilla; Raymond; Rodriguez; Thompson; Veasey.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Elkins; Farrar; Martinez.

Absent — Bailey; Bohac; Brown, B.; Creighton; Crownover; Davis, Y.; Giddings; Heflin; Hernandez; Hill; Hughes; Keffer; Moreno; Naishtat; Oliveira; Ortiz; Phillips; Talton; Taylor; Vaught; Vo.

STATEMENTS OF VOTE

When Record No. 286 was taken, I was in the house but away from my desk. I would have voted yes.

B. Brown

When Record No. 286 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

When Record No. 286 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

I was shown voting yes on Record No. 286. I intended to vote no.

Gallego

When Record No. 286 was taken, I was in the house but away from my desk. I would have voted yes.

Taylor

CSHB 716, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 73 ON SECOND READING (by Flynn, Branch, P. King, Peña, and Y. Davis)

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

Amendment No. 1

Representative Straus offered the following amendment to **CSHB 73**:

Amend **CSHB 73** (house committee printing) on page 1, line 18, between "services" and "regardless", insert ", or a provider that bills for those services,".

Amendment No. 1 was adopted.

(Isett in the chair)

Amendment No. 2

Representative P. King offered the following amendment to **CSHB 73**:

Amend **CSHB 73** (House Committee Printing), on page 6, lines 3-5, by striking "A violation of this subchapter is a deceptive trade practice under Subchapter E, Chapter 17" and substituting "A violation of this subchapter is a

false, misleading, or deceptive act or practice under Section 17.46 and is subject to action only by the consumer protection division of the attorney general's office as provided by Section 17.46(a)".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Branch offered the following amendment to **CSHB 73**:

Amend **CSHB 73** (house committee printing) as follows:

(1) On page 4, lines 20 and 21, strike "It is an exception to the application of Section 35.153 that" and substitute "Section 35.153 does not apply to".

(2) On page 4, line 22, between "person" and "acted", insert "who".

(3) On page 4, line 24, between "company" and "disclosed", insert "that".

Amendment No. 3 was adopted.

CSHB 73, 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 126 ON SECOND 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.

HB 126 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE MARTINEZ FISCHER: Representative Delisi, I think you have a good bill and I'm going to vote for it, but for the purposes of legislative intent, could we have this discussion? Under your bill, a person who simply possesses a false government record cannot be prosecuted as a party to an organized criminal activity, correct?

REPRESENTATIVE DELISI: Now, this bill does not target individuals. This bill targets the supply side, the cartels, the very sophisticated that are producing these documents, and it simply adds to the list of organized criminal activities that include unlawful wholesale promotion or possession of any obscene materials, and/or money laundering, or trafficking of persons. So it just brings in tampering with government records.

MARTINEZ FISCHER: Right, and just again, just simple possession. If I had a fake driver's license on me, I'm not party to an organized criminal activity?

DELISI: That's correct. Of course, you do understand that having a falsified document can be prosecuted under another statute, but not under this statute.

REMARKS ORDERED PRINTED

Representative Martinez Fischer moved to print remarks between Representative Delisi and Representative Martinez Fischer.

The motion prevailed.

HB 126 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 764 ON SECOND READING
(by Dutton)

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

HB 764 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.)

MESSAGE FROM THE SENATE

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

HB 776 ON SECOND 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.

HB 776 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: C. Howard recorded voting no.)

HB 1392 ON SECOND READING
(by Turner)

HB 1392, A bill to be entitled An Act relating to the right of an employee who is a parent of a child enrolled in a special education program to time off from work to meet with certain persons affecting the education of the child.

Representative Turner moved to postpone consideration of **HB 1392** until 8 a.m. Wednesday, April 11.

The motion prevailed.

CSHB 1109 ON SECOND READING
(by Harper-Brown)

CSHB 1109, A bill to be entitled An Act relating to the allocation of revenue from the municipal hotel occupancy tax for the arts for certain municipalities.

Representative Harper-Brown moved to postpone consideration of **CSHB 1109** until 10 a.m. Wednesday, April 11.

The motion prevailed.

HB 2252 ON SECOND 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 Farabee offered the following amendment to **HB 2252**:

Amend **HB 2252** by inserting the following appropriate SECTIONS and renumbering SECTIONS of the bill appropriately:

SECTION _____. Subchapter A, Chapter 1201, Insurance Code, is amended by adding Section 1201.013 to read as follows:

Sec. 1201.013. PROGRAMS PROMOTING DISEASE PREVENTION, WELLNESS, AND HEALTH. (a) An insurer issuing an accident and health insurance policy may establish premium discounts, rebates, or a reduction in otherwise applicable copayments, coinsurance, or deductibles, or any combination of these incentives, for an insured who participates in programs promoting disease prevention, wellness, and health.

(b) A discount, rebate, or reduction established under this section does not violate Section 541.056(a).

