

HOUSE JOURNAL

EIGHTIETH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-FIRST DAY — TUESDAY, MAY 8, 2007

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

The roll of the house was called and a quorum was announced present (Record 1050).

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

Absent, Excused — Moreno.

Absent — Mowery.

LEAVES OF ABSENCE GRANTED

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

RULES SUSPENDED

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

The motion prevailed.

MOTION FOR ONE RECORD VOTE

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

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR THIRD READING

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

(Record 1051): 146 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Moreno.

Absent — Mowery.

HB 147

HB 319

HB 455

SB 722

HB 1137 (Harper-Brown and Phillips - no) (144 - 2 - 2)

HB 1357

HB 1372

HB 1381

HB 1404

HB 1573

HB 1614

HB 1638

HB 1648

HB 1728

HB 1889

HB 1920

HB 2072

HB 2109

HB 2132 (Harper-Brown and Phillips - no) (144 - 2 - 2)

HB 2156

HB 2159

HB 2190 (Herrero and Leibowitz - no) (144 - 2 - 2)

HB 2218

HB 2250

HB 2294

HB 2313

HB 2353

HB 2358

HB 2368

HB 2392

HB 2442

HB 2467

HB 2502

HB 2510

HB 2548

HB 2549

HB 2551

HB 2565

HB 2569

HB 2580

HB 2589

HB 2607

HB 2620

HB 2651

HB 2671

HB 2678

HB 2715

HB 2734

HB 2749

HB 2751

HB 2752

HB 2761

HB 2762

HB 2765

SB 913

HB 2907 (T. King - no) (145 - 1 - 2)

HB 2912

HB 2917

HB 2918

HB 2944

HB 2991

SB 1932

HB 3038

HB 3070 (Harper-Brown and Phillips - no) (144 - 2 - 2)

HB 3092

HB 3125

SB 959

HB 3215

HB 3270

HB 3271

HB 3291

HB 3293

HB 3353

HB 3355

SB 1287 (Harper-Brown and Phillips - no) (144 - 2 - 2)
HB 3444
HB 3457
HB 3473
HB 3475
HB 3537
HB 3552
HB 3554
HB 3593
HB 3594
HB 3613
HB 3619
HB 3699
HB 3723
HB 3746
HB 3776
HB 3818
HB 3832
HB 3876
HB 3877
HB 3888
HB 3929
HB 4008
HB 4031
HB 4035
HB 4036
HB 4040
HB 4074
HB 4091
SB 189
SB 267
SB 336
SB 389
SB 399

SB 457

SB 458

SB 470

SB 493

SB 496

SB 497

SB 573

SB 611

HB 53

HB 1318

HB 1500

HB 1563

HB 4067

FIVE DAY POSTING RULE SUSPENDED

Representative Rose moved to suspend the five day posting rule to allow the Committee on Human Services to consider **SB 21**, **SB 131**, **SB 972**, **SB 1098**, and **SB 1682** at 10:30 a.m. or upon adjournment Thursday, May 10 in E2.026.

The motion prevailed.

HB 66 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 66, A bill to be entitled An Act relating to power management software for state agencies.

Representative Leibowitz moved to concur in the senate amendments to **HB 66**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1052):
146 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Moreno.

Absent — Mowery.

Senate Committee Substitute

CSHB 66, A bill to be entitled An Act relating to power management software for state agencies.

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

SECTION 1. Subchapter F, Chapter 2054, Government Code, is amended by adding Section 2054.124 to read as follows:

Sec. 2054.124. POWER MANAGEMENT SOFTWARE. (a) After researching the software available, the department shall by competitive bid select power management software to be used, if technically feasible, by state agencies to reduce the amount of energy required to operate state computer networks and networked personal computers.

(b) As determined by the department, each state agency that would benefit from using power management software that would provide cost savings to this state in the state fiscal biennium ending August 31, 2009, shall purchase, lease, or otherwise acquire and use the software for the agency's computer networks to manage the energy usage of the agency's networked personal computers. This subsection expires September 1, 2009.

(c) An institution of higher education shall purchase, lease, or otherwise acquire and use power management software only if the department, in consultation with the Information Technology Council for Higher Education, determines that the institution of higher education's use of power management software would provide cost savings to this state. In making a determination under this subsection, the department must perform the analysis described by Section 2054.121(c). The analysis must include an assessment of how the use of power management software affects the security of electronic data, including data protected from public disclosure by state or federal law.

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

POSTPONED BUSINESS

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

SB 1104 ON SECOND READING
(Naishtat - House Sponsor)

SB 1104, A bill to be entitled An Act relating to the conditions of employment for emergency medical services personnel employed by certain municipalities.

SB 1104 was considered in lieu of **HB 1079**.

SB 1104 was read second time.

Amendment No. 1

Representative Naishtat offered the following amendment to **SB 1104**:

Amend **SB 1104** (House Committee Printing), in SECTION 1 of the bill, as follows:

(1) In added Section 142.155, Local Government Code, immediately following the section heading (page 3, line 14), strike "A public employer" and substitute "The governing body of a municipality".

(2) Immediately following added Subsection (c), Section 142.156, Local Government Code (page 4, between lines 11 and 12), insert the following:

Sec. 142.1565. ELECTION TO AUTHORIZE OPERATING UNDER THIS SUBCHAPTER. (a) If the governing body of a municipality does not recognize an association that submits a petition under Section 142.155 and that has been determined by the governing body or under Section 142.156 to represent a majority of the covered emergency medical services personnel, the governing body shall order an election to determine whether a public employer may meet and confer under this subchapter.

(b) An election ordered under this section must be held as part of the next regularly scheduled general election for municipal officers that occurs after the date the governing body of the municipality orders the election and that allows sufficient time to prepare the ballot in compliance with other requirements of law.

(c) The ballot for an election ordered under this section shall be printed to allow voting for or against the proposition: "Authorizing _____ (name of the municipality) to operate under the state law allowing a municipality to meet and confer and make agreements with the association representing municipal emergency medical services personnel as provided by state law, preserving the prohibition against strikes and organized work stoppages, and providing penalties for strikes and organized work stoppages."

(d) An election ordered under this section must be held and the returns prepared and canvassed in conformity with the Election Code.

(e) If an election under this section is held, the municipality may operate under the other provisions of this subchapter only if a majority of the votes cast at the election favor the proposition.

(f) If an election under this section is held, an association may not submit a petition for recognition to the governing body of the municipality under Section 142.155 before the second anniversary of the date of the election.

(3) Immediately following added Subsection (c), Section 142.160, Local Government Code (page 6, between lines 11 and 12), insert the following:

Sec. 142.1605. ACTION OR ELECTION TO REPEAL AUTHORIZATION TO OPERATE UNDER THIS SUBCHAPTER. (a) The governing body of a municipality that granted recognition of an association under Section 142.155 without conducting an election under Section 142.1565 may withdraw recognition of the association by providing to the association not less than 90 days' written notice that:

(1) the governing body is withdrawing recognition of the association;
and

(2) any agreement between the governing body and the association will not be renewed.

(b) The governing body of a municipality that granted recognition of an association after conducting an election under Section 142.1565 may order an election to determine whether a public employer may continue to meet and confer under this subchapter. The governing body may not order an election under this subsection until the second anniversary of the date of the election under Section 142.1565.

(c) An election ordered under Subsection (b) must be held as part of the next regularly scheduled general election for municipal officers that occurs after the date the governing body of the municipality orders the election and that allows sufficient time to prepare the ballot in compliance with other requirements of law.

(d) The ballot for an election ordered under Subsection (b) shall be printed to allow voting for or against the proposition: "Authorizing _____ (name of the municipality) to continue to operate under the state law allowing a municipality to meet and confer and make agreements with the association representing municipal emergency medical services personnel as provided by state law, preserving the prohibition against strikes and organized work stoppages, and providing penalties for strikes and organized work stoppages."

(e) An election ordered under Subsection (b) must be held and the returns prepared and canvassed in conformity with the Election Code.

(f) If an election ordered under Subsection (b) is held, the municipality may continue to operate under this subchapter only if a majority of the votes cast at the election favor the proposition.

(g) If an election ordered under Subsection (b) is held, an association may not submit a petition for recognition to the governing body of the municipality under Section 142.155 before the second anniversary of the date of the election.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Naishtat offered the following amendment to **SB 1104**:

Amend **SB 1104** (House Committee Printing) in SECTION 1 of the bill, by striking added Section 142.155, Local Government Code (page 3, lines 13 through 23), and substituting the following:

Sec. 142.155. RECOGNITION OF EMERGENCY MEDICAL SERVICES PERSONNEL ASSOCIATION. The governing body of a municipality may recognize an association that submits a petition signed by a majority of the

emergency medical services personnel in the municipality, excluding the head of the emergency medical services department and any person who is exempt under Subsection (b), as the sole and exclusive bargaining agent for all of the covered emergency medical services personnel until recognition of the association is withdrawn by a majority of the covered emergency medical services personnel.

(b) For purposes of Subsection (a), exempt employees are assistant department heads in the rank or classification immediately below that of the department head and any other employees who are designated as exempt or whose job titles are designated as exempt by the mutual agreement of the recognized association and the public employer.

Amendment No. 2 was adopted.

SB 1104, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Berman, Flynn, Harper-Brown, and Solomons recorded voting no.)

HB 1079 - LAID ON THE TABLE SUBJECT TO CALL

Representative Naishtat moved to lay **HB 1079** on the table subject to call.

The motion prevailed.

HB 2217 ON SECOND READING (by Eissler, Bonnen, and Madden)

HB 2217, A bill to be entitled An Act relating to grants for higher education and workforce readiness programs in public schools.

HB 2217 was read second time on May 7 and was postponed until 9:30 a.m. today.

Amendment No. 1

Representative Eissler offered the following amendment to **HB 2217**:

Amend **HB 2217** by striking all below the enacting clause and substituting the following:

SECTION 1. Sections 7.009(a) and (b), Education Code, are amended to read as follows:

(a) In coordination with the Legislative Budget Board, the agency shall establish an online clearinghouse of information relating to best practices of campuses and school districts regarding instruction, dropout prevention, public school finance, resource allocation, and business practices. To the extent practicable, the agency shall ensure that information provided through the online clearinghouse is specific, actionable information relating to the best practices of high-performing and highly efficient campuses and school districts rather than general guidelines relating to campus and school district operation. The information must be accessible by campuses, school districts, and interested members of the public.

(b) The agency shall solicit and collect from the Legislative Budget Board, centers for education research established under Section 1.005, and exemplary or recognized school districts, campuses, and open-enrollment charter schools, as rated under Section 39.072, examples of best practices relating to instruction, dropout prevention, public school finance, resource allocation, and business practices, including best practices relating to curriculum, scope and sequence, compensation and incentive systems, bilingual education and special language programs, compensatory education programs, and the effective use of instructional technology, including online courses.

SECTION 2. Subchapter B, Chapter 7, Education Code, is amended by adding Section 7.031 to read as follows:

Sec. 7.031. STUDY OF BEST PRACTICES FOR DROPOUT PREVENTION. (a) The commissioner shall contract with one or more centers for education research under Section 1.005 to:

(1) study the best practices of campuses and school districts in this state and other states regarding dropout prevention programs; and

(2) prepare a report regarding the findings of the study.

(b) The report under Subsection (a) must:

(1) identify any high-performing and highly efficient dropout prevention programs;

(2) identify the dropout prevention programs under Subdivision (1) that have the most potential for success in this state; and

(3) recommend legislation or other actions necessary to implement a dropout prevention program identified under Subdivision (2).

(c) Not later than December 1, 2008, the commissioner shall deliver the report produced under Subsection (a) to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of each house of the legislature with primary jurisdiction over public education.

(d) This section expires January 1, 2009.

SECTION 3. Subchapter J, Chapter 21, Education Code, is amended by adding Section 21.4511 to read as follows:

Sec. 21.4511. PROFESSIONAL DEVELOPMENT ACTIVITIES FOR TEACHERS AND ADMINISTRATORS. (a) From funds appropriated for that purpose, the High School Completion and Success Initiative Board established under Subchapter L, Chapter 39, may develop and award grants to school districts, regional education service centers, and institutions of higher education for the establishment of technical assistance and professional development activities in the staff development training of public school teachers and administrators.

(b) The training under this section shall include training relating to implementing curriculum and instruction that is aligned with the foundation curriculum described by Section 28.002(a)(1) and standards and expectations for college readiness, as determined by State Board of Education rule under Section 28.008(d).

(c) The High School Completion and Success Initiative Board may give preference to a school district, regional education service center, or institution of higher education conducting professional development activities under this section that applies for a grant in partnership with a state or national organization that has demonstrated success in the development and implementation of high school reform strategies.

SECTION 4. Subchapter J, Chapter 21, Education Code, is amended by adding Section 21.4541 to read as follows:

Sec. 21.4541. MATHEMATICS INSTRUCTIONAL COACHES PILOT PROGRAM. (a) Using funds appropriated for that purpose, the commissioner by rule shall establish a pilot program under which participating school districts and campuses receive assistance in developing the instructional expertise of teachers who instruct students in mathematics at the middle school, junior high school, or high school level.

(b) The commissioner shall select school districts and campuses to participate in the pilot program that have relatively low:

(1) levels of student performance at the middle school, junior high school, or high school level on the assessment instruments in mathematics required under Section 39.023; and

(2) numbers of teachers who are properly certified in mathematics under Subchapter B.

(c) The commissioner shall design the pilot program so that each participating school district or campus has access to the services of an individual who is certified under Subchapter B to teach mathematics at the appropriate grade levels and who has significant experience in providing mathematics instruction to students. The individual must be available to provide instructional coaching to district or campus teachers who provide instruction in mathematics at the middle school, junior high school, or high school level. The instructional coaching may include:

(1) providing classes to teachers on effective mathematics instruction;

(2) providing individual tutoring to teachers regarding effective mathematics instruction; or

(3) engaging in any other activities determined by the commissioner as likely to improve the instructional skills of teachers providing mathematics instruction.

(d) The commissioner shall adopt rules necessary to implement the pilot program. In adopting rules under this subsection, the commissioner shall adopt procedures that coordinate a grant of funds under this section with the funding for mentor teachers under Section 21.458.

SECTION 5. Subchapter J, Chapter 21, Education Code, is amended by adding Section 21.462 to read as follows:

Sec. 21.462. MATHEMATICS, SCIENCE, AND TECHNOLOGY TEACHER PREPARATION ACADEMIES. (a) From funds appropriated for that purpose, the Texas Higher Education Coordinating Board shall establish academies at institutions of higher education to improve the instructional skills of teachers certified under Subchapter B and train students enrolled in a teacher

preparation program to perform at the highest levels in mathematics, science, and technology. The coordinating board may adopt rules as necessary to administer this section.

(b) Before an institution of higher education establishes an academy under this section, the institution must apply through a competitive process, as determined by the Texas Higher Education Coordinating Board, and meet any requirements established by the coordinating board for designation as an academy under this section and continued funding. The institution of higher education must have a teacher preparation program approved by the State Board for Educator Certification or be affiliated with an approved program in a manner that allows participants to meet the certification requirements under Sections 21.0482, 21.0483, and 21.0484.

(c) The Texas Higher Education Coordinating Board and the State Board for Educator Certification shall adopt rules to coordinate the requirements of each board to facilitate the ability of a graduate of an academy established under this section to obtain a master teacher certificate under Section 21.0482, 21.0483, or 21.0484.