SECTION _____. Section 1501.107(a), Insurance Code, is amended to read as follows:

(a) A small or large employer health benefit plan issuer may establish premium discounts, rebates, or a reduction in otherwise applicable copayments, coinsurance, or deductibles, or any combination of these incentives, in return for participation in ~~adherence to~~ programs promoting ~~[of health promotion and]~~ disease prevention, wellness, and health.

Amendment No. 1 was adopted.

HB 2252, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 233 ON SECOND READING

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

CSHB 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.

Amendment No. 1

Representative Farabee offered the following amendment to **CSHB 233**:

Amend **CSHB 233** as follows:

(1) On page 1, line 7, strike "[**REDUCTION**]" and substitute "OR REDUCTION".

(2) On page 2, between lines 4 and 5, insert the following:

(c) Notwithstanding any other provision of this subchapter, the department shall reduce by 50 percent any fee required for the issuance of an original, duplicate, modified, or renewed license under this subchapter if the applicant for the license is a veteran who, more than 365 days preceding the date of the application, was honorably discharged from the branch of the service in which the person served.

Amendment No. 1 was adopted.

CSHB 233, 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 842 ON SECOND READING

(by Raymond)

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

Amendment No. 1

Representative Dunnam offered the following amendment to **HB 842**:

Amend **HB 842** on page 1, between lines 13 and 14, by inserting the following new SECTION, appropriately numbered, and renumbering the subsequent SECTIONS accordingly:

SECTION _____. Subchapter B, Chapter 572, Government Code, is amended by adding Section 572.0321 to read as follows:

Sec. 572.0321. POSTING STATEMENTS ON WEBSITE. (a) Subject to Section 572.032(a-1), the commission shall post on its Internet website each financial statement filed with the commission under this subchapter not later than:

(1) the 3rd business day after the date on which the statement is filed, if the statement is filed electronically; or

(2) the 10th business day after the date on which the statement is filed, if the statement is not filed electronically.

(b) Not later than November 1, 2007, the commission shall post on its website each financial statement filed with the commission under this subchapter for the 2000 calendar year or a later calendar year. This subsection expires January 1, 2008.

Amendment No. 1 was adopted. (The vote was reconsidered later today, and a point of order was sustained against Amendment No. 1.)

HB 842, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.) (The vote was reconsidered later today, and **HB 842** was passed to engrossment.)

HB 959 ON SECOND 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.

HB 959 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: C. Howard recorded voting no.)

HB 1235 ON SECOND 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 Driver offered the following amendment to **HB 1235**:

Amend **HB 1235** (house committee printing) by striking Section 1 of the bill (page 1, lines 6-8) and substituting the following:

SECTION 1. Sections 382.0191(b) and (d), Health and Safety Code, are amended to read as follows:

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

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

Amendment No. 1 was adopted.

Amendment No. 2

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

Amend **HB 1235** (House committee printing) as follows:

(1) On page 1, line 6, substitute "SECTION 1" with "SECTION 2" and add "SECTION 1" as follows:

SECTION 1. Section 382.0191(c), Health and Safety Code, is amended to read as follows:

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

Amendment No. 2 was adopted.

HB 1235, 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 1717 ON SECOND 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.

HB 1717 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 1766 ON SECOND READING
(by Peña and Van Arsdale)

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

HB 1766 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 1594 ON SECOND READING
(by Zerwas)

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

Amendment No. 1

Representative Zerwas offered the following amendment to **CSHB 1594**:

Amend **CSHB 1594** (committee printing) as follows:

(1) On page 3, between lines 7 and 8, insert:

Sec. 1452.105. DIRECTORY ENTRIES. Pending the approval of the application, the managed care plan may exclude the applicant physician from the managed care plan's directory of participating physicians, the managed care plan's website listing of participating physicians, or any other listing of participating physicians.

(2) On page 3, line 8, strike "1452.105" and substitute "1452.106".

(3) On page 3, line 19, strike "1452.106" and substitute "1452.107".

(4) On page 3, line 23, strike "1452.105" and substitute "1452.106".

Amendment No. 1 was adopted.

CSHB 1594 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE GATTIS: Dr. Zerwas, I have been talked to by a few individuals that were—there was some concern laid out about your bill, and what its effect on, ultimately, on credentialing, and making sure that we have credentialed, qualified doctors that are operating here in the State of Texas. There was some concern whether or not your bill inhibits that. Could you address that and tell us exactly what it does?

REPRESENTATIVE ZERWAS: I think that's an excellent question, and I think first of all, credentialing is the baseline thing in terms of protecting patients and the qualifications of a physician out there. There are different levels of credentialing activity that occur, that can occur at the group that's hiring the physician, can occur at the hospital level, and it can certainly occur at the Texas Medical Board level, and it can also occur with the health plan itself. In fact, the national committee on quality assurance—

GATTIS: Okay, so let me stop you and walk you through real quick. It occurs at the board level because you have to be, you're going to have to get your qualifications done in the State of Texas before you can practice, correct?

ZERWAS: Correct. You have to have an unrestricted license in the State of Texas, which is a fairly involved credentialing process.

GATTIS: To be credentialed at the hospital, they're going to have to require that you be credentialed at the hospital before you ever start doing any work there, correct?

ZERWAS: If you're a physician that will utilize the services of a hospital, yes, you have to go through a credentialing process there. But let me be clear, the bill does not require that you have hospital credentialing.

GATTIS: I understand that, but in the instance that you were talking about a doctor that was working in a hospital, those type of things, he's going to have to go through that. He or she is going to have to go through that credentialing process to begin with, correct?

ZERWAS: Correct, and it's a fairly exhaustive process.

GATTIS: Okay, and your group that you go into, the group that you decide to join, the organization of individuals or doctors practicing, they're going to require that you pass their credentialing requirements, those types of things, to become part of the partnership or group. Is that right?

ZERWAS: That's correct. They'll go through a due diligence process that likewise is very similar to any other credentialing process.

GATTIS: This bill does not affect that single doctor kind of hanging-up-his-own-shingle type of deal at all, does it?

ZERWAS: I'm sorry, could you repeat?

GATTIS: This bill does not affect the doctor just on his own, hanging-up-a-shingle type issue, does it? It only affects those group practices, is that right?

ZERWAS: Yeah, in fact, I appreciate that question. This affects doctors that join an established medical group, which may be only one or two other doctors, but also they have to already have a relationship with the health plan. So these doctors have already been there.

GATTIS: So my understanding is the health plan is in place, already has an agreement with a group of doctors and this just makes sure, my understanding of your bill is, just make sure that we don't have doctors that join that group, meet all their credentialing requirements, meet all the hospital credentialing requirements, if they're going to practice in a hospital, those types of things, and they're held up, and all of a sudden we have some payments that won't be made to that doctor within the plan. Is that right?

ZERWAS: That's correct. Ultimately, this bill is attempting to address part of the slice of the out-of-network issues that are plaguing a lot of people in the State of Texas. So it's intended to treat that patient as an in-network-physician so that they can bill and collect and treat the patient on an in-network basis. If they don't, then what happens is during this credentialing period, which can be an extended period of time, the physician and the group is forced to treat this patient as an out-of-network patient, which means that the benefit to the patient is much less, and they can face a pretty significant amount of financial risk as a result of that.

GATTIS: And so this is to address that patient access issue and to make sure that, number one, the doctors get paid what their group has negotiated with the plan already, correct? And that the patient is not going to have some out-of-network or additional billing from the plan because they're out-of-network, or from the group because they're out-of-network?

ZERWAS: You explained it well, I can't add anything else.

GATTIS: That's the intent of your bill and everything?

ZERWAS: Yes, sir.

REMARKS ORDERED PRINTED

Representative Gattis moved to print remarks between Representative Zerwas and Representative Gattis.

The motion prevailed.

CSHB 1594, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 239 ON SECOND READING**(by Alonzo)**

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

CSHB 239 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, B. Brown, C. Howard, and Zedler recorded voting no.)

CSHB 310 ON SECOND READING**(by Goolsby, et al.)**

CSHB 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 Harless offered the following amendment to **CSHB 310**:

Amend **CSHB 310** as follows:

(1) Strike SECTION 1 of the bill and renumber subsequent SECTIONS of the bill accordingly.

(2) On page 5, between lines 4 and 5, insert:

Sec. 502.457. DEPARTMENT SUPPORT. (a) The department may enter into a system design contract to determine the feasibility and benefits of an electronic registration and title system to facilitate the registration and titling of motor vehicles under this subchapter.

(b) Subsection (a) may not be construed to authorize the department to implement a system or enter into a contract for the implementation of a system that affects the issuance of temporary license tags under Chapter 503.

Amendment No. 1 was adopted.

CSHB 310, 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: Branch, B. Brown, F. Brown, Crownover, J. Davis, Deshotel, Dunnam, Eissler, Flynn, Guillen, C. Howard, Jones, Keffer, S. King, Kolkhorst, Kuempel, McCall, Menendez, Noriega, Orr, Otto, Parker, Paxton, Peña, Pickett, Quintanilla, Solomons, and Talton recorded voting no.)

HB 621 ON SECOND 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.

HB 621 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: C. Howard recorded voting no.)

HB 688 ON SECOND 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.

HB 688 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 953 ON SECOND 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.

HB 953 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 967 ON SECOND 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.

Amendment No. 1

Representative Guillen offered the following amendment to **HB 967**:

Amend **HB 967** as follows:

(1) On page 1, line 12, between "quarantine" and "for", insert "of at least 90 days in length in the current tax year".