(d) A participant in an academy program must be:

(1) an experienced teacher who:

(A) is recommended by a school district; and

(B) has at least five years experience teaching mathematics, science, or technology in assignments for which the teacher met all certification requirements; or

(2) a teacher preparation program candidate who has or will graduate with a degree in mathematics, science, or technology.

(e) An academy program shall:

(1) offer a masters-level degree as part of the program on a schedule that allows a teacher participant to complete the program and degree while employed as a teacher;

(2) coordinate with the mathematics, science, and technology departments of the institution of higher education operating the program to facilitate the ability of:

(A) academy participants to take advanced courses and qualify for degrees; and

(B) teacher preparation program candidates pursuing mathematics, science, or technology degrees to participate in academy programs;

(3) integrate advanced subject-matter coursework with instructional methodology and curriculum delivery; and

(4) focus on strengthening instructional skills.

(f) An academy program may:

(1) provide financial assistance for the purpose of allowing participants to complete the program and obtain a master teacher certificate under Section 21.0482, 21.0483, or 21.0484;

(2) include programs in leadership skills to develop training, mentoring, and coaching skills;

(3) deliver coursework electronically for some or all of the program;
and

(4) provide for ongoing professional development and coordination with specific public school instructional programs.

(g) The commissioner of education shall, to the extent funds are appropriated for that purpose:

(1) develop training materials under Sections 21.454 and 21.456 consistent with the academy training and master mathematics, science, and technology certification;

(2) coordinate the activities of professional development institutes in mathematics under Section 21.455 with activities of academies established under this section; and

(3) target grants under Sections 21.411, 21.412, and 21.413 to support experienced teachers participating in an academy program.

SECTION 6. Section 28.008, Education Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) Beginning with the 2007-2008 school year, the State Board of Education shall incorporate college readiness standards and expectations into the essential knowledge and skills of the foundation curriculum under Section 28.002(a)(1) for courses in which students in grades nine through 12 generally enroll, as determined by board rule. This subsection expires December 1, 2012.

SECTION 7. Section 28.0212, Education Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) The agency shall establish minimum standards for a personal graduation plan under this section.

(e) The commissioner may adopt rules as necessary to administer this section.

SECTION 8. Subchapter C, Chapter 29, Education Code, is amended by adding Sections 29.095 through 29.098 to read as follows:

Sec. 29.095. GRANTS FOR STUDENT CLUBS. (a) In this section:

(1) "Board" means the High School Completion and Success Initiative Board established under Subchapter L, Chapter 39.

(2) "Student at risk of dropping out of school" has the meaning assigned by Section 29.081(d).

(b) The board shall administer a pilot program to provide grants to school districts to fund student club activities for students at risk of dropping out of school. From funds appropriated for purposes of this subchapter, the board shall spend an amount not to exceed \$5 million in any state fiscal biennium on the program.

(c) The board may award a grant in an amount not to exceed \$5,000 in a school year to a school district on behalf of a student club at a district high school campus at which at least 60 percent of students are identified as students at risk of dropping out of school. To be eligible for a grant, the student club and the club's sponsor must be sanctioned by the campus and district. A grant awarded under this program must be matched by other federal, state, or local funds, including donations, in an amount equal to the amount of the grant. A district shall seek

donations or sponsorships from local businesses or community organizations to raise the matching funds. The board may award a grant on behalf of more than one student club at a campus in the same school year.

(d) The board shall establish application criteria for receipt of a grant under this section. The criteria must require confirmation that the appropriate campus-level planning and decision-making committee established under Subchapter F, Chapter 11, and the school district board of trustees have approved a plan that includes:

- (1) a description of the student club;
- (2) a statement of the student club's goals, intent, and activities;
- (3) a statement of the source of funds to be used to match the grant;
- (4) a budget for the student club;
- (5) a statement showing that the student club's finances are sustainable;

and

- (6) any other information the board requires.

(e) The board shall establish the minimum requirements for a local grant agreement, including requiring:

(1) the agreement to be signed by the sponsor of a student club receiving a grant and another authorized school district officer; and

(2) the district and the student club to participate in an evaluation, as determined by the board, of the club's program and the program's effect on student achievement and dropout rates.

(f) A student club may use funds awarded under this section to support academic or co-curricular club activities, other than athletics, in which at least 50 percent of the participating students have been identified as students at risk of dropping out of school. A student club may use funds for materials, sponsor stipends, and other needs that directly support the club's activities. A student club must use the entire amount of the grant to directly fund the club's activities described in the plan approved as provided by Subsection (d). A student club may not use more than 50 percent of a grant to pay sponsor stipends.

(g) The school district board of trustees shall ensure that funds awarded under this section are expended in compliance with Subsection (f). At the end of the school year, a student club that receives a grant must submit a report to the board of trustees summarizing the club's activities and the extent to which the club met the club's goals and achieved the club's intent. The decision of the board of trustees under this subsection relating to compliance with Subsection (f) is final and may not be appealed.

Sec. 29.096. COLLABORATIVE DROPOUT REDUCTION PILOT PROGRAM. (a) In this section, "board" means the High School Completion and Success Initiative Board established under Subchapter L, Chapter 39.

(b) Using funds appropriated for that purpose, the board by rule shall establish a pilot program under which a school district or open-enrollment charter school may receive a grant to implement a local collaborative dropout reduction program.

(c) In selecting school districts or open-enrollment charter schools to participate and receive a grant under this section, the board:

(1) shall consider districts and charter schools that:

(A) have a relatively high number, as determined by the board, of students in grades six through 12 who drop out of school;

(B) operate programs that serve a significant population, as determined by the board, of students who have dropped out of school; and

(C) are affected by local factors, including high rates, as determined by the board, of juvenile delinquency and other criminal activity; and

(2) may consider the availability to a school district or charter school of the following factors to support a grant under this section:

(A) matching funds or other funds; and

(B) coordinated services.

(d) The board shall establish application criteria for receiving a grant under this section. The criteria must require a school district or open-enrollment charter school that applies for a grant to collaborate with local businesses, other local governments or law enforcement agencies, nonprofit organizations, faith-based organizations, or institutions of higher education to deliver proven, research-based intervention services. The goal of the program is to coordinate services and programs among local entities to:

(1) comprehensively reduce the number of students who drop out of school in that community; and

(2) increase the job skills, employment opportunities, and continuing education opportunities of students who might otherwise have dropped out of school.

(e) The board shall establish minimum standards for a local collaborative agreement, including a requirement that the agreement must be signed by an authorized school district or open-enrollment charter school officer and an authorized representative of each of the other participating entities that is a partner in the collaboration. The program must:

(1) limit participation in the program to students authorized to participate by a parent or other person standing in parental relationship;

(2) have as a primary goal graduation from high school under at least the minimum high school program;

(3) provide for local businesses or other employers to offer paid employment or internship opportunities and advanced career and vocational training;

(4) include an outreach component and a lead educational staff member to identify and involve eligible students and public and private entities in participating in the program;

(5) serve a population of students of which at least 50 percent are identified as students at risk of dropping out of school, as described by Section 29.081(d);

(6) allocate not more than 15 percent of grant funds and matching funds, as determined by the board, to administrative expenses;

(7) include matching funds from any of the participating entities; and

(8) include any other requirements as determined by the board.

(f) A local collaborative agreement under this section may:

(1) be coordinated with other services provided to students or their families by public or private entities;

(2) provide for local businesses to support the program, including:

(A) encouraging employees to engage in mentoring students and other school-related volunteer activities; and

(B) using matching funds to provide paid time off for volunteer activities under Paragraph (A) and other activities related to encouraging school involvement of parents of students enrolled in the program;

(3) allow grant funds to reimburse reasonable costs of participating entities;

(4) provide for electronic course delivery by a school district, open-enrollment charter school, or an institution of higher education; and

(5) be hosted or housed by a chamber of commerce, local workforce agency, local employer, or other public or private participating entity.

(g) The board may approve innovative instructional techniques for course credit in the enrichment curriculum leading to high school graduation under a collaborative program and shall develop accountability measures appropriate to those programs. The board may fund electronic courses that are part of a collaborative program and that are otherwise eligible for state funds. Funding for an electronic course may not exceed the total amount of state and local funding for a student to which the school district or open-enrollment charter school would otherwise be entitled.

(h) Nothing in this section authorizes the award of a high school diploma other than in compliance with Section 28.025.

(i) The board shall adopt rules necessary to administer the pilot program under this section.

Sec. 29.097. INTENSIVE TECHNOLOGY-BASED ACADEMIC INTERVENTION PILOT PROGRAM. (a) In this section:

(1) "Board" means the High School Completion and Success Initiative Board established under Subchapter L, Chapter 39.

(2) "Pilot program" means the intensive technology-based academic intervention pilot program.

(b) From funds appropriated for that purpose, the board by rule shall establish a pilot program to award grants to participating campuses to provide intensive technology-based supplementary instruction in English, mathematics, science, or social studies to students in grades nine through 12 identified as being at risk of dropping out of school, as described by Section 29.081(d). Instruction techniques and technology used by a campus under this section must be based on the best available research, as determined by the board, regarding college and workforce readiness.

(c) The board may select for participation in the pilot program only campuses in which at least 50 percent of the students are identified as being at risk of dropping out of school, as described by Section 29.081(d), and that are located in communities that exhibit demographic characteristics that strongly correlate with high dropout rates, including the following factors, as determined by the commissioner:

(1) low rates of educational attainment, including high school graduation and participation in and completion of postsecondary education;

(2) high percentage of single-parent families;

(3) high crime rates; and

(4) high rates of poverty and unemployment.

(d) A program supported by a grant under this section to provide intensive technology-based supplementary instruction at a campus must:

(1) include comprehensive course plans and teacher guides that are aligned with one or more subjects of the foundation curriculum described by Section 28.002(a)(1);

(2) include technology-based supplementary instruction;

(3) include at least four cumulative days of training, professional development, and mentoring for teachers;

(4) provide students individual access to technology-based supplementary instruction at least 90 minutes each week;

(5) provide teachers daily access to required technology;

(6) demonstrate significant effectiveness in high schools serving students identified as being at risk of dropping out of school, as described by Section 29.081(d);

(7) be selected in consultation with the teachers at the affected campus;

and

(8) be implemented in partnership with institutions of higher education.

(e) The primary purpose of a program supported by a grant under this section to provide intensive technology-based supplementary instruction at a campus is to benefit students identified as being at risk of dropping out of school, as described by Section 29.081(d), but grant funds may be used to benefit a campus-wide program if the use of the funds does not defeat the primary purpose provided by this subsection.

(f) A grant awarded under this section:

(1) may not exceed \$50 for each participating student; and

(2) must be matched by other federal, state, or local funds, including private donations.

(g) For purposes of Subsection (f)(2), a school district is encouraged to use funds allocated under Section 42.2516(b)(3).

(h) A grant awarded under this section may not be used to replace federal, state, or local funds previously spent on an instructional program, but may be used to expand an existing program.

(i) The entire amount of a grant awarded under this section:

(1) must fund the program described in the application for the grant;

and

(2) may be used for:

(A) supplementary instructional support systems;

(B) technology used primarily for the delivery of supplementary

instruction;

(C) teacher training and professional development; and

(D) other necessary costs, as determined by the board.

Sec. 29.098. INTENSIVE SUMMER PROGRAMS. (a) In this section:

(1) "Board" means the High School Completion and Success Initiative Board established under Subchapter L, Chapter 39.

(2) "Pilot program" means the intensive summer pilot program for students identified as being at risk of dropping out of school or college.

(b) From funds appropriated for that purpose, the board by rule shall establish a pilot program to award grants to participating campuses to provide intensive academic instruction during the summer semester to promote college and workforce readiness to students identified as being at risk of dropping out of school or college. A grant awarded under this section may be used to fund any of the following categories of programs:

(1) a program administered by an institution of higher education to provide intensive academic instruction in English language arts, mathematics, and science to facilitate the student's transition from high school to a postsecondary institution;

(2) a program administered by a school district in partnership with an institution of higher education to provide intensive academic instruction in English language arts, mathematics, and science to promote high school completion and college readiness; and

(3) a program administered by a school district in partnership with an institution of higher education to provide intensive academic instruction in reading and mathematics to students in grades six through eight to promote high school completion and college readiness.

(c) The board may select for participation in the pilot program only school district campuses in which at least 50 percent of the students who attended the previous year or will attend the following year are identified as being at risk of dropping out of school, as described by Section 29.081(d), and are located in communities that exhibit demographic characteristics that correlate strongly with high dropout rates, including the following factors, as determined by the commissioner:

(1) low rates of educational attainment, including high school graduation and participation in and completion of postsecondary education;

(2) high percentage of single-parent families;

(3) high crime rates; and

(4) high rates of poverty and unemployment.

(d) A grant may be awarded to an institution of higher education for a program administered under Subsection (b)(1) only if at least 50 percent of the students served in the program:

(1) have a score on the Scholastic Assessment Test (SAT) or American College Test (ACT) that is equal to a score less than the national mean score;

(2) have been awarded a grant under the federal Pell grant program;

(3) are at least 20 years of age on the date the student initially enrolls in the institution of higher education; or

(4) have enrolled or will initially enroll as a part-time student.

(e) A program supported by a grant to provide intensive summer instruction under this section must:

(1) provide rigorous academic instruction;
(2) provide at least four weeks of instruction; and
(3) for a program described by Subsection (b)(2) or (3), be designed and implemented in partnership with an institution of higher education.

(f) To the extent practicable, an institution of higher education shall create work-study opportunities for students enrolled in teacher preparation programs to assist in providing instruction in programs described by this section.

(g) A grant awarded under this section:

(1) may not exceed \$750 for each participating student; and
(2) must be matched by not less than \$250 for each participating student in other federal, state, or local funds, including private donations.

(h) For purposes of Subsection (g)(2), a school district is encouraged to use funds allocated under Section 42.2516(b)(3).

(i) A grant awarded under this section may not be used to replace federal, state, or local funds previously spent on a summer intensive program, but may be used to expand an existing program.

(j) The entire amount of a grant awarded under this section:

(1) must fund the program described in the application for the grant;
and

(2) may be used for:

(A) instructional materials;
(B) technology used primarily for the delivery of supplementary instruction;

(C) teacher training and professional development, including educator stipends; and

(D) other necessary costs, as determined by the board.

(k) The commissioner of education and the commissioner of higher education shall jointly develop or adopt assessment instruments to diagnose students' readiness to perform college-level work, assess the cumulative knowledge of students participating in a program under this section, and ensure the rigorous quality of the instruction provided. To the extent practicable and appropriate, existing state-adopted assessment instruments should be used for purposes of this subsection.

(l) All students enrolled in a program under this section shall be administered an assessment instrument developed or adopted under Subsection (k).

(m) The commissioner of education, in coordination with the Texas Higher Education Coordinating Board, shall adopt a series of optional questions to be included in an assessment instrument administered under Subsection (l). The optional questions must be developed in a manner consistent with any college readiness standards adopted under Sections 39.113 and 51.3062.

(n) Instructional materials developed and adopted by the State Board of Education shall be used for instruction in a program under Subsection (b)(2) or (3). The State Board of Education may develop and adopt any additional instructional materials as necessary for a program under Subsection (b)(2) or (3).