(2) On page 1, at the end of line 21, add the following:

The appraised value of land reappraised under this section may not exceed the lesser of:

(1) the market value of the land as determined by other appraisal methods; or

(2) one-half of the original appraised value of the land for the current tax year.

(3) On page 3, between lines 6 and 7, insert the following:

(f) If the owner of the land is informed by the Texas Animal Health Commission that the quarantine is no longer in place, not later than the 30th day after the date on which the owner received that information the owner of the land

shall so notify the chief appraiser in writing. If the owner fails to notify the chief appraiser as required by this subsection, a penalty is imposed on the property equal to 10 percent of the difference between the taxes imposed on the property in each year it is erroneously allowed appraisal under this section and the taxes that would otherwise have been imposed.

(g) The chief appraiser shall make an entry in the appraisal records for the property against which the penalty is imposed indicating liability for the penalty and shall deliver a written notice of imposition of the penalty to the person who owns the property. The notice shall include a brief explanation of the procedures for protesting the imposition of the penalty. The assessor for each taxing unit that imposed taxes on the property on the basis of appraisal under this section shall add the amount of the penalty to the unit's tax bill for taxes on the property against which the penalty is imposed. The penalty shall be collected at the same time and in the same manner as the taxes on the property against which the penalty is imposed. The amount of the penalty constitutes a lien on the property against which the penalty is imposed and accrues penalty and interest in the same manner as a delinquent tax.

(4) On page 3, line 12, between "quarantine" and "for", insert "of at least 90 days in length in the current tax year".

(5) On page 3, at the end of line 21, add the following:
The appraised value of land reappraised under this section may not exceed the lesser of:

(1) the market value of the land as determined by other appraisal methods; or

(2) one-half of the original appraised value of the land for the current tax year.

(6) On page 5, between lines 3 and 4, insert the following:

(f) If the owner of the land is informed by the Texas Animal Health Commission that the quarantine is no longer in place, not later than the 30th day after the date on which the owner received that information the owner of the land shall so notify the chief appraiser. If the owner fails to notify the chief appraiser as required by this subsection, a penalty is imposed on the property equal to 10 percent of the difference between the taxes imposed on the property in each year it is erroneously allowed appraisal under this section and the taxes that would otherwise have been imposed.

(g) The chief appraiser shall make an entry in the appraisal records for the property against which the penalty is imposed indicating liability for the penalty and shall deliver a written notice of imposition of the penalty to the person who owns the property. The notice shall include a brief explanation of the procedures for protesting the imposition of the penalty. The assessor for each taxing unit that imposed taxes on the property on the basis of appraisal under this section shall add the amount of the penalty to the unit's tax bill for taxes on the property against which the penalty is imposed. The penalty shall be collected at the same time and in the same manner as the taxes on the property against which the penalty is imposed. The amount of the penalty constitutes a lien on the property against which the penalty is imposed and accrues penalty and interest in the same manner as a delinquent tax.

Amendment No. 1 was adopted.

(Flynn in the chair)

HB 967, 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.)

SB 300 ON SECOND 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.

SB 300 was considered in lieu of **HB 1104**.

SB 300 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1104 - LAID ON THE TABLE SUBJECT TO CALL

Representative Paxton moved to lay **HB 1104** on the table subject to call.

The motion prevailed.

CSHB 1565 ON SECOND READING
(by Puente)

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

Amendment No. 1

Representative Puente offered the following amendment to **CSHB 1565**:

Amend **CSHB 1565** ((page 3, line 9), Section 3, Subsection (e), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945) by striking the words "or outside the boundaries of the District" and inserting the words "the boundaries of the county of Bexar" after the word "within" and before the word "necessary".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Farias offered the following amendment to **CSHB 1565**:

Amend **CSHB 1565** as follows:

(1) On page 7, strike lines 8 through 10 and substitute the following:

Sec. 7A. (a) On the first uniform election date after September 1, 2007, the board of directors shall hold an election regarding whether the Commissioners Court of Bexar County should become the board of directors of the district.

(b) The ballot for an election under this section shall be printed to provide for voting for or against the proposition: "Establishing the Commissioners Court of Bexar County as the board of directors of the Bexar Metropolitan Water District."

(c) If a majority of the district voters voting at the election favor the proposition, the district is governed by a board of five directors, consisting of the Commissioners Court of Bexar County.

(d) If a majority of the district voters voting at the election are not in favor of the proposition, this section expires September 1, 2008.

(e) To the extent of any conflict between this section and Section 8 of this Act, this section prevails.

(2) Strike Section 4 of the bill (page 7, line 27, through page 8, line 1) and renumber the sections of the bill accordingly.

(Martinez now present)

Representative Puente moved to table Amendment No. 2.

A record vote was requested.

The vote of the house was taken on the motion to table Amendment No. 2 and the vote was announced yeas 64, nays 60.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 287): 61 Yeas, 70 Nays, 6 Present, not voting.

Yeas — Bailey; Berman; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Creighton; Crownover; Delisi; Deshotel; Driver; Dukes; Dutton; Flores; Flynn(C); Gattis; Geren; Goolsby; Guillen; Haggerty; Hamilton; Harless; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Hughes; Isett; Keffer; King, T.; Kolkhorst; Laubenberg; Martinez; McClendon; McReynolds; Miller; Morrison; O'Day; Olivo; Parker; Peña; Phillips; Pitts; Puente; Raymond; Ritter; Rose; Smith, T.; Smith, W.; Straus; Swinford; Truitt; Turner; Van Arsdale; Woolley; Zedler.

Nays — Allen; Alonzo; Anchia; Anderson; Aycock; Bohac; Bolton; Burnam; Castro; Coleman; Cook, B.; Corte; Crabb; Darby; Davis, J.; Dunnam; Eissler; England; Escobar; Farabee; Farias; Frost; Gallego; Garcia; Gonzales; Gonzalez Toureilles; Hancock; Hardcastle; Harper-Brown; Heflin; Hernandez; Herrero; Hodge; Homer; Howard, D.; Jackson; Jones; King, S.; Kuempel; Latham; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez Fischer; McCall; Merritt; Miles; Murphy; Naishtat; Noriega; Oliveira; Orr; Ortiz; Patrick; Paxton; Pickett; Pierson; Quintanilla; Riddle; Rodriguez; Smithee; Strama; Talton; Taylor; Thompson; Vaught; Veasey; Zerwas.

Present, not voting — Mr. Speaker; Menendez; Otto; Solomons; Villarreal; West.

Absent, Excused — Eiland; Elkins; Farrar.

Absent — Cohen; Cook, R.; Davis, Y.; Giddings; Hill; King, P.; Krusee; Moreno; Mowery; Vo.

(Speaker in the chair)

The speaker stated that the motion to table was lost by the above vote.

A record vote was requested.

Amendment No. 2 failed of adoption by (Record 288): 32 Yeas, 99 Nays, 5 Present, not voting.

Yeas — Alonzo; Anchia; Anderson; Bolton; Burnam; Castro; Coleman; Dunnam; England; Escobar; Farias; Gallego; Gonzalez Toureilles; Heflin; Hodge; Howard, D.; Jackson; Jones; Krusee; Kuempel; Latham; Macias; Martinez Fischer; Merritt; Miles; Noriega; Quintanilla; Rodriguez; Smith, T.; Smithee; Talton; Veasey.

Nays — Allen; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dutton; Eissler; Farabee; Flores; Flynn; Frost; Garcia; Gattis; Geren; Giddings; Gonzales; Goolsby; Guillen; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Homer; Hopson; Howard, C.; Isett; Keffer; King, S.; King, T.; Kolkhorst; Laubenberg; Leibowitz; Lucio; Madden; Martinez; McCall; McClendon; McReynolds; Miller; Morrison; Mowery; Murphy; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pierson; Pitts; Puente; Raymond; Riddle; Ritter; Rose; Smith, W.; Solomons; Strama; Straus; Swinford; Thompson; Truitt; Turner; Van Arsdale; Vaught; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Eiland; Elkins; Farrar.

Absent — Cohen; Cook, R.; Davis, Y.; Haggerty; Harper-Brown; Hughes; King, P.; Moreno; Pickett; Taylor; Vo.

STATEMENT OF VOTE

I was shown voting no on Record No. 288. I intended to vote yes.

Herrero

Amendment No. 3

Representative Gonzalez Toureilles offered the following amendment to **CSHB 1565**:

Amend **CSHB 1565**, on page 7, by striking lines 8 through 10 and substituting the following:

Sec. 7A. The District is governed by a board of nine directors, composed of:

- (1) the members of the Commissioners Court of Bexar County;
- (2) the county judge of Atascosa County, if the District provides services to customers in Atascosa County;
- (3) the county judge of Comal County, if the District provides services to customers in Comal County; and

(4) the county judge of Medina County, if the District provides services to customers in Medina County.

(5) the mayor of San Antonio

Amendment No. 3 was adopted.

LEAVES OF ABSENCE GRANTED

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

R. Cook on motion of Swinford.

Y. Davis on motion of Thompson.

CSHB 1565 - (consideration continued)

Amendment No. 4

Representative Leibowitz offered the following amendment to **CSHB 1565**:

Amend **CSHB 1565** by adding the following appropriately numbered SECTION and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Chapter 306, Acts of the 49th Legislature, Regular Session, 1945, is amended by adding Section 8A to read as follows:

Sec. 8A. (a) The board of directors is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted as if the board of directors were scheduled to be abolished September 1, 2010.