The Texas Higher Education Coordinating Board may develop and adopt instructional materials as necessary for students enrolled in a program under Subsection (b)(1).

(o) The State Board of Education and the Texas Higher Education Coordinating Board shall include information technology resources that incorporate established best practices for instruction among approved instructional materials for intensive summer programs under this section to enhance the effectiveness of the programs.

SECTION 9. Subchapter Z, Chapter 29, Education Code, is amended by adding Sections 29.917 and 29.918 to read as follows:

Sec. 29.917. HIGHER EDUCATION AND WORKFORCE READINESS PROGRAMS. (a) From funds appropriated for the purpose, the commissioner may award grants to organizations that provide volunteers to teach classroom or after-school programs to enhance:

- (1) college readiness;
- (2) workforce readiness;
- (3) dropout prevention; or
- (4) personal financial literacy.

(b) To implement or administer a program under this section, the commissioner may accept gifts, grants, and donations from public or private entities.

(c) The commissioner may conduct a study of the programs under this section to determine the success of the programs in preparing students for higher education and participation in the workforce.

Sec. 29.918. DROPOUT PREVENTION STRATEGIES. (a) Notwithstanding Section 42.152, a school district or open-enrollment charter school with a high dropout rate, as determined by the commissioner, must submit a plan to the commissioner describing the manner in which the district or charter school intends to use the compensatory education allotment under Section 42.152 for developing and implementing research-based strategies for dropout prevention.

(b) A school district or open-enrollment charter school to which this section applies may not spend or obligate more than 25 percent of the district's or charter school's compensatory education allotment unless the commissioner approves the plan submitted under Subsection (a).

(c) The commissioner shall adopt rules to administer this section. The commissioner may impose sanctions under Section 39.131 or 39.1321 if a school district or open-enrollment charter school fails to timely comply with this section.

SECTION 10. Subchapter F, Chapter 39, Education Code, is amended by adding Section 39.115 to read as follows:

Sec. 39.115. HIGH SCHOOL INNOVATION GRANT INITIATIVE. (a) From funds appropriated for that purpose, the High School Completion and Success Initiative Board established under Subchapter L may provide grants to secondary campuses and school districts to support:

(1) the implementation of innovative high school improvement programs that are based on the best available research, as determined by the board, regarding high school reform, dropout prevention, and preparing students for postsecondary coursework or employment; and

(2) enhancing education practices that have been demonstrated by significant evidence of effectiveness, as determined by the board.

(b) To receive a grant under this section, the High School Completion and Success Initiative Board may require a campus or school district to:

(1) obtain local matching funds; or

(2) meet other conditions, including developing a personal graduation plan under Section 28.0212 for each student enrolled at the campus or in a district high school.

SECTION 11. Chapter 39, Education Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. HIGH SCHOOL COMPLETION AND SUCCESS INITIATIVE

Sec. 39.351. DEFINITION. In this subchapter, "board" means the High School Completion and Success Initiative Board.

Sec. 39.352. HIGH SCHOOL COMPLETION AND SUCCESS INITIATIVE BOARD. (a) The High School Completion and Success Initiative Board is established to coordinate improvement in secondary instruction in public schools in this state.

(b) The board is composed of:

(1) the commissioner of education;

(2) the commissioner of higher education;

(3) five voting members appointed as follows:

(A) one member appointed by the governor;

(B) two members appointed by the lieutenant governor; and

(C) two members appointed by the speaker of the house of

representatives; and

(4) three nonvoting members, appointed by the governor.

(c) In making appointments required by Subsection (b):

(1) the governor, lieutenant governor, and speaker of the house of representatives shall appoint board members under Subsection (b)(3) who have distinguished experience in:

(A) developing and implementing high school reform strategies;

and

(B) promoting college and workforce readiness; and

(2) the governor shall appoint board members under Subsection (b)(4) who represent private foundations that have made a substantial investment in the improvement of high schools in this state.

Sec. 39.353. TERMS. (a) Voting members of the board appointed under Section 39.352(b)(3) serve staggered terms of two years, with two members' terms expiring September 1 of each even-numbered year and three members' terms expiring September 1 of each odd-numbered year.

(b) Nonvoting members of the board appointed under Section 39.352(b)(4) serve one-year terms.

Sec. 39.354. PRESIDING OFFICER. The commissioner of education serves as the presiding officer of the board.

Sec. 39.355. BOARD MEETINGS. Meetings of the board are subject to Chapter 551, Government Code.

Sec. 39.356. COMPENSATION AND REIMBURSEMENT. A member of the board is not entitled to compensation for service on the board but is entitled to reimbursement for actual and necessary expenses incurred in performing board duties.

Sec. 39.357. BOARD STAFF. Staff members of the agency and the Texas Higher Education Coordinating Board shall provide administrative support for the board.

Sec. 39.358. STRATEGIC PLAN. (a) The board shall adopt a strategic plan under this subchapter to:

(1) address the manner in which federal and state funds appropriated or received for the purposes of high school reform, dropout prevention, and preparation of students for postsecondary coursework or employment shall be distributed;

(2) specify strategies to identify, support, and expand programs to improve high school completion rates and college and workforce readiness;

(3) develop and award grants that support the strategic plan adopted under this section, including grants awarded under Sections 21.4511, 21.4541, 29.095, 29.096, 29.097, 29.098, and 39.115;

(4) establish criteria for scoring grant applications subject to the strategic plan and for awarding grants on the basis of the criteria adopted;

(5) award grants to school districts, open-enrollment charter schools, institutions of higher education, regional education service centers, or nonprofit organizations to meet the goals of the board's strategic plan; and

(6) ensure that appropriate research and program evaluation is conducted as provided by this subchapter.

(b) The commissioner of education and the commissioner of higher education shall adopt rules as necessary to administer the strategic plan adopted by the board under this section.

Sec. 39.359. GRANT APPLICATION REVIEW. From funds appropriated for that purpose, the board shall set aside not more than \$500,000 annually to contract with one or more persons who have experience in reviewing grant applications to score grant applications subject to the strategic plan and make funding recommendations to the board.

Sec. 39.360. PRIVATE FOUNDATION PARTNERSHIPS. (a) The board shall coordinate with private foundations that have made a substantial investment in the improvement of high schools in this state to maximize the impact of public and private investments.

(b) A private foundation is not required to obtain the approval of the board under Subsection (a) before allocating resources to a school in this state.

Sec. 39.361. GRANT PROGRAM EVALUATION. (a) From funds appropriated for high school improvement, the commissioner of education shall set aside not more than \$1.5 million annually to contract with centers for education research established under Section 1.005 to evaluate programs supported by grants approved by the board under this subchapter.

(b) A person who receives a grant approved by the board under this subchapter must consent to an evaluation under this section as a condition of receiving the grant.

Sec. 39.362. REPORTS. (a) Not later than December 1 of each even-numbered year, the board shall prepare and deliver a report to the legislature that recommends any statutory changes the board considers appropriate to promote high school completion and college and workforce readiness.

(b) Not later than March 1 and September 1 of each year, the commissioner of education shall prepare and deliver a progress report to the presiding officers of the standing committees of each house of the legislature with primary jurisdiction over public education, the Legislative Budget Board, and the Governor's Office of Policy and Planning on:

(1) the implementation of Sections 7.031, 21.4511, 21.4541, 21.462, 28.008(d-1), 28.0212(d), 29.095-29.098, 29.918, and 39.115 and this subchapter; and

(2) the programs supported by grants approved by the board.

SECTION 12. (a) The commissioner of education shall prepare and deliver to the governor, lieutenant governor, speaker of the house of representatives, and the presiding officers of the standing committees of each house of the legislature with primary jurisdiction over public education a preliminary report on or before December 1, 2008, and a final report on or before December 1, 2010, as described by Subsection (b) of this section.

(b) The reports referred to in Subsection (a) of this section must include an assessment of the impact of programs for which grants have been awarded under Subchapter L, Chapter 39, Education Code, as added by this Act, on:

(1) student performance on assessment instruments administered under Subchapter B, Chapter 39, Education Code;

(2) high school completion rates;

(3) college readiness of high school students;

(4) teacher effectiveness in instruction;

(5) cost-effectiveness of the programs; and

(6) any other factors the commissioner of education determines relevant.

SECTION 13. In making the initial appointments to the High School Completion and Success Initiative Board under Subchapter L, Chapter 39, Education Code, as added by this Act:

(1) the lieutenant governor and speaker of the house of representatives shall each designate one member for a term expiring September 1, 2008; and

(2) the governor, lieutenant governor, and speaker of the house of representatives shall each designate one member for a term expiring September 1, 2009.

SECTION 14. This Act applies beginning with the 2007-2008 school year.

SECTION 15. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

Amendment No. 2

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

Amend the Eissler amendment to **HB 2217** as follows:

(1) On page 7, between lines 13 and 14, insert the following appropriately numbered SECTIONS to the bill:

SECTION _____. Section 25.001, Education Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) A person who, on the first day of September of any school year, is at least five years of age and under 21 years of age, or is at least 21 years of age and under 26 years of age and is admitted by a school district to complete the requirements for a high school diploma, ~~[on the first day of September of any school year]~~ is entitled to the benefits of the available school fund for that year. Any other person enrolled in a prekindergarten class under Section 29.153 is entitled to the benefits of the available school fund.

(b) The board of trustees of a school district or its designee shall admit into the public schools of the district free of tuition a person who is over five and younger than 21 years of age on the first day of September of the school year in which admission is sought, and may admit a person who is at least 21 years of age and under 26 years of age for the purpose of completing the requirements for a high school diploma, if:

(1) the person and either parent of the person reside in the school district;

(2) the person does not reside in the school district but a parent of the person resides in the school district and that parent is a joint managing conservator or the sole managing conservator or possessory conservator of the person;

(3) the person and the person's guardian or other person having lawful control of the person under a court order reside within the school district;

(4) the person has established a separate residence under Subsection (d);

(5) the person is homeless, as defined by 42 U.S.C. Section 11302, regardless of the residence of the person, of either parent of the person, or of the person's guardian or other person having lawful control of the person;

(6) the person is a foreign exchange student placed with a host family that resides in the school district by a nationally recognized foreign exchange program, unless the school district has applied for and been granted a waiver by the commissioner under Subsection (e);

(7) the person resides at a residential facility located in the district;

(8) the person resides in the school district and is 18 years of age or older or the person's disabilities of minority have been removed; or

(9) the person does not reside in the school district but the grandparent of the person:

(A) resides in the school district; and

(B) provides a substantial amount of after-school care for the person as determined by the board.

(b-1) A person who is 21 years of age or older and is admitted by a school district for the purpose stated in Subsection (b) is not eligible for placement in a disciplinary alternative education program or a juvenile justice alternative education program if the person engages in conduct that would require or authorize such placement for a student under the age of 21. If the student engages in conduct that would otherwise require such placement, the district shall revoke admission of the student into the public schools of the district.

SECTION _____. Section 25.092, Education Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) A student who is in attendance for at least 75 percent but less than 90 percent of the days a class is offered may be given credit for the class if the student completes a plan approved by the school's principal that provides for the student to meet the instructional requirements of the class. A student under the jurisdiction of a court in a criminal or juvenile justice proceeding may not receive credit under this subsection without the consent of the judge presiding over the student's case.

(b) The board of trustees of each school district shall appoint one or more attendance committees to hear petitions for class credit by students who are in attendance fewer than the number of days required under Subsection (a) and have not earned class credit under Subsection (a-1). Classroom teachers shall comprise a majority of the membership of the committee. A committee may give class credit to a student because of extenuating circumstances. Each board of trustees shall establish guidelines to determine what constitutes extenuating circumstances and shall adopt policies establishing alternative ways for students to make up work or regain credit lost because of absences. The alternative ways must include at least one option that does not require a student to pay a fee authorized under Section 11.158(a)(15). A certified public school employee may not be assigned additional instructional duties as a result of this section outside of the regular workday unless the employee is compensated for the duties at a reasonable rate of pay.

(2) On page 26, between lines 5 and 6, insert the following appropriately numbered SECTION to the bill:

SECTION _____. Section 42.003(a), Education Code, is amended to read as follows:

(a) A student is entitled to the benefits of the Foundation School Program if, on September 1 of the school year, the student is 5 years of age or older and under 21 years of age ~~[on September 1 of the school year]~~ and has not graduated

from high school, or is at least 21 years of age and under 26 years of age and has been admitted by a school district to complete the requirements for a high school diploma.

(3) Renumber the SECTIONS of the bill accordingly.

Amendment No. 2 was adopted.

Amendment No. 3

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

Amend the Eissler amendment to **HB 2217** as follows:

(1) Strike "Board" in reference to the High School Completion and Success Initiative Board throughout the amendment, in each of the following places it appears, and substitute "Committee": page 3, lines 1 and 14; page 8, lines 3 and 4; page 10, line 12; page 13, lines 23 and 24; page 21, line 26; and page 22, lines 7 and 17.

(2) Strike "board" in reference to the High School Completion and Success Initiative Board throughout the amendment, in each of the following places it appears, and substitute "committee": page 8, lines 8, 11, and 27; page 9, lines 11, 12, and 18; page 10, lines 11 and 14; page 11, lines 6 and 20; page 12, lines 12 and 17; page 13, line 7; page 14, line 7; page 16, line 10; page 21, line 31; page 22, lines 5 and 16; page 23, lines 23, 24, 27, 28, and 29; page 24, lines 3, 4, 23, 28, and 30; and page 25, lines 3, 5, 10, 22, and 24.

(3) On page 3, line 2, strike "award grants" and substitute "recommend the award of grants as provided by Section 39.360".

(4) On page 3, line 23, strike "Using" and substitute "From".

(5) On page 3, line 25, between "receive" and "assistance", insert "grants to provide".

(6) On page 3, line 26, between "the" and "instructional", insert "content knowledge and".

(7) Strike page 3, line 29, through page 4, line 15, and substitute the following:

(b) A school district or campus is eligible to participate in the pilot program under this section if the district or campus meets the eligibility criteria established as provided by Section 39.360.

(c) A grant awarded under this section may be used to support intensive instructional coaching and professional development from a service provider approved by the commissioner. Approved service providers may include:

(1) academies and training centers established in conjunction with a Texas Science, Technology, Engineering, and Mathematics (T-STEM) center;

(2) regional education service centers;

(3) institutions of higher education; and

(4) private organizations with significant experience in providing mathematics instruction, as determined by the commissioner.

(d) An instructional coaching or professional development program supported by a grant under this section must demonstrate significant past effectiveness in improving mathematics instruction in middle schools, junior high

schools, and high schools serving a significant number of students identified as students at risk of dropping out of school, as described by Section 29.081(d). An instructional coaching or professional development program

(8) On page 4, line 19, strike "individual tutoring" and substitute "tutoring or mentoring".

(9) On page 4, line 20, between the semicolon and "or", insert the following:

(3) providing incentives to teachers to participate in the program;

(10) On page 4, line 21, strike "(3)" and substitute "(4)".

(11) On page 4, line 24, strike "(d)" and substitute "(e)".

(12) On page 4, lines 25-28, strike the sentence beginning on line 25.

(13) On page 7, line 16, strike "2007-2008" and substitute "2008-2009".

(14) On page 8, lines 14 and 24-25, strike "board may award a grant" in each place it appears and substitute "the committee may recommend and the commissioner may award a grant as provided by Section 39.360".