(b) If the legislature does not continue the members of the board of directors in office:

(1) the Commissioners Court of Bexar County shall hold an election to elect new board members, in accordance with Section 5A, on the uniform election date in November of 2010; and

(2) the terms of the board members expire on the date the election returns are canvassed.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Leibowitz offered the following amendment to **CSHB 1565**:

Amend **CSHB 1565** by adding the following appropriately numbered section and renumbering the sections of the bill accordingly:

SECTION _____. Chapter 306, Acts of the 49th Legislature, Regular Session, 1945, is amended by adding Section 23A to read as follows:

Sec. 23A. (a) The District may not charge a customer who receives water services from the District on and after September 1, 2007, a residential or commercial water rate that is greater than the rate charged by the District on September 1, 2007. This subsection expires September 1, 2012.

(b) If, on or after September 1, 2007, the District contracts with a person to provide water services to District customers and the person with whom the District contracts has water rates lower than the District's, a customer who

receives water services from the District on September 1, 2007, and when the contract is in effect is entitled to the water rate charged by the person with whom the District contracts.

Amendment No. 5 was adopted.

Amendment No. 6

Representative Leibowitz offered the following amendment to **CSHB 1565**:

Amend **CSHB 1565** by adding the following appropriately numbered SECTION and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Chapter 306, Acts of the 49th Legislature, Regular Session, 1945, is amended by adding Section 27C to read as follows:

Sec. 27C. (a) The District may not terminate without cause an employee who, on June 1, 2007:

(1) is vested in the District's retirement plan; and

(2) earns an annual salary of \$50,000 or less.

(b) An employee described by Subsection (a) of this section who is terminated by the District for cause is entitled to the grievance process available to an employee of Bexar County who is not classified as a civil service employee.

Amendment No. 6 was adopted.

Amendment No. 7

Representative Leibowitz offered the following amendment to **CSHB 1565**:

Amend **CSHB 1565** by adding the following appropriately numbered SECTION and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Chapter 306, Acts of the 49th Legislature, Regular Session, 1945, is amended by adding Section 27D to read as follows:

Sec. 27D. (a) The District may not employ fewer than 90 percent of the number of employees employed by the District on June 1, 2007, who earned an annual salary of \$50,000 or less.

(b) The District may reduce the number of employees employed by the District who earn an annual salary of \$50,000 or less only through:

(1) retirement;

(2) voluntary resignation; or

(3) termination for cause.

(c) An employee terminated by the District for cause is entitled to the grievance process available to an employee of Bexar County who is not classified as a civil service employee.

(d) This section expires September 1, 2012.

Amendment No. 7 was adopted.

Amendment No. 8

Representative Leibowitz offered the following amendment to **CSHB 1565**:

Amend **CSHB 1565** by adding the following appropriately numbered SECTION and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Chapter 306, Acts of the 49th Legislature, Regular Session, 1945, is amended by adding Sections 27F and 27G to read as follows:

Sec. 27F. (a) Bexar County may not transfer, sell, or lease to a public utility the management or assets, including certificates of convenience and necessity and water rights, of the District.

(b) This section does not apply to a certificate of convenience and necessity or an asset of the District outside of Bexar County.

Amendment No. 8 was adopted.

Amendment No. 9

Representative Leibowitz offered the following amendment to **CSHB 1565**:

Amend **CSHB 1565** by adding the following appropriately numbered section and renumbering the sections of the bill accordingly:

SECTION _____. Chapter 306, Acts of the 49th Legislature, Regular Session, 1945, is amended by adding Section 32 to read as follows:

Sec. 32. (a) The District shall permit a customer to pay a bill at one or more retail locations in the District.

(b) The District may not close a customer service branch that is in operation on May 1, 2007. This subsection expires May 1, 2017.

Amendment No. 9 was adopted.

Amendment No. 10

Representative Puente offered the following amendment to **CSHB 1565**:

Amend **CSHB 1565** as follows:

(1) Add the following appropriately numbered section:

SECTION _____. Chapter 306, Acts of the 49th Legislature, Regular Session, 1945, is amended by adding Section 27E to read as follows:

Sec. 27E. (a) The District may not charge a higher water rate than the rate charged by the San Antonio Water System for comparable services.

(b) Not later than August 1, 2007, the District shall lower the water rate to the rate charged by the San Antonio Water System for a customer who:

(1) received services from the district on or after May 1, 2007; and

(2) on or after May 1, 2007, paid a higher rate than the rate paid by a customer of the San Antonio Water System for comparable services.

(c) The District may not raise the water rate for a customer to whom Subsection (b) applies.

(d) This subsection and Subsections (b) and (c) expire December 1, 2012.

(2) Strike page 8, line 20, and substitute the following appropriately numbered section:

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

(3) Renumber the sections of the bill accordingly.

Amendment No. 10 was adopted.