(15) On page 8, lines 16-18, strike "at which at least 60 percent of the students are identified as students at risk of dropping out of school" and substitute "that is eligible under the criteria established under Section 39.360".

(16) On page 10, line 15, strike "by rule".

(17) Strike page 10, line 18, through page 11, line 5, and substitute the following:

(c) A school district or open-enrollment charter school is eligible to participate and receive a grant under this section under the eligibility criteria established under Section 39.360.

(18) On page 11, line 30, strike "minimum" and substitute "recommended".

(19) On page 13, line 11, strike "The board" and substitute "From funds appropriated, the commissioner".

(20) On page 13, line 19, strike "board" and substitute "commissioner".

(21) On page 13, lines 28-29, strike "by rule".

(22) On page 13, line 29, between "program" and "to", insert "for the commissioner".

(23) On page 14, strike lines 7-19 and substitute the following:

(c) The commissioner may select for participation in the pilot program only a campus that is eligible under the criteria established under Section 39.360.

(24) On page 16, strike lines 12-16 and substitute "section, "pilot program" means the intensive summer pilot".

(25) On page 16, line 19, strike "board" and substitute "commissioner of higher education".

(26) On page 17, strike lines 11-25 and substitute the following:

(c) The commissioner of higher education may select for participation in the pilot program only a campus that is eligible under the criteria established under Section 39.360.

(27) On page 19, line 16, strike "board." and substitute "commissioner of higher education.".

(28) On page 20, line 4, strike "developed and".

(29) On page 20, lines 7 and 9-10, strike "develop and" both places that phrase appears.

(30) On page 20, line 14, after "technology", insert "instructional".

(31) On page 21, line 12, after the period, insert the following:

The district or charter school shall submit the plan not later than December 1 of each school year preceding the school year in which the district or charter school will receive the compensatory education allotment to which the plan applies.

(32) On page 21, line 17, after the period, insert the following:

The commissioner shall complete an initial review of the district's or charter school's plan not later than March 1 of the school year preceding the school year in which the district or charter school will receive the compensatory education allotment to which the plan applies.

(33) On page 21, lines 27-28, strike "provide grants to secondary campuses and school districts" and substitute "establish a grant program under which grants are awarded to secondary campuses and school districts".

(34) Strike page 22, line 18, through page 23, line 21, and substitute the following:

Sec. 39.352. HIGH SCHOOL COMPLETION AND SUCCESS INITIATIVE COMMITTEE. (a) The High School Completion and Success Initiative Committee is established to coordinate high school completion efforts.

(b) The committee is composed of:

(1) the commissioner of education;

(2) the commissioner of higher education; and

(3) seven members appointed by the commissioner of education.

(c) In making appointments required by Subsection (b)(3), the commissioner of education shall appoint:

(1) three members from a list of nominations provided by the governor;

(2) two members from a list of nominations provided by the lieutenant governor; and

(3) two members from a list of nominations provided by the speaker of the house of representatives.

(d) In making nominations under Subsection (c), the governor, lieutenant governor, and speaker of the house of representatives shall nominate persons who have distinguished experience in:

(1) developing and implementing high school reform strategies; and

(2) promoting college and workforce readiness.

Sec. 39.353. TERMS. Members of the committee appointed under Section 39.352(b)(3) serve terms of two years and may be reappointed for additional terms.

(35) On page 23, line 24, strike "BOARD" and substitute "COMMITTEE".

(36) On page 24, strike line 1 and substitute "Sec. 39.357. COMMITTEE STAFF AND FUNDING. (a) Except as otherwise provided, staff members of the agency, with the assistance of".

(37) On page 24, line 2, between "Board" and "shall", insert a comma.

(38) On page 24, between lines 3 and 4, insert the following:

(b) Funding for the administrative and operational expenses of the committee shall be provided by appropriation to the agency for that purpose and by gifts, grants, and donations solicited and accepted by the agency for that purpose.

Sec. 39.358. ADVISORY PANELS. (a) The committee may establish advisory panels to assist the committee under this subchapter.

(b) An advisory panel member may be an educator, researcher, or any other knowledgeable person as determined by the committee.

(39) On page 24, line 4, strike "39.358" and substitute "39.359".

(40) On page 24, line 13, strike "award grants" and substitute "recommend the award of grants as provided by Section 39.360".

(41) On page 24, line 18, strike "awarding grants" and substitute "recommending the award of grants as provided by Section 39.360".

(42) On page 24, line 20, strike "award grants" and substitute "recommend the award of grants as provided by Section 39.360".

(43) On page 24, between lines 28 and 29, insert the following:

Sec. 39.360. ELIGIBILITY CRITERIA FOR CERTAIN GRANT PROGRAMS. (a) A school district or campus is eligible to participate in programs under Sections 21.4541, 29.095, 29.096, 29.097, and 29.098 if the district or campus:

(1) exhibited during the 2004-2005, 2005-2006, and 2006-2007 school years characteristics that strongly correlate with high school dropout rates; and

(2) is located in a community that, based on the most recent census data, exhibits demographic characteristics that strongly correlate with high dropout rates.

(b) The commissioner of education or the commissioner of higher education, as appropriate, in consultation with the state demographer, shall develop eligibility criteria based on relevant state and federal data that:

(1) identifies eligible high schools to receive grants under each program; and

(2) ensures that each group of eligible high schools provides services to at least 150,000 students.

(44) On page 24, line 29, strike "39.359" and substitute "39.361".

(45) On page 24, line 30, strike "that purpose" and substitute "high school completion and success".

(46) On page 25, line 2, between "the" and "strategic", insert "criteria established under the".

(47) On page 25, line 4, strike "39.360" and substitute "39.362".

(48) On page 25, line 5, strike "shall" and substitute "may".

(49) On page 25, strike lines 12-20 and substitute the following:

Sec. 39.363. GRANT PROGRAM EVALUATION. (a) From funds appropriated for high school completion and success, the commissioner of education shall set aside not more than \$1.5 million annually to contract for the evaluation of programs supported by grants approved under this subchapter. In awarding a contract under this subsection, the commissioner shall consider centers for education research established under Section 1.005.

(b) A person who receives a grant approved under this subchapter must consent to an evaluation under this section as a condition of receiving the grant.

(c) The commissioner shall ensure that a rigorous evaluation is conducted under this section. Results of the evaluation shall be provided through the online clearinghouse of information relating to the best practices of campuses and school districts established under Section 7.009.

Sec. 39.364. COMMITTEE RECOMMENDATIONS. (a) Based on the strategic plan adopted under this section, the committee shall make recommendations to the commissioner of education or the commissioner of higher education, as applicable, using the review and evaluation processes established by the committee for the award of federal and state funds appropriated or received for high school reform, college readiness, and dropout prevention.

(b) The committee shall include recommendations under this section for:

- (1) program design;
- (2) criteria for awarding grants and evaluating programs; and
- (3) program funding levels.

(c) The commissioner of education or the commissioner of higher education, as applicable, shall consider the committee's recommendations and based on those recommendations may award grants to school districts, open-enrollment charter schools, institutions of higher education, regional education service centers, and nonprofit organizations to meet the goals of the committee's strategic plan.

(d) If the commissioner of education or the commissioner of higher education, as applicable, decides not to award a grant contrary to the committee's recommendation, the commissioner shall provide a written explanation of the commissioner's decision.

(e) The commissioner of education or the commissioner of higher education may not award a grant under this section without the recommendation of the committee.

Sec. 39.365. FUNDING FOR CERTAIN PROGRAMS. (a) From funds appropriated, the agency shall transfer \$8.75 million each year to the Texas Higher Education Coordinating Board to establish mathematics, science, and technology teacher preparation academies under Section 21.462 and implement and administer the program under Section 29.098.

(b) The Texas Higher Education Coordinating Board shall establish mathematics, science, and technology teacher preparation academies under Section 21.462 and implement and administer the program under Section 29.098 in a manner consistent with the goals of this subchapter and the goals in "Closing the Gaps," the state's master plan for higher education.

(50) On page 25, line 21, strike "39.362" and substitute "39.366".

(51) On page 26, lines 4-5, strike "by the board" and substitute "under this subchapter".

(52) On page 26, between lines 5 and 6, insert the following:

Sec. 39.367. RULES. The commissioner of education and the commissioner of higher education shall adopt rules as necessary to administer this subchapter and any programs under the authority of the commissioner of education or the commissioner of higher education and the committee under this subchapter.

(53) Strike page 26, line 26 through page 27, line 3, and renumber the SECTIONS of the bill accordingly.

Amendment No. 3 was adopted.

(Speaker in the chair)

Amendment No. 4

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

Amend the Eissler amendment to **HB 2217** as follows:

(1) On page 2, between lines 26 and 27, insert the following appropriately numbered SECTION to the bill:

SECTION _____. Section 7.056(e), Education Code, is amended to read as follows:

(e) Except as provided by Subsection (f), a school campus or district may not receive an exemption or waiver under this section from:

- (1) a prohibition on conduct that constitutes a criminal offense;
- (2) a requirement imposed by federal law or rule, including a requirement for special education or bilingual education programs; or
- (3) a requirement, restriction, or prohibition relating to:
 - (A) essential knowledge or skills under Section 28.002 or minimum graduation requirements under Section 28.025;
 - (B) public school accountability as provided by Subchapters B, C, D, and G, Chapter 39;
 - (C) extracurricular activities under Section 33.081 or participation in a University Interscholastic League area, regional, or state competition under Section 33.0812;
 - (D) health and safety under Chapter 38;
 - (E) purchasing under Subchapter B, Chapter 44;
 - (F) elementary school class size limits, except as provided by Section 25.112;
 - (G) removal of a disruptive student from the classroom under Subchapter A, Chapter 37;
 - (H) at-risk programs under Subchapter C, Chapter 29;
 - (I) prekindergarten programs under Subchapter E, Chapter 29;
 - (J) educator rights and benefits under Subchapters A, C, D, E, F, G, and I, Chapter 21, or under Subchapter A, Chapter 22;
 - (K) special education programs under Subchapter A, Chapter 29;
 - (L) bilingual education programs under Subchapter B, Chapter 29;

[✕]

(M) the requirements for the first day of instruction under Section 25.0811; or

(N) the prohibition on assignment of a student to an inexperienced and uncertified teacher under Section 28.0216, except as otherwise authorized under that section.

(2) On page 7, between lines 28 and 29, insert the following appropriately numbered SECTION to the bill:

SECTION _____. Subchapter B, Chapter 28, Education Code, is amended by adding Section 28.0216 to read as follows:

Sec. 28.0216. LIMITS ON ASSIGNMENT OF STUDENTS TO TEACHERS. (a) This section applies only to a school district with an enrollment of 5,000 or more students.

(b) In a subject for which a student is assessed under Section 39.023(a) or (c), a student in grade seven through 12 may not be assigned for two consecutive years to a teacher who:

(1) has less than one year of teaching experience; and

(2) does not hold the appropriate certificate required under Section 21.003.

(c) The prohibition prescribed by Subsection (b) does not apply if the student's parent or other person standing in parental relation to the student and a school counselor or school administrator agree that assignment of the student to the teacher should be allowed.

(d) The commissioner may grant a waiver from the requirements of this section to a school district if the commissioner finds that extreme circumstances in the district warrant the waiver. The commissioner may adopt rules as necessary to implement this section.

(3) Renumber the SECTIONS of the bill accordingly.

Amendment No. 4 was adopted.

Amendment No. 5

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

Amend the Eissler amendment to **HB 2217** as follows:

(1) On page 7, between lines 13 and 14, add the following appropriately numbered SECTION to the bill:

SECTION _____. Section 25.085(d), Education Code, is amended to read as follows:

(d) Unless specifically exempted by Section 25.086, a student enrolled in a school district must attend:

(1) an extended-year program for which the student is eligible that is provided by the district for students identified as likely not to be promoted to the next grade level or tutorial classes required by the district under Section 29.084;

(2) an accelerated reading instruction program to which the student is assigned under Section 28.006(g);

(3) an accelerated instruction program to which the student is assigned under Section 28.0211;

(4) a basic skills program to which the student is assigned under Section 29.086; ~~or~~

(5) a summer program provided under Section 37.008(l) or Section 37.021; or

(6) an intensive preparation academy to which the student is assigned under Section 39.0252.

(2) On page 21, between lines 21 and 22, add the following appropriately numbered SECTION to the bill:

SECTION _____. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0252 to read as follows:

Sec. 39.0252. EXIT-LEVEL ASSESSMENT INSTRUMENT INTENSIVE PREPARATION ACADEMIES. (a) This section applies only to a school district with an enrollment of 5,000 or more students.

(b) For any school year in which state funds are appropriated for purposes of this section, a school district in which five percent or more of the students fail to perform satisfactorily on an assessment instrument specified by Section 39.025(a) shall, at the end of the school year, operate an intensive preparation academy to prepare those students to retake the assessment instrument.

(c) An intensive preparation academy must:

(1) be operated for at least 30 school days;

(2) include instruction in the curriculum material most likely to be included in the assessment instruments specified by Section 39.025(a); and

(3) include instruction in strategies for performing satisfactorily on the assessment instruments.

(d) A student who fails to perform satisfactorily on an assessment instrument specified by Section 39.025(a) shall attend each portion of an intensive preparation academy under this section relating to that assessment instrument or to strategies described by Subsection (c)(3).

(3) Renumber subsequent SECTIONS accordingly.

Amendment No. 5 was adopted.

Amendment No. 6

Representatives Vaught and Giddings offered the following amendment to Amendment No. 1:

Amend the Eissler amendment to **HB 2217** on page 7, between lines 22 and 23, by inserting the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.014 to read as follows:

Sec. 28.014. COLLEGE PREPARATORY MATHEMATICS AND SCIENCE COURSES. (a) The commissioner of education and the commissioner of higher education shall develop and recommend to the State Board of Education for adoption under Section 28.002 the essential knowledge and skills of a course in college preparatory mathematics and a course in college preparatory science for use in public high schools. The courses must be designed:

(1) for students at the 12th grade level who do not meet college readiness standards on a secondary exit-level assessment instrument required under Section 39.023(c); and

(2) to prepare students for success in entry-level college courses.

(b) A student who successfully completes a course developed under this section may use the credit earned in the course toward satisfying the applicable mathematics or science curriculum requirement for the recommended or advanced high school program under Section 28.025.

(c) The agency, in consultation with the Texas Higher Education Coordinating Board, shall adopt an end-of-course assessment instrument for each course developed under this section to ensure the rigor of the course. A school district shall, in accordance with State Board of Education rules, administer the end-of-course assessment instrument to a student enrolled in a course developed under this section. Each school district shall adopt a policy that requires a student's performance on the end-of-course assessment instrument to account for 15 percent of the student's final grade for the course. A student's performance on an end-of-course assessment instrument administered under this subsection is not subject to the graduation requirements established under Section 39.025.

(d) The agency, in coordination with the Texas Higher Education Coordinating Board, shall adopt a series of optional questions to be included in an end-of-course assessment instrument administered under Subsection (c) to be used for purposes of Section 51.3062. The optional questions must be developed in a manner consistent with any college readiness standards adopted under Sections 39.113 and 51.3062. A student's performance on an optional question adopted under this subsection may not be used to determine the student's performance on an end-of-course assessment instrument.

(e) The State Board of Education shall adopt instructional materials for a course developed under this section in accordance with Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices.

(f) To the extent applicable, the commissioner shall draw from curricula and instructional materials developed under Sections 28.008 and 61.0763 in developing a course and related instructional materials under this section. Not later than October 1, 2008, the State Board of Education shall adopt essential knowledge and skills for each course developed under this section. The State Board of Education shall make each course developed under this section and the related instructional materials available to school districts beginning with the 2010-2011 school year. As required by Subsection (c), a school district shall adopt a policy requiring a student's performance on an end-of-course assessment instrument administered under that subsection to account for 15 percent of the student's grade for a course developed under this section beginning with the 2011-2012 school year. This subsection expires September 1, 2012.

Amendment No. 6 was adopted.

Amendment No. 7

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

Amend the Eissler amendment to **HB 2217** as follows:

(1) On page 21 of the amendment, line 23, strike "Section 39.115" and substitute "Sections 39.115 and 39.116".

(2) On page 22 of the amendment, between lines 12 and 13, insert the following:

Sec. 39.116. RECONSTITUTION ALTERNATIVE INITIATIVE. (a) In order to prevent dropouts and disruptions that result from reconstitution of campuses, the commissioner is not required to take action under Section 39.1324(a) during the second consecutive school year for which a campus is identified as academically unacceptable or, regardless of the continued identification of the campus as academically unacceptable, during the third school year if:

(1) the campus demonstrates improvement, as measured from the preceding school year, in relation to performance on the indicator or indicators under Section 39.051 on which the identification as academically unacceptable for the current school year is based; or

(2) the identification of the campus as academically unacceptable for the current year is based on a single indicator under Section 39.051 that:

(A) was not a basis for identification of the campus as academically unacceptable for the preceding school year; and

(B) is based on the performance of a group of students that is not more than 30 percent of the total campus student population.

(b) Notwithstanding Section 39.1324(b), a principal who has been employed by the campus in that capacity during the period described by Subsection (a) and whose campus has not demonstrated adequate improvement may not be retained at that campus.

(c) Section 39.1324(e) does not apply and closure of a campus is not required if the identification as academically unacceptable is based on a single indicator under Section 39.051 that:

(1) was not a basis for identification of the campus as academically unacceptable for the preceding school year; and

(2) is based on the performance of a group of students that is not more than 30 percent of the total campus student population.

Amendment No. 7 was adopted.

Amendment No. 8

Representative B. Cook offered the following amendment to Amendment No. 1:

Amend the Eissler amendment to **HB 2217** as follows:

(1) On page 7, between lines 28 and 29, insert the following appropriately numbered SECTION:

SECTION _____. Sections 28.0252(a), (b), and (c), Education Code, are amended to read as follows:

(a) A school district shall adopt a [The commissioner may develop a standard] method of computing a student's high school grade point average that provides for the [additional] weight [to be] given to each dual credit course completed by a student to be equal to the weight given to each comparable honors course, advanced placement course, or international baccalaureate course[or dual credit course completed by a student].

(b) A [If the commissioner develops a standard method under this section, a] school district shall use the [standard] method adopted under Subsection (a) to compute a student's high school grade point average, and the student's grade point average computed in that manner shall be used in determining the student's class rank and eligibility for automatic college admission under Section 51.803.

(c) The commissioner shall [may] adopt rules necessary to implement this section.

(2) On page 26, between lines 5 and 6, insert the following appropriately numbered SECTION:

SECTION _____. Section 28.0252(b-1), Education Code, is repealed.

(3) On page 27, between lines 3 and 4, insert the following appropriately numbered SECTION:

SECTION _____. As soon as practicable after the effective date of this Act, each school district shall adopt a method of computing a student's high school grade point average as required by Section 28.0252(a), Education Code, as amended by this Act.

(4) Renumber the SECTIONS of the bill accordingly.

Amendment No. 8 was adopted.

Amendment No. 9

On behalf of Representative Veasey, Representative Eissler offered the following amendment to Amendment No. 1:

Amend the Eissler amendment to **HB 2217** as follows:

(1) On page 10, line 11, strike "section, "board"" and substitute the following:
section:

(1) "Board"

(2) On page 10, between lines 13 and 14, insert the following:

(2) "Skilled employee" means an employee who has acquired knowledge in a technical field sufficient to successfully perform assigned duties.

(3) On page 11, line 9, between "businesses," and "other," insert "including local businesses that employ skilled employees,".

(4) On page 11, line 11, between "organizations," and "or," insert "individuals residing in the area in which the district or charter school is located who have expertise in technology and career-oriented opportunities in the public setting,".

(5) On page 11, line 12, between "education" and "to", insert ", including private trade or technical schools accredited by an accrediting entity recognized by the commissioner or by another state officer or agency.".

(6) On page 13, line 21, strike "TECHNOLOGY-BASED" and substitute "TECHNOLOGY/CAREER-ORIENTED AND SCHOLASTICALLY INNOVATIVE".

(7) On page 13, line 30, strike "technology-based" and substitute "technology/career-oriented and scholastically innovative".

(8) On page 14, line 21, strike "technology-based" and substitute "technology/career-oriented and scholastically innovative".

(9) On page 14, strike lines 26-27 and substitute the following:

(2) include technology/career-oriented and scholastically innovative supplementary instruction that will provide a student with the opportunity to learn skills necessary to acquire employment that provides a decent wage and opportunity for advancement;

Amendment No. 9 was adopted.

Amendment No. 10

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

Amend the Eissler amendment to **HB 2217** as follows:

(1) On page 26 of the amendment, between lines 5 and 6, add the following appropriately numbered SECTION to the bill:

SECTION _____. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0767 to read as follows:

Sec. 61.0767. CENTER FOR STUDY OF ADVANCED INSTRUCTIONAL METHODS. (a) The board, in collaboration with public school educators and faculty and staff of institutions of higher education, shall establish and operate a center for the study and development of advanced instructional methods and standards intended to provide for the educational needs of students in public schools and institutions of higher education and the workplace needs of employers in the 21st century.

(b) In carrying out its mission, the center shall provide services to officers and employees, as applicable, of school districts, charter schools, regional education service centers, the Texas Education Agency, the State Board of Education, the State Board for Educator Certification, and institutions of higher education by:

(1) studying and developing methods to improve standards, instruction, and assessments in public schools and institutions of higher education and disseminating information concerning those methods;

(2) supporting the design and implementation of technology-based instructional strategies and of professional development for educators in using those strategies; and

(3) based on the best available research, adopting and disseminating recommendations for improving the effectiveness of instruction in public schools and institutions of higher education through the use of technology-based instructional strategies.

(2) Renumber subsequent SECTIONS of the bill.

Amendment No. 10 was adopted.

Amendment No. 11

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

Amend the Eissler amendment to **HB 2217** as follows:

(1) On page 7, between lines 13 and 14, insert the following appropriately numbered SECTION to the bill:

SECTION _____. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.0022 to read as follows:

Sec. 28.0022. REVIEW PANEL FOR CAREER AND TECHNICAL EDUCATION CURRICULUM. (a) Not later than November 1, 2007, the agency shall establish a panel under this section to:

(1) review and recommend revisions to the career and technical education curriculum under Section 28.002(a)(2)(F); and

(2) review and recommend revisions for the program in which high schools and articulated postsecondary institutions allow high school students to take advanced technical credit courses.

(b) The panel established under this section shall consist of:

(1) individuals who have expertise developing or administering career and technical education programs; and

(2) employers who hire students who have obtained certification or credentials under a career and technical education program.

(c) A member of the panel serves on a voluntary basis without compensation.

(d) Not later than November 1, 2008, the panel shall:

(1) complete the review as required by this section of:

(A) the career and technical education curriculum; and

(B) the program under which high schools and articulated postsecondary institutions allow high school students to take advanced technical credit courses; and

(2) make recommendations to the State Board of Education as necessary to:

(A) increase the academic rigor of the career and technical education curriculum under Section 28.002(a)(2)(F); and

(B) improve and increase participation in the program under which high schools and articulated postsecondary institutions allow high school students to take advanced technical credit courses.

(e) Not later than September 1, 2009, the State Board of Education by rule shall revise the essential knowledge and skills of the career and technical education curriculum as provided by Section 28.002(c) based on the

recommendations of the panel under Subsection (d). The State Board of Education shall require school districts to provide instruction in the career and technical education curriculum, as revised under this subsection, beginning with the 2010-2011 school year.

(f) This section expires September 1, 2014.

(2) On page 7, between lines 22 and 23, insert the following appropriately numbered SECTION to the bill:

SECTION _____. Section 28.009, Education Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

(a) Each school district shall implement a program under which students may earn the equivalent of at least 12 semester credit hours of college credit in high school. On request, a public institution of higher education in this state shall assist a school district in developing and implementing the program. The college credit may be earned through:

(1) international baccalaureate, advanced placement, or dual credit courses;

(2) articulated postsecondary courses provided for local credit or articulated postsecondary advanced technical credit courses provided for state credit; or

(3) any combination of the courses described by Subdivisions (1) and (2).

(c) Each school district shall annually report to the agency:

(1) the number of district students, including career and technical students, who have participated in the program and earned college credit; and

(2) the cumulative number of courses in which participating district students have enrolled and college credit hours the students have earned.

(d) In this section:

(1) "Career and technical student" means:

(A) a secondary education student who has entered the first course in a sequence of two or more technical courses for three or more credits in a career and technical education program; or

(B) a student who:

(i) is enrolled in an academic or workforce course that is part of a sequence of courses leading to an industry-recognized credential, certificate, or degree; and

(ii) has declared that sequence of courses as the student's major course of study.

(2) "Sequence of courses" means career and technical education courses approved by the State Board of Education, innovative courses approved by the State Board of Education that are provided for local credit, or a tech-prep program of study under Section 61.852.

(3) On page 7, line 24, strike "(d) and (e)" and substitute "(d), (e), and (f)".

(4) On page 7, between lines 28 and 29, insert the following:

(f) Each school district is encouraged to establish for each student entering grade nine a personal graduation plan that identifies a course of study that:

(1) promotes:

(A) college and workforce readiness; and

(B) career placement and advancement; and

(2) facilitates the student's transition from secondary to postsecondary education.

SECTION _____. Section 28.025, Education Code, is amended by amending Subsection (b-1) and adding Subsection (b-2) to read as follows:

(b-1) The State Board of Education by rule shall require that:

(1) except as provided by Subsection (b-2), the curriculum requirements for the recommended and advanced high school programs under Subsection (a) include a requirement that students successfully complete four courses in each subject of the foundation curriculum under Section 28.002(a)(1); and

(2) one or more courses offered in the required curriculum for the recommended and advanced high school programs include a research writing component.

(b-2) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student to comply with the curriculum requirements for a mathematics course under Subsection (b-1)(1) taken after the successful completion of an Algebra II course or science course under Subsection (b-1)(1) taken after the successful completion of a physics course by successfully completing an advanced career and technical course designated by the State Board of Education as containing substantively similar and rigorous academic content. A student may use the option provided by this subsection for not more than two courses.

(5) Renumber the SECTIONS of the bill accordingly.

Amendment No. 11 was adopted.

Amendment No. 12

On behalf of Representative Chisum, Representative Hochberg offered the following amendment to Amendment No. 1:

Amend the Eissler amendment **HB 2217** as follows:

SECTION 1. Subchapter Z, Chapter 29, Education Code, is amended by adding Section 29.919 to read as follows:

Sec. 29.919 TECHNOLOGY-BASED SUPPLEMENTAL INSTRUCTION PILOT PROGRAM. (a) The commissioner shall establish a pilot program under which state grant funds are provided to finance technology-based supplemental instruction to students at the sixth through 12th grade levels at participating campuses.

(b) A campus is eligible to participate in the program and receive state grant funds if the campus is located in a school district that:

(1) has an enrollment of fewer than 5,000 students; and

(2) is not located in an area defined by the United States Office of Management and Budget as a standard metropolitan statistical area as of January 1, 2007.

(c) The commissioner shall develop an application and selection process for selecting campuses to participate in the program. The commissioner shall give priority to a campus that offers a relatively limited course selection to students, in comparison to the course selections generally offered to students in metropolitan areas.

(d) A campus selected to participate in the program is entitled to receive state grant funds in an amount not to exceed \$200 each school year for each student in an eligible grade level served through the program. The state grant funds must be used to provide technology-based supplemental instruction for students at the eligible grade levels. Permissible expenditures under the program include costs incurred to provide:

(1) research-based instructional support;

(2) teacher training;

(3) academic tutoring or counseling;

(4) distance learning opportunities that use the Internet and are aligned with the essential knowledge and skills adopted under Section 28.002 for the subject areas of English language arts, social studies, mathematics, science, and languages other than English, as applicable; and

(5) distance learning opportunities that enable students to earn college credit in the subject areas of English language arts, social studies, mathematics, science, or languages other than English.

(e) As a condition of receiving a state grant, a campus must contribute additional funding for activities provided at the campus through the program, in an amount equal to at least \$100 each school year for each student in an eligible grade level served through the program. The additional funding required by this subsection may consist of local funds, private funds, or state funds other than grant funds provided under this section. For program activities provided at the high school level, the high school allotment provided under Section 42.2516(b)(3) may be used to meet the additional funding requirement prescribed by this subsection.

(f) A campus participating in the program must make instructional support services available to students outside of regular school hours for at least 10 hours each week.

(g) The commissioner shall pay the costs of the program using funds available for that purpose, not to exceed \$4 million each fiscal year or a greater amount specified by the General Appropriations Act.

(h) Using funds available for the program in an amount not to exceed \$150,000 each fiscal year, the commissioner shall contract for an evaluation of the program's effectiveness in improving student performance. Not later than December 1, 2008, the commissioner shall deliver an interim report containing the results of the evaluation. Not later than December 1, 2010, the commissioner shall deliver a final report regarding the program to the legislature.

(i) The commissioner shall adopt rules necessary to implement this section.

(j) This section expires September 1, 2011.

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

Amendment No. 12 was adopted.

(Lucio in the chair)

Amendment No. 13

Representatives Phillips and Bonnen offered the following amendment to Amendment No. 1:

Amend the Eissler amendment to **HB 2217** as follows:

(1) On page 7, between lines 22 and 23, insert the following appropriately numbered SECTION:

SECTION _____. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.015 to read as follows:

Sec. 28.015. APPLIED MATHEMATICS AND SCIENCE COURSES. (a) The commissioner of education and the commissioner of higher education shall establish vertical teams composed of public school educators, institution of higher education faculty, community or technical college faculty, workforce representatives, and any other person selected by the commissioners to serve on the vertical teams.

(b) The vertical teams shall develop and recommend to the State Board of Education for adoption under Section 28.002 the essential knowledge and skills of a course in applied mathematics and a course in applied science for use in public high schools. A course developed under this section must be designed to prepare students for success in college courses and in advanced technical occupations.

(c) A student who successfully completes a course developed under this section may use the credit earned in the course toward satisfying the applicable mathematics or science curriculum requirement for the standard high school program under Section 28.025.

(d) The agency, in consultation with the Texas Higher Education Coordinating Board, shall adopt an end-of-course assessment instrument for each course developed under this section to ensure the rigor of the course. A school district shall, in accordance with State Board of Education rules, administer the end-of-course assessment instrument to a student enrolled in a course developed under this section. Each school district shall adopt a policy that requires a student's performance on the end-of-course assessment instrument to account for 15 percent of the student's final grade for the course. A student's performance on an end-of-course assessment instrument administered under this subsection is not subject to the graduation requirements established under Section 39.025.