Amendment No. 11

Representative T. King offered the following amendment to **CSHB 1565**:

Amend **CSHB 1565** by adding the following appropriately numbered SECTION and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Chapter 306, Acts of the 49th Legislature, Regular Session, 1945, is amended by adding Section 27A to read as follows:

Sec. 27A. The District may not provide a service to a customer located outside Bexar County unless the customer received services from the District on or before April 4, 2007.

Amendment No. 11 was adopted.

A record vote was requested.

CSHB 1565, as amended, was passed to engrossment by (Record 289): 132 Yeas, 1 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.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Dukes; Dunnam; Dutton; Eissler; England; Escobar; Farabee; Farias; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Isett; Jackson; Jones; Keffer; King, S.; King, T.; Kolkhorst; Krusee; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Merritt; Miles; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; West; Woolley; Zedler; Zerwas.

Nays — Kuempel.

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

Absent, Excused — Cook, R.; Davis, Y.; Eiland; Elkins; Farrar.

Absent — Driver; Harper-Brown; Hill; Hughes; King, P.; Moreno; Taylor; Vo.

STATEMENT OF VOTE

I was shown voting yes on Record No. 289. I intended to vote no.

Gonzalez Toureilles

HB 1618 ON SECOND 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.

HB 1618 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 842 - VOTE RECONSIDERED

Representative C. Howard moved to reconsider the vote by which **HB 842**, as amended, was passed to engrossment.

The motion to reconsider prevailed.

HB 842 ON SECOND 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.

Amendment No. 1 - Vote Reconsidered

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

The motion to reconsider prevailed.

Amendment No. 1 - Point of Order

Representative Hartnett raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

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

HB 842 applies solely to personal financial statements filed with the Texas Ethics Commission by a judge or justice. Amendment No. 1 would require the ethics commission to post all financial statements filed with the commission on the Internet within certain specified times. The amendment would apply to financial statements filed by state officers other than judges and justices, as well as to statements filed by certain candidates for office and certain political party officials. The application of the amendment to financial statements other than those filed by a judge or justice is not germane to the bill.

The ruling precluded further consideration of Amendment No. 1.

HB 842 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 4065 - PERMISSION TO INTRODUCE

Representative Otto requested permission to introduce and have placed on first reading **HB 4065**.

A record vote was requested.

Permission to introduce was granted by (Record 290): 138 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.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eissler; England; Escobar; Farabee; 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; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cook, R.; Davis, Y.; Eiland; Elkins; Farrar.

Absent — Keffer; King, P.; Martinez Fischer; Moreno; Taylor; Vo.

STATEMENT OF VOTE

When Record No. 290 was taken, I was in the house but away from my desk. I would have voted yes.

Taylor

RESOLUTIONS REFERRED TO COMMITTEES CORRECTIONS IN REFERRAL

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

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.

Permission to meet was granted.

(Taylor in the chair)

FIVE DAY POSTING RULE SUSPENDED

Representative Corte moved to suspend the five day posting rule to allow the Committee on Defense Affairs and State-Federal Relations to consider **HCR 173** at the reconvening of this morning's posted meeting upon final adjournment today in E2.010.

The motion prevailed.

Representative Bonnen moved to suspend the five day posting rule to allow the Committee on Environmental Regulation to consider **HR 942** at the reconvening of this morning's posted meeting upon adjournment today in E2.028.

The motion prevailed.

Representative Woolley moved to suspend the five day posting rule to allow the Committee on Public Health to consider **HB 2026** at 8 a.m. tomorrow in E2.036.

The motion prevailed.

Representative Hilderbran moved to suspend the five day posting rule to allow the Committee on Culture, Recreation, and Tourism to consider **HB 1634** upon adjournment today in E2.014.

The motion prevailed.

PROVIDING FOR ADJOURNMENT

Representatives Taylor and Eiland moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of Constable Skip Gay of Galveston.

The motion prevailed.

RESOLUTIONS REFERRED TO COMMITTEES

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

(S. King in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 7:40 p.m., adjourned until 10 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

HR 1375 (By Goolsby), Recognizing the effort to designate a portion of Central Expressway in Dallas as the George W. Bush Expressway.
To Transportation.

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

HR 942 (By Bonnen), Supporting efforts and encouraging funding to open the mouth of the San Bernard River.

To Environmental Regulation.

List No. 2

HCR 182 (By Homer), Honoring Rachel Ming of Sulphur Springs on qualifying for the Business Professionals of America National Leadership Conference and Contest.

To Rules and Resolutions.

HCR 183 (By Homer), Honoring the members of the Sulphur Springs Middle School academic team for their victory at the UIL district competition.

To Rules and Resolutions.

HCR 184 (By Hughes), Recognizing April 4, 2007, as Marshall Day at the State Capitol.

To Rules and Resolutions.

HR 1356 (By Eiland), In memory of Jim Ted Jolly of Galveston.

To Rules and Resolutions.

HR 1358 (By B. Cook), In memory of Peggy Sue Logan Baechtle of Corsicana.

To Rules and Resolutions.