(e) The agency, in coordination with the Texas Higher Education Coordinating Board, shall adopt a series of optional questions to be included in an end-of-course assessment instrument administered under Subsection (d) to be used for purposes of Section 51.3062. The optional questions must be developed

in a manner consistent with any college readiness standards adopted under Sections 39.113 and 51.3062. A student's performance on an optional question adopted under this subsection may not be used to determine the student's performance on an end-of-course assessment instrument.

(f) The State Board of Education shall adopt instructional materials for a course developed under this section in accordance with Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices.

(g) Not later than October 1, 2008, the State Board of Education shall adopt essential knowledge and skills for each course developed under this section. The State Board of Education shall make each course developed under this section and the related instructional materials available to school districts beginning with the 2010-2011 school year. As required by Subsection (d), a school district shall adopt a policy requiring a student's performance on an end-of-course assessment instrument administered under that subsection to account for 15 percent of the student's grade for a course developed under this section beginning with the 2011-2012 school year. This subsection expires September 1, 2012.

(2) On page 7, between lines 28 and 29, insert the following appropriately numbered SECTION:

SECTION _____. Sections 28.025(a), (b), (e), and (g), Education Code, are amended to read as follows:

(a) The State Board of Education by rule shall determine curriculum requirements for the standard [~~minimum~~], recommended, and advanced high school programs that are consistent with the required curriculum under Section 28.002.

(b) A school district shall ensure that each student enrolls in the courses necessary to complete the curriculum requirements identified by the State Board of Education under Subsection (a) for the recommended or advanced high school program unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree that the student should be permitted to take courses under the standard [~~minimum~~] high school program.

(c) Each school district shall report the academic achievement record of students who have completed a standard [~~minimum~~], recommended, or advanced high school program on transcript forms adopted by the State Board of Education. The transcript forms adopted by the board must be designed to clearly differentiate between each of the high school programs and identify whether a student received a diploma or a certificate of coursework completion.

(d) If a student, other than a student permitted to take courses under the standard [~~minimum~~] high school program as provided by Subsection (b), is unable to complete the recommended or advanced high school program solely because necessary courses were unavailable to the student at the appropriate times in the student's high school career as a result of course scheduling, lack of enrollment capacity, or another cause not within the student's control, the school district shall indicate that fact on the student's transcript form described by Subsection (e).

(3) Renumber the SECTIONS of the bill accordingly.

Amendment No. 13 was adopted.

Amendment No. 14

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

Amend the Eissler amendment to **HB 2217** as follows:

(1) On Page 20 of the amendment, line 27, strike "or".

(2) On Page 20 of the amendment, line 28, between "literacy" and ".", insert "or adult education"

Amendment No. 14 was adopted.

Amendment No. 15

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

Amend the Eissler amendment to **HB 2217** on page 2, between lines 26 and 27, by inserting the following appropriately numbered SECTION and renumbering the remaining SECTIONS accordingly:

SECTION _____. Subchapter I, Chapter 21, Education Code, is amended by adding Section 21.419 to read as follows:

Sec. 21.419. SALARY SUPPLEMENTS FOR TEACHERS IN HIGH-NEED PUBLIC SCHOOL DISTRICTS; PILOT PROJECT. (a) The commissioner shall establish a pilot project in school districts selected by the commissioner to pay salary supplements to teachers who commit to teach for at least three years in one of the districts at any high school campus considered academically unacceptable under Section 39.132.

(b) In selecting school districts under Subsection (a), the commissioner shall select districts:

(1) in which at least 70 percent of the number of students enrolled in the district are educationally disadvantaged;

(2) that have a substantial number of high school campuses considered academically unacceptable under Section 39.132; and

(3) that have high teacher turnover rates.

(c) From amounts appropriated to the agency, the commissioner shall award grants to school districts that participate in the program. A grant under this section must be in an amount sufficient to pay the costs to the district of participating in the program, as determined by the commissioner. A determination of the commissioner is final and may not be appealed.

(d) A school district may use a grant awarded under Subsection (c) only to pay a salary supplement to a teacher who commits to teach for three years beginning with the 2007-2008 school year at any high school campus in the district considered academically unacceptable under Section 39.132. The district shall pay one-third of the salary supplement as a signing bonus and pay the remaining two-thirds of the salary supplement only at the end of the teacher's

three-year commitment to the district. A teacher who does not fulfill the three-year commitment is not entitled to any portion of the remaining two-thirds of the salary supplement.

(e) The provisions of Chapter 21 regarding resignation apply in the same manner to a teacher employed under a contract who commits to teach in a district under this section as to a teacher employed under a contract to teach in any district.

(f) A grant a school district receives under this section is in addition to any funding the district receives under Chapter 42. The commissioner shall distribute funds under this section with the Foundation School Program payment to which the district is entitled as soon as practicable after the end of the school year as determined by the commissioner. A district to which Chapter 41 applies is entitled to a grant under this section. The commissioner shall determine the timing of the distribution of a grant to a district that does not receive Foundation School Program payments. An open-enrollment charter school is not eligible for a grant under this section.

(g) This section does not create a property right to a grant or salary supplement. A school district is entitled to a grant to carry out the purposes of this section only to the extent the commissioner makes the grant in accordance with this section and only to the extent sufficient state funds are appropriated for those purposes. If state funds are appropriated but are insufficient to fully fund a grant, the commissioner shall reduce the grant paid to each district and the district shall reduce the salary supplement the district pays to each teacher under this section proportionately so that each selected teacher receives the same amount of money.

(h) Each district shall, in the manner and at the time prescribed by the commissioner, provide to the commissioner proof acceptable to the commissioner of the appropriate certification of a teacher to whom the district is paying a salary supplement under this section.

(i) The commissioner may audit the expenditure of money appropriated for purposes of this section. A district's use of the money appropriated for purposes of this section shall be verified as part of the district audit under Section 44.008.

(j) A salary supplement a teacher receives under this section is not considered in determining whether the district is paying the teacher the minimum monthly salary under Section 21.402.

(k) The commissioner may adopt any rules necessary to implement this section.

(l) The agency shall report to the legislature describing the agency's activities under the pilot project, the effect of the project on the teacher turnover rate and the academic performance level for each school district participating in the project, and the recommendations arising from the project. The agency shall submit an interim report under this subsection not later than January 1, 2009, and a final report not later than January 1, 2011.

(m) This section expires January 1, 2011.

Amendment No. 15 was adopted.

Amendment No. 1, as amended, was adopted.

HB 2217, 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.)

FIVE DAY POSTING RULE SUSPENDED

Representative Peña moved to suspend the five day posting rule to allow the Committee on Criminal Jurisprudence to consider **SB 263**, **SB 463**, **SB 1116**, and **SB 1129** upon final adjournment tomorrow in E2.030.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Corrections, upon lunch recess today, Desk 50, for a formal meeting, to consider pending business.

Licensing and Administrative Procedures, upon lunch recess today, Desk 99, for a formal meeting, to consider **SB 665**, **SB 1215**, **SB 1217**, **SB 1735**, and **SB 1750**.

Insurance, upon lunch recess today, Desk 24, for a formal meeting, to consider **SB 1056** and pending business.

RECESS

At 12:23 p.m., the chair announced that the house would stand recessed until 1:30 p.m. today.

AFTERNOON SESSION

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

LEAVE OF ABSENCE GRANTED

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

Kolkhorst on motion of Haggerty.

POSTPONED BUSINESS

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

HB 1556 ON SECOND READING

(by Pickett)

HB 1556, A bill to be entitled An Act relating to the management of certain public land.

HB 1556 was read second time on March 20, postponed until March 26, postponed until April 17, postponed until April 24, and was again postponed until 10 a.m. today.

Representative Pickett moved to postpone consideration of **HB 1556** until 11:42 p.m. Tuesday, May 29.

The motion prevailed.

(Hancock in the chair)

SB 1266 ON SECOND READING
(Krusee - House Sponsor)

SB 1266, A bill to be entitled An Act relating to pass-through financing and the creation and operation of the transportation reinvestment fund.

SB 1266 was considered in lieu of **CSHB 3722**.

SB 1266 was read second time.

Amendment No. 1

Representative Haggerty offered the following amendment to **SB 1266**:

Amend **SB 1266** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter E, Chapter 222, Transportation Code, is amended by adding Sections 222.105, 222.106, 222.107, and 222.108 to read as follows:

Sec. 222.105. PURPOSES. The purposes of this chapter are to:

- (1) promote public safety;
- (2) facilitate the movement of traffic;
- (3) preserve the public's financial investment in highways by requiring the Texas Department of Transportation to provide incentives for local governments to participate in the development of highway infrastructure projects through the option to create Transportation Reinvestment Zones provided for under this chapter; and
- (4) create a fund in the state treasury, the Transportation Reinvestment Fund, to serve as a central depository for any local revenue generated by the development of a Transportation Reinvestment Zone with the intent to partially finance pass through highway projects in this state.

Sec. 222.106. TRANSPORTATION REINVESTMENT FUND. (a) In this section, "fund" means the transportation reinvestment fund.

(b) The fund is a special account in the state treasury administered by the comptroller. The fund is exempt from the application of Section 403.095, Government Code. Interest earned on money in the fund shall be credited to the fund.

(c) The fund consists of money received under Section 222.107 or 222.108.

(d) Any amount deposited to the credit of the fund may be used only for the purpose of funding projects authorized by Section 222.104.

(e) The fund shall be limited to providing not greater than 40 percent of eligible project costs for projects authorized by the department under Section 222.104, and the department shall provide any remaining necessary funding from any available source.

(f) For all projects approved by the department under the provisions of Sections 222.104 and 222.106, the department shall:

- (1) fund eligible project costs at a level of ninety percent or greater for sponsoring entities establishing a transportation reinvestment zone as defined by 222.107 or 222.108; and
- (2) negotiate a deposit to the credit of the fund from revenue collected under 222.107 or
- (3) 222.108 of not greater than 50 percent of the aggregate amount of any payments made by the department to the municipality or county under the agreement negotiated under Section 222.104.

(g) Money deposited to the fund shall be:

- (1) used only for a purpose specified by this section;
- (2) reserved for future projects authorized under 222.104 sponsored by the originating entity for a period of ten years; and

(3) reserved for future projects authorized under 222.104, after the expiration of the tenth anniversary of a deposit to the fund, only in connection with a project that is located in the department district in which the transportation reinvestment zone is located.

(h) Projects that have received Transportation Commission approval prior to the effective date of this Section are exempted from any provisions defined in this Section.

Sec. 222.106. MUNICIPAL TRANSPORTATION REINVESTMENT ZONES. (a) In this section:

- (1) the amount of a municipality's tax increment for a year is the amount of ad valorem taxes levied and collected by the municipality for that year on the captured appraised value of real property taxable by the
- municipality and located in a transportation reinvestment zone under this section;

(3) the captured appraised value of real property taxable by a municipality for a year is the total appraised value of all real property taxable by the municipality and located in a transportation reinvestment zone for that year less the tax increment base of the municipality; and

(4) the tax increment base of a municipality is the total appraised value of all real property taxable by the municipality and located in a transportation reinvestment zone for the year in which the zone was designated under this section.

(b) This section applies only to a municipality the governing body of which has entered into an agreement with the department under Section 222.104.

(c) If the governing body determines the area to be unproductive, underdeveloped, or blighted, the governing body of the municipality by ordinance may designate a contiguous geographic area in the jurisdiction of the municipality to be a transportation reinvestment zone to promote a transportation project described by Section 222.104 that cultivates development or redevelopment of the area.

(d) In determining whether an area is unproductive, underdeveloped, or blighted, the governing body of the municipality may:

(1) use the criteria established by Section 311.005(a), Tax Code; or

(2) use other criteria that the governing body reasonably determines, in good faith, provide a basis for making the determination.

(e) Not later than the seventh day before the date the governing body of the municipality proposes to adopt an ordinance designating an area as a transportation reinvestment zone under this section, the governing body must hold a public hearing on the creation of the zone and its benefits to the municipality and to property in the proposed zone. At the hearing an interested person may speak for or against the creation of the zone or its boundaries. Not later than the seventh day before the date of the hearing, notice of the hearing must be published in a newspaper having general circulation in the municipality.

(f) Fulfilling the requirements of this section shall constitute designation of an area as a transportation reinvestment zone without further hearings or other procedural requirements.

(g) The ordinance designating an area as a transportation reinvestment zone must:

(1) describe the boundaries of the zone with sufficient definiteness to identify with ordinary and reasonable certainty the territory included in the zone;

(2) provide that the zone takes effect immediately on passage of the ordinance;

(3) assign a name to the zone for identification, with the first zone created by a municipality designated as "Transportation Reinvestment Zone Number One, City (or Town, as applicable) of (name of municipality)," and subsequently created zones assigned names in the same form, numbered consecutively in the order of their creation;

(4) establish a local ad valorem tax increment account for the zone; and

(5) contain findings that:

(A) promotion of the transportation project will cultivate development or redevelopment of the zone; and

(B) the zone meets the requirements of Subsection (d).

(h) From taxes collected on property in the zone, the municipality shall pay into the local tax increment account for a zone an amount equal to the tax increment produced by the municipality.

(i) The governing body of the municipality, by ordinance or resolution, may enter into an agreement with the department under Section 222.106(f) of this chapter, authorizing a percentage of the money deposited to the credit of the local tax increment account established for the transportation reinvestment zone to be deposited to the credit of the transportation reinvestment fund. Any remaining amount in the tax increment fund may be used for any municipal purpose in the zone.

(j) A transportation reinvestment zone terminates on December 31 of the year in which the municipality ceases to be required to make reimbursement payments to the department under Subsection (i). Any surplus remaining on termination of the zone may be used for transportation projects of the municipality in or outside of the zone.

Sec. 222.107. COUNTY TRANSPORTATION REINVESTMENT ZONES; TAX ABATEMENTS; ROAD UTILITY DISTRICTS. (a) In this section:

(1) the amount of a county's tax increment for a year is the amount of ad valorem taxes levied and collected by the county for that year on the captured appraised value of real property taxable by the county and located in a transportation reinvestment zone under this section;

(2) the captured appraised value of real property taxable by a county for a year is the total appraised value of all real property taxable by the county and located in a transportation reinvestment zone for that year less the tax increment base of the county; and

(3) the tax increment base of a county is the total appraised value of all real property taxable by the county and located in a transportation reinvestment zone for the year in which the zone was designated under this section.

(b) This section applies only to a county the commissioners court of which has entered into a pass-through toll agreement with the department under Section 222.104.

(c) The commissioners court of the county by order or resolution may designate a contiguous geographic area in the jurisdiction of the county to be a transportation reinvestment zone to promote a transportation project described by Section 222.104 that cultivates development or redevelopment of the area and for the purpose of abating ad valorem taxes imposed by the county on real property located in the zone.

(d) Not later than the seventh day before the date the commissioners court proposes to designate an area as a transportation reinvestment zone under this section, the commissioners court must hold a public hearing on the creation of the zone, its benefits to the county and to property in the proposed zone, and the abatement of ad valorem taxes imposed by the county on real property located in the zone. At the hearing an interested person may speak for or against the creation of the zone, its boundaries, or the abatement of county taxes on real property in the zone. Not later than the seventh day before the date of the hearing, notice of the hearing must be published in a newspaper having general circulation in the county.

(e) The order or resolution designating an area as a transportation reinvestment zone must:

(1) describe the boundaries of the zone with sufficient definiteness to identify with ordinary and reasonable certainty the territory included in the zone;

(2) provide that the zone takes effect immediately on adoption of the order or resolution; and

(3) assign a name to the zone for identification, with the first zone created by a county designated as "Transportation Reinvestment Zone Number One,

County of (name of county)," and subsequently created zones assigned names in the same form numbered consecutively in the order of their creation.

(f) Fulfilling the requirements of this section shall constitute designation of an area as a transportation reinvestment zone without further hearings or other procedural requirements.

(g) The commissioners court by order or resolution may enter into an agreement with the owner of any real property located in the transportation reinvestment zone to abate a portion of the ad valorem taxes imposed by the county on the owner's property. In the alternative, the commissioners court by order or resolution may elect to abate a portion of the ad valorem taxes imposed by the county on all real property located in the zone. In any ad valorem tax year, the total amount of the taxes abated under this section may not exceed the amount calculated under Subsection (a)(1) for that year.

(h) To assist the county in complying with the terms or conditions of an agreement with the department under Section 222.104, a road utility district may be formed under Chapter 441 that has the same boundaries as a transportation reinvestment zone created under this section.

(i) In any ad valorem tax year, a road utility district formed as provided by Subsection (h) may impose taxes on property in the district at a rate that when applied to the property in the district would impose taxes in an amount equal to the amount of taxes abated by the commissioners court of the county under Subsection (g). Notwithstanding Section 441.192(a), an election is not required to approve the imposition of the taxes.

(j) A road utility district formed as provided by Subsection (h) may enter into an agreement with the county to assume the obligation, if any, of the county to fulfill an agreement with the department under Sections 222.104 and 222.106 of this chapter. Any amount paid to the credit of the transportation reinvestment fund under this subsection is considered to be an operating expense of the district. Any taxes collected by the district that are not paid to the department under this subsection may be used for any district purpose.

(k) A tax abatement agreement entered into under Subsection (g), or an order or resolution on the abatement of taxes under that subsection, terminates on December 31 of the year in which the county ceases to be required to make reimbursement payments to the department under the agreement entered into under Section 222.104.

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

(Speaker in the chair)

Representative Pickett moved to extend speaking time on **SB 1266**.

The motion prevailed.

Representative Pickett moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 1053): 95 Yeas, 41 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Brown, B.; Brown, F.; Castro; Cohen; Cook, B.; Cook, R.; Corte; Crownover; Darby; Davis, J.; Davis, Y.; Dukes; Dutton; Eissler; Escobar; Farias;

Farrar; Flores; Frost; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hill; Hochberg; Hodge; Hopson; Howard, C.; Howard, D.; Hughes; Isett; King, P.; Laubenberg; Leibowitz; Lucio; Macias; Mallory Caraway; Martinez Fischer; McClendon; McReynolds; Menendez; Miles; Morrison; Murphy; Noriega; O'Day; Oliveira; Olivo; Ortiz; Otto; Parker; Patrick; Paxton; Pickett; Pitts; Puente; Quintanilla; Raymond; Ritter; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Turner; Van Arsdale; Vaught; Vo; Woolley; Zedler; Zerwas.

Nays — Bailey; Bonnen; Branch; Burnam; Callegari; Chisum; Christian; Coleman; Crabb; Creighton; Delisi; Deshotel; Driver; Dunnam; Eiland; Elkins; England; Farabee; Flynn; Gallego; Goolsby; Haggerty; Homer; Jackson; Keffer; King, S.; King, T.; Kuempel; Madden; Martinez; Merritt; Naishtat; Orr; Peña; Phillips; Riddle; Rodriguez; Rose; Truitt; Villarreal; West.

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

Absent, Excused — Kolkhorst; Moreno.

Absent — Chavez; Hamilton; Jones; Krusee; Latham; McCall; Miller; Mowery; Pierson; Veasey.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1053. I intended to vote no.

Castro

I was shown voting yes on Record No. 1053. I intended to vote no.

McClendon

When Record No. 1053 was taken, I was temporarily out of the house chamber. I would have voted yes.

Veasey

MESSAGE FROM THE SENATE

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

LEAVE OF ABSENCE GRANTED

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

Branch on motion of Geren.

SB 1266 - (consideration continued)

Amendment No. 2

Representative Pickett offered the following amendment to **SB 1266**:

Amend **SB 1266** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 222.104, Transportation Code, is amended by adding Subsection (g-1) to read as follows:

(g-1) Notwithstanding Subsection (g), as added by Chapter 994, Acts of the 79th Legislature, Regular Session, 2005, in any state fiscal year that begins on or after September 1, 2007, the commission may not provide for the payment of pass-through tolls under this section in a total amount that is less than the total amount of pass-through tolls paid in the preceding state fiscal year. This subsection expires September 1, 2011.

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

Representative Krusee moved to table Amendment No. 2.

A record vote was requested.

The motion to table was lost by (Record 1054): 46 Yeas, 90 Nays, 1 Present, not voting.

Yeas — Anderson; Bonnen; Brown, B.; Brown, F.; Callegari; Chavez; Christian; Cook, R.; Corte; Creighton; Darby; Delisi; Deshotel; Driver; Elkins; England; Farabee; Goolsby; Haggerty; Hancock; Hilderbran; Hill; Homer; Howard, C.; Isett; Jackson; Jones; Keffer; King, S.; Krusee; Kuempel; Madden; McCall; McClendon; Miller; Murphy; O'Day; Patrick; Peña; Phillips; Ritter; Rose; Swinford; West; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Aycock; Bailey; Berman; Bohac; Bolton; Castro; Cohen; Coleman; Cook, B.; Crabb; Crownover; Davis, J.; Davis, Y.; Dukes; Dunnam; Eissler; Escobar; Farias; Farrar; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Hopson; Howard, D.; Hughes; King, P.; King, T.; Latham; Laubenberg; Leibowitz; Lucio; Macias; Mallory Caraway; Martinez; Martinez Fischer; McReynolds; Menendez; Miles; Morrison; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Paxton; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Taylor; Thompson; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Kolkhorst; Moreno.

Absent — Burnam; Chisum; Dutton; Eiland; Flores; Merritt; Mowery; Pierson; Talton; Truitt.

STATEMENT OF VOTE

When Record No. 1054 was taken, I was in the house but away from my desk. I would have voted yes.

Truitt

Amendment No. 2 was adopted.

A record vote was requested.

SB 1266, as amended, was passed to third reading by (Record 1055): 136 Yeas, 3 Nays, 1 Present, not voting.

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

Nays — Bolton; Darby; Hilderbran.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Kolkhorst; Moreno.

Absent — Castro; Chavez; Dutton; Miller; Mowery; Pierson; Smith, T.

STATEMENTS OF VOTE

When Record No. 1055 was taken, I was in the house but away from my desk. I would have voted yes.

Chavez

When Record No. 1055 was taken, I was in the house but away from my desk. I would have voted yes.

Miller

When Record No. 1055 was taken, I was in the house but away from my desk. I would have voted yes.

T. Smith

CSHB 3722 - LAID ON THE TABLE SUBJECT TO CALL

Representative Krusee moved to lay **CSHB 3722** on the table subject to call.

The motion prevailed.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 36).

MAJOR STATE CALENDAR HOUSE BILLS THIRD READING

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

HB 9 ON THIRD READING (by **Crownover, P. King, Woolley, Hamilton, Escobar, et al.**)

HB 9, A bill to be entitled An Act relating to the elimination of smoking in all workplaces and public places; providing penalties.

A record vote was requested.

HB 9 was passed by (Record 1056): 92 Yeas, 52 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Aycock; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Chavez; Chisum; Cohen; Coleman; Cook, B.; Corte; Creighton; Crownover; Darby; Davis, Y.; Delisi; Driver; Dunnam; Eiland; Eissler; Escobar; Farabee; Farias; Farrar; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Haggerty; Hamilton; Harless; Heflin; Hernandez; Herrero; Hochberg; Hopson; Howard, D.; Jackson; Keffer; King, P.; King, S.; Krusee; Latham; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; Miller; Morrison; Murphy; Naishtat; Noriega; Ortiz; Otto; Parker; Patrick; Pickett; Pierson; Puente; Quintanilla; Raymond; Riddle; Rose; Smith, T.; Smithee; Solomons; Strama; Swinford; Taylor; Thompson; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Anderson; Bailey; Castro; Christian; Cook, R.; Crabb; Davis, J.; Deshotel; Dukes; Dutton; Elkins; England; Flores; Flynn; Frost; Gattis; Geren; Guillen; Hancock; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Hill; Hodge; Homer; Howard, C.; Hughes; Isett; Jones; King, T.; Kuempel; Laubenberg; Macias; Madden; McReynolds; Menendez; Merritt; Miles; O'Day; Oliveira; Olivo; Orr; Paxton; Peña; Phillips; Pitts; Ritter; Rodriguez; Smith, W.; Straus; Truitt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Kolkhorst; Moreno.

Absent — Mowery; Talton.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1056. I intended to vote no.

Haggerty

I was shown voting no on Record No. 1056. I intended to vote yes.

Olivo

When Record No. 1056 was taken, I was temporarily out of the house chamber. I would have voted no.

Talton

HB 2006 ON THIRD READING
(by Woolley, Corte, Callegari, R. Cook, Orr, et al.)

HB 2006, A bill to be entitled An Act relating to the use of eminent domain authority.

HB 2006 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE CALLEGARI: Representative Woolley, I'd like to understand the legislative intent behind Section 6 of your bill, which amends Section 21.041 of the Property Code regarding evidentiary standard. What evidence do you plan to be admissible under the language of Property Code Section 21.041?

REPRESENTATIVE WOOLLEY: Basically, it's the same information that a willing buyer and a willing seller would consider at an arm's length transaction if the property was not being condemned.

CALLEGARI: Okay, so you're saying a willing buyer and a willing seller would consider anything that a willing buyer and a willing seller would consider prior to the condemnation?

WOOLLEY: That's correct.

CALLEGARI: So do you intend that the evidence that would be admissible regarding money that may be earned by the condemning authority through the use of the property for an electric line, phone line, water line, or pipeline that is placed on the condemned property?

WOOLLEY: No.

CALLEGARI: Absolutely, okay. What about sentimental value?

WOOLLEY: No.

CALLEGARI: When you say that the intent is to allow only evidence that a willing buyer and a willing seller would consider in an arm's length transaction, is it fair to summarize that by describing it as a market value of the property immediately prior to the condemnation?

WOOLLEY: Yes, that is correct.

CALLEGARI: That would be correct, okay. Again, by evidence are you referring to those things that may be admitted under the Texas Rules of Evidence today?

WOOLLEY: Yes, I am.

REMARKS ORDERED PRINTED

Representative Callegari moved to print remarks between Representative Woolley and Representative Callegari.

The motion prevailed.

A record vote was requested.

HB 2006 was passed by (Record 1057): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Kolkhorst; Moreno.

Absent — Flores; Latham; Mowery.

HB 13 ON THIRD READING

(by Swinford, Escobar, Christian, Woolley, Guillen, et al.)

HB 13, A bill to be entitled An Act relating to homeland security issues, including border security issues.

Amendment No. 1

Representative Hughes offered the following amendment to **HB 13**:

Amend **HB 13** (second reading engrossment) on third reading as follows:

(1) On page 12, lines 10-11, strike "by the Department of Public Safety and other law enforcement agencies".

(2) Strike page 12, line 26, through page 13, line 2, and substitute the following:

center certain forms of authority to implement the governor's homeland security strategy; [~~and~~]

Amendment No. 1 was adopted.

A record vote was requested.

HB 13, as amended, was passed by (Record 1058): 138 Yeas, 3 Nays, 1 Present, not voting.

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

Nays — Farrar; Hernandez; Olivo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Kolkhorst; Moreno.

Absent — Castro; Dutton; Flores; McClendon; Mowery.

HB 2960 ON THIRD READING (by Smithee)

HB 2960, A bill to be entitled An Act relating to the operation and funding of the Texas Windstorm Insurance Association.

Amendment No. 1

On behalf of Representative Eiland, Representative Smithee offered the following amendment to **HB 2960**:

Amend **HB 2960**, second reading engrossment, as follows:

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

SECTION 3. Sections 2210.004(a) and (g), Insurance Code, are amended to read as follows:

(2) On page 2, between lines 11 and 12, insert the following:

(g) For purposes of this chapter, a residential structure is insurable property if:

(1) the residential structure is not:

(A) a condominium, apartment, duplex, or other multifamily residence; or

(B) a hotel or resort facility; and

(2) the residential structure is located within an area designated as a unit under the Coastal Barrier Resources Act (Pub. L NO. 97-348); ~~and~~

~~(3) a building permit or plot for the residential structure was filed with the municipality, the county, or the United States Army Corps of Engineers before January 1, 2004].~~

(3) ON page 14, strike lines 7=12 and substitute the following:

"association. If that flood insurance is unavailable in any portion of the seacoast territory, an association policy insuring a residential structure described by Section 2210.004(g) is subject to a premium surcharge for the insurance coverage obtained through the association in an amount equal to not less than 10 percent of the premium, as set by the commissioner after notice and a hearing."

Amendment No. 1 was adopted.

A record vote was requested.

HB 2960, as amended, was passed by (Record 1059): 137 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Kolkhorst; Moreno.

Absent — Corte; Crabb; Eiland; Elkins; Flores; Jackson; Merritt; Mowery; Pickett.

STATEMENTS OF VOTE

When Record No. 1059 was taken, I was in the house but away from my desk. I would have voted yes.

Corte

When Record No. 1059 was taken, I was in the house but away from my desk. I would have voted yes.

Eiland

I was shown voting yes on Record No. 1059. I intended to vote no.

Truitt

HB 1524 ON THIRD READING
(by Guillen and Raymond)

HB 1524, A bill to be entitled An Act relating to an election on the use of tax revenue for a sports or community venue project.

A record vote was requested.

HB 1524 was passed by (Record 1060): 132 Yeas, 11 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Anderson; Aycock; Bailey; Bolton; Bonnen; 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; Elkins; England; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Krusee; Kuempel; Latham; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Murphy; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Berman; Bohac; Brown, B.; Brown, F.; Crabb; Eissler; Flynn; Harless; Laubenberg; O'Day; Paxton.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Kolkhorst; Moreno.

Absent — Alonzo; Flores; Mowery.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1060. I intended to vote no.

Anderson

I was shown voting yes on Record No. 1060. I intended to vote no.

Christian

I was shown voting yes on Record No. 1060. I intended to vote no.

Hughes

I was shown voting yes on Record No. 1060. I intended to vote no.

Zedler

HB 3778 ON THIRD READING
(by Rose and Herrero)

HB 3778, A bill to be entitled An Act relating to the creation and administration of a quality assurance fee for nursing facilities; providing an administrative penalty.

A record vote was requested.

HB 3778 was passed by (Record 1061): 134 Yeas, 9 Nays, 1 Present, not voting.

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

Nays — Anderson; Crabb; Flynn; Harless; Harper-Brown; Hughes; Laubenberg; Paxton; Phillips.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Kolkhorst; Moreno.

Absent — Flores; Mowery; Straus.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1061. I intended to vote no.

Berman

I was shown voting yes on Record No. 1061. I intended to vote no.

Bohac

I was shown voting yes on Record No. 1061. I intended to vote no.

Christian

I was shown voting yes on Record No. 1061. I intended to vote no.

Hilderbran

I was shown voting yes on Record No. 1061. I intended to vote no.

T. King

I was shown voting yes on Record No. 1061. I intended to vote no.

Merritt

I was shown voting yes on Record No. 1061. I intended to vote no.

Miller

I was shown voting yes on Record No. 1061. I intended to vote no.

Zedler

**MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING**

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

SB 103 ON THIRD READING

(Madden, Hochberg, McReynolds, Haggerty, Jones, et al. - House Sponsors)

SB 103, A bill to be entitled An Act relating to the Texas Youth Commission and the prosecution of certain offenses and delinquent conduct in the Texas Youth Commission and certain other criminal justice agencies; providing penalties.

Representative Madden moved to postpone consideration of **SB 103** until 4 p.m. today.

The motion prevailed.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

HB 1117 ON THIRD READING

(by B. Brown, Flynn, and Zedler)

HB 1117, A bill to be entitled An Act relating to the filing of birth certificates.

HB 1117 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE CASTRO: Ms. Brown, are there going to be births that occur where somebody in your bill that is able to file a certificate is not present?

REPRESENTATIVE B. BROWN: I'm sorry, would you repeat that?

CASTRO: Will there be births that occur in the State of Texas where there is no one present who is listed in your bill as one of the persons who is qualified to file a birth certificate?

B. BROWN: No, I would assume there would be someone assisting in a birth and that person could attest.

CASTRO: But if there is nobody that is listed as qualified to file a birth certificate that assists in a birth—

B. BROWN: That baby would have to be examined by a doctor or a health care practitioner that could just attest to the age of the child. We need somebody to attest to the age of the child because there have been cases of babies being brought into the United States and a midwife, usually, is paid to sign a birth certificate and that's all it takes. And they are citizens. So we need someone to attest.

CASTRO: Okay, then let me ask you for the purposes of legislative intent, if at the time of the birth, when the mother gives birth, there is no one who is qualified by your bill to file a birth certificate, if none of those persons are present, then that mother can simply go to a hospital or go before one of the persons who is qualified to file the birth certificate, the person who is qualified to file the birth certificate can look at that baby and be told by the mother and the father or whoever that that baby was born and have the baby examined and then that person can turn around and go file a birth certificate for that baby? Is that right?

B. BROWN: Yes, if I understand your question. And you're assuming that this mother gave birth totally unassisted, alone, so there is no one to attest to the birth. Is that what you're telling me?

CASTRO: Well no, you made a distinction between attestation and the filing of a birth certificate.

B. BROWN: Yes, I did.

CASTRO: Please explain that distinction then because we seem to be two ships passing in the night here.

B. BROWN: Okay and I'm assuming that the father of the child or a midwife, someone, perhaps a grandmother, is assisting in the birth. Those people are qualified to attest to the birth. They take it to a health care practitioner who can file the birth certificate.

CASTRO: So, even if the health care practitioner is not present at the birth, can they still file a birth certificate?

B. BROWN: Yes.

CASTRO: Okay, as long as a family member, or grandmother, or mother, or father attests that the child was born.

B. BROWN: Yes, that's right.

REMARKS ORDERED PRINTED

Representative Castro moved to print remarks between Representative B. Brown and Representative Castro.

The motion prevailed.

Representative Alonzo moved to extend speaking time on **HB 1117**.

The motion to extend time prevailed.

A record vote was requested.

HB 1117 was passed by (Record 1062): 95 Yeas, 48 Nays, 1 Present, not voting.

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

Nays — Allen; Alonzo; Bailey; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Deshotel; Dunnam; Eiland; Farias; Farrar; Flores; Gallego; Garcia; Giddings; Gonzalez Toureilles; Guillen; Harless; Heflin; Hernandez; Herrero; Hochberg; Hodge; King, T.; Leibowitz; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Noriega; Oliveira; Olivo; Peña; Pickett; Pierson; Quintanilla; Raymond; Rodriguez; Thompson; Vaught; Veasey; Villarreal.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Kolkhorst; Moreno.

Absent — Anchia; King, S.; Mowery.

STATEMENTS OF VOTE

When Record No. 1062 was taken, I was temporarily out of the house chamber. I would have voted no.

Anchia

I was shown voting yes on Record No. 1062. I intended to vote no.

Dukes

When Record No. 1062 was taken, my vote failed to register. I would have voted yes.

S. King

LEAVE OF ABSENCE GRANTED

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

Gattis on motion of Homer.

(Branch and Kolkhorst now present)

(Branch in the chair)

HB 3930 ON THIRD READING
(by Homer, R. Cook, Flynn, Anderson, and Geren)

HB 3930, A bill to be entitled An Act relating to the appeals process in the disposition of cruelly treated animals.

A record vote was requested.

HB 3930 was passed by (Record 1063): 137 Yeas, 8 Nays, 2 Present, not voting.

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

Nays — Bohac; Harper-Brown; Latham; Laubenberg; Paxton; Phillips; Riddle; Smithee.

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

Absent, Excused — Gattis; Moreno.

Absent — Mowery.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1063. I intended to vote no.

Parker

GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING

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

SB 561 ON THIRD READING
(Smithee - House Sponsor)

SB 561, A bill to be entitled An Act relating to the subrogation interests of certain political subdivisions or insurance carriers providing reinsurance for subdivisions.

Representative Geren moved to postpone consideration of **SB 561** until 4:30 p.m. today.

The motion prevailed.

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**SB 1886 ON SECOND READING
(Keffer - House Sponsor)**

SB 1886, A bill to be entitled An Act relating to motor fuel taxes.

SB 1886 was considered in lieu of **HB 3320**.

Amendment No. 1

Representative Keffer offered the following amendment to **SB 1886**:

Amend **SB 1886** (house committee printing) as follows:

(1) In SECTION 30 of the bill, in amended Section 162.403(37), Tax Code (page 35, line 13), strike "or" and substitute "[~~or~~]".

(2) In SECTION 30 of the bill, in amended Section 162.403(38), Tax Code (page 35, line 15), strike the period and substitute the following:

; or

(39) makes a tax-free sale of motor fuel on which the taxes imposed by this chapter have not been previously paid by the seller:

(A) to a person who is not licensed to purchase tax-free motor fuel under this chapter; or

(B) in a transaction or for a purpose that is not exempt under this chapter.

(3) In SECTION 32 of the bill, in amended Section 162.405(e), Tax Code (page 36, lines 7 and 8), strike "or (38) [~~or (39)~~]" and substitute "(38), or (39)".

(4) In SECTION 36 of the bill, in amended Article 12.01(3)(C), Code of Criminal Procedure (page 38, line 26), strike "162.403(21)-(38)" and substitute "162.403(21)-(39)".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Keffer offered the following amendment to **SB 1886**:

Amend **SB 1886** (house committee printing) as follows:

(1) In SECTION 30 of the bill, in amended Section 162.403(37), Tax Code (page 35, line 13), strike "or" and substitute "[~~or~~]".

(2) In SECTION 30 of the bill, in amended Section 162.403(38), Tax Code (page 35, line 15), strike the period and substitute the following:

; or

(39) makes a tax-free sale of motor fuel on which the taxes imposed by this chapter have not been previously paid by the seller:

(A) to a person who is not licensed to purchase tax-free motor fuel under this chapter; or

(B) in a transaction or for a purpose that is not exempt under this chapter.

(3) In SECTION 32 of the bill, in amended Section 162.405(e), Tax Code (page 36, lines 7 and 8), strike "or (38) [~~or (39)~~]" and substitute "(38), or (39)"

(4) In SECTION 36 of the bill, in amended Article 12.01(3)(C), Code of Criminal Procedure (page 38, line 26), strike "162.403(21)-(38)" and substitute "162.403(21)-(39)".

Amendment No. 2 was withdrawn.

Amendment No. 3

Representatives Homer and Hopson offered the following amendment to **SB 1886**:

Amend **SB 1886** (house committee printing) as follows:

(1) In the recital to SECTION 7 of the bill (page 4, line 2-3), strike "Subdivisions (9), (19), (20), (29), (31), (42), (43), and (55), Section 162.001, Tax Code are amended" and substitute "Section 162.001, Tax Code, is amended by amending Subdivisions (9), (19), (20), (29), (31), (42), (43), and (55), and adding Subdivisions (15-a) and (24-a)".

(2) In SECTION 7 of the bill, after amended Subdivision (9), Section 162.001, Tax Code (page 4, between lines 13 and 14), insert the following:

(15-a) "Commercial end user" means a person who purchases from a licensed distributor motor fuel on which the taxes imposed by this chapter have been paid and who uses the motor fuel exclusively in the person's business.

(3) In SECTION 7 of the bill, after amended Subdivision (20), Section 162.001, Tax Code (page 4, after line 27), insert the following:

(24-a) "Fuel access card" means a card provided to a commercial end user by a licensed distributor that enables the commercial end user to acquire motor fuel from facilities affiliated with the licensed distributor, but only if the credit risk for any purchases is borne by the licensed distributor who provided the fuel access card.

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

SECTION _____. Section 162.126, Tax Code, is amended by adding Subsections (h) and (i) to read as follows:

(h) Subsection (e) does not apply to a transaction for which payment is made through the use of a fuel access card by a commercial end user.

(i) A licensed supplier may not take a credit under the circumstances described by Subsection (a).

Amendment No. 3 was adopted.

HR 1685 - ADOPTED

(by Farrar)

Representative Farrar moved to suspend all necessary rules to take up and consider at this time **HR 1685**.

The motion prevailed.

The following resolution was laid before the house:

HR 1685, Congratulating Patricia Flores on her designation by the Houston Metropolitan Paralegal Association as the 2006 Paralegal of the Year.

HR 1685 was adopted.

HR 1912 - ADOPTED
(by Farrar)

Representative Farrar moved to suspend all necessary rules to take up and consider at this time **HR 1912**.

The motion prevailed.

The following resolution was laid before the house:

HR 1912, Recognizing May 27, 2007, as Rachel Carson Day.

HR 1912 was adopted.

HR 1919 - ADOPTED
(by Coleman and D. Howard)

Representative Farrar moved to suspend all necessary rules to take up and consider at this time **HR 1919**.

The motion prevailed.

The following resolution was laid before the house:

HR 1919, Recognizing May 8, 2007, as National Children's Mental Health Awareness Day.

HR 1919 was adopted.

SB 1886 - (consideration continued)

Amendment No. 4

Representative Krusee offered the following amendment to **SB 1886**:

Amend **SB 1886** (house committee printing) as follows:

(1) In SECTION 37 of the bill, in amended Section 20.002(d), Transportation Code (page 40, lines 1 and 2), strike "Section 162.202 [~~153.202(b)~~]" and substitute "Sections 162.202 and 162.2025 [~~Section 153.202(b)~~]".

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

SECTION _____. (a) Section 162.102, Tax Code, is amended to read as follows:

Sec. 162.102. TAX RATE. Except as provided by Section 162.1025, the [~~The~~] gasoline tax rate is 20 cents for each net gallon or fractional part on which the tax is imposed under Section 162.101.

(b) Subchapter B, Chapter 162, Tax Code, is amended by adding Section 162.1025 to read as follows:

Sec. 162.1025. ANNUAL RATE CHANGE ACCORDING TO CONSUMER PRICE INDEX. (a) In this section:

(1) "Consumer price index" means the consumer price index, as published by the Bureau of Labor Statistics of the United States Department of Labor, that measures the average changes in prices of goods and services purchased by urban wage earners and clerical workers' families and single workers living alone (CPI-W: Seasonally Adjusted U.S. City Average—All Items).

(2) "Consumer price index percentage change" means the percentage increase in the consumer price index of a given state fiscal year from the consumer price index of the preceding state fiscal year.

(b) On October 1 of each year, the rate of the gasoline tax imposed under this subchapter is increased by a percentage that is equal to the consumer price index percentage change for the preceding fiscal year.

(c) Not later than September 1 of each year, the comptroller shall:

(1) compute the new tax rate as provided by this section;

(2) give the new tax rate to the secretary of state for publication in the Texas Register; and

(3) notify each license holder under this subchapter of the applicable new tax rate.

(c) Section 162.103(a), Tax Code, is amended to read as follows:

(a) A backup tax is imposed at the rate prescribed by Sections ~~Section~~ 162.102 and 162.1025 on:

(1) a person who obtains a refund of tax on gasoline by claiming the gasoline was used for an off-highway purpose, but actually uses the gasoline to operate a motor vehicle on a public highway;

(2) a person who operates a motor vehicle on a public highway using gasoline on which tax has not been paid; and

(3) a person who sells to the ultimate consumer gasoline on which tax has not been paid and who knew or had reason to know that the gasoline would be used for a taxable purpose.

(d) Section 162.202, Tax Code, is amended to read as follows:

Sec. 162.202. TAX RATE. Except as provided by Section 162.2025, the ~~The~~ diesel fuel tax rate is 20 cents for each net gallon or fractional part on which the tax is imposed under Section 162.201.

(e) Subchapter C, Chapter 162, Tax Code, is amended by adding Section 162.2025 to read as follows:

Sec. 162.2025. ANNUAL RATE CHANGE ACCORDING TO CONSUMER PRICE INDEX. (a) In this section:

(1) "Consumer price index" means the consumer price index, as published by the Bureau of Labor Statistics of the United States Department of Labor, that measures the average changes in prices of goods and services purchased by urban wage earners and clerical workers' families and single workers living alone (CPI-W: Seasonally Adjusted U.S. City Average—All Items).

(2) "Consumer price index percentage change" means the percentage increase in the consumer price index of a given state fiscal year from the consumer price index of the preceding state fiscal year.

(b) On October 1 of each year, the rate of the diesel fuel tax imposed under this subchapter is increased by a percentage that is equal to the consumer price index percentage change for the preceding fiscal year.

(c) Not later than September 1 of each year, the comptroller shall:

(1) compute the new tax rate as provided by this section;

(2) give the new tax rate to the secretary of state for publication in the Texas Register; and

(3) notify each license holder under this subchapter of the applicable new tax rate.

(f) Section 162.203(a), Tax Code, is amended to read as follows:

(a) A backup tax is imposed at the rate prescribed by Sections ~~[Section]~~ 162.202 and 162.2025 on:

(1) a person who obtains a refund of tax on diesel fuel by claiming the diesel fuel was used for an off-highway purpose, but actually uses the diesel fuel to operate a motor vehicle on a public highway;

(2) a person who operates a motor vehicle on a public highway using diesel fuel on which tax has not been paid; and

(3) a person who sells to the ultimate consumer diesel fuel on which a tax has not been paid and who knew or had reason to know that the diesel fuel would be used for a taxable purpose.

(g) If this section takes effect September 1, 2007, the comptroller shall determine the new tax rate, give the rate to the secretary of state, and notify each license holder, as required by this section, on September 1, 2007. The comptroller may adopt rules and procedures in anticipation of this section taking effect.

(h) Notwithstanding any other provision of this Act, this section takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this section takes effect September 1, 2007.

Representative Keffer moved to table Amendment No. 4.

A record vote was requested.

The motion to table prevailed by (Record 1064): 122 Yeas