HR 1359 (By B. Cook), Congratulating Christine Kelly of Kosse on her retirement and her 50 years of service in the banking industry.

To Rules and Resolutions.

HR 1360 (By Merritt), Commemorating the visit of Erik, Sunny, Samantha, and Nicholas Hahn to the Lone Star State.

To Rules and Resolutions.

HR 1361 (By Leibowitz), Honoring Cynthia Barrett on her participation in the Toyota International Teacher Program as an educational ambassador to Costa Rica.

To Rules and Resolutions.

HR 1362 (By Leibowitz), Honoring Joseph Segura on his participation in the Toyota International Teacher Program as an educational ambassador to Costa Rica.

To Rules and Resolutions.

HR 1363 (By Lucio), Commending Mayor Richard Rodriguez for his contributions to the city of Harlingen.

To Rules and Resolutions.

HR 1364 (By Lucio), Honoring Dr. Norman E. Binder of Brownsville on the occasion of his retirement from The University of Texas at Brownsville and Texas Southmost College.

To Rules and Resolutions.

HR 1365 (By Frost), Congratulating the Liberty-Eylau Leopards on winning the 2006 UIL Division 1-3A State Football Championship.

To Rules and Resolutions.

HR 1366 (By Parker), Honoring Jennifer Forthun of Argyle on being named the Marcus High School Teacher of the Month for February 2007.

To Rules and Resolutions.

HR 1367 (By Jones), In memory of Lubbock firefighter Jackie Waynn "Jay" Lester.

To Rules and Resolutions.

HR 1368 (By Hardcastle), Commemorating the 100th anniversary of Antioch Baptist Church in Gainesville.

To Rules and Resolutions.

HR 1369 (By Coleman), 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.

To Rules and Resolutions.

HR 1370 (By Farabee), Honoring Tom Danaher of Wichita Falls on his receipt of the Living Legends of Aviation award.

To Rules and Resolutions.

HR 1371 (By Taylor), Congratulating Westwood Elementary School in Friendswood on its receipt of the inaugural Texas State School of Character Award.

To Rules and Resolutions.

HR 1372 (By Flynn), Congratulating the Martins Mill High School girls' basketball team on advancing to the 2007 state finals.

To Rules and Resolutions.

HR 1373 (By Gonzalez Toureilles), In memory of Cecil Carlisle of Alice.

To Rules and Resolutions.

HR 1374 (By Kolkhorst), Recognizing April 5, 2007, as Grimes County Day at the State Capitol.

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. 18

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

Senate List No. 17

SB 90

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Tuesday, April 3, 2007

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 306 Harris
Relating to the appointment of counsel to represent an indigent defendant in a capital case and to the reimbursement of certain expenses incurred by appointed counsel.

SB 565 Wentworth
Relating to the locations where certain courts may hear cases, hold court, and transact business.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 90 (30 Yeas, 0 Nays)
Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Tuesday, April 3, 2007 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 166 Hilderbran SPONSOR: Wentworth
Recognizing April 3, 2007, as Texas Medal of Arts Awards Day.

SB 362 Janek
Relating to civil remedies and qui tam provisions under the Medicaid fraud prevention act.

SB 718 Ogden
Relating to the route selection for the Trans-Texas Corridor.

SB 1795 Ogden
Relating to the amount of bonds and other public securities that may be secured by a pledge of and payable from revenue deposited to the credit of the state highway fund.

SCR 50 Wentworth
Recognizing April 3, 2007, as Texas Medal of Arts Awards Day.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

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

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 125 Carona
Relating to a civil or administrative penalty imposed by a local authority to enforce compliance with a traffic-control signal and use of the money collected to help fund trauma facilities and emergency medical services.

SB 802 Nichols
Relating to the child fatality review process, including the composition and functions of the child fatality review team committee.

SB 1119 Carona
Relating to the authority of a local authority to implement a photographic traffic signal enforcement system; providing for the imposition of civil penalties.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 2

Border and International Affairs - **HB 2235**

Business and Industry - **HB 1871**

Criminal Jurisprudence - **HB 95, HB 347, HB 460, HB 1203, HB 1610, HB 2267**

Culture, Recreation, and Tourism - **HB 2054**

Elections - **HB 218, HB 626, HB 1652**

Insurance - **HB 522, HB 1590, HB 2708**

Law Enforcement - **HB 442, HB 588, HB 954, HB 991, HB 1839, HB 2066, HB 3295, SB 330, SB 332**

Pensions and Investments - **HB 2799**

Public Education - **HB 273, HB 439, HB 1270, HB 1400, HB 1922, HB 2176, HB 2503, HB 2657**

State Affairs - **HB 180**

Urban Affairs - **HB 280, HB 470, HB 2019, HB 2184, HB 2338, HB 2484, HB 2840**

ENGROSSED

April 2 - HB 1, HB 15, HJR 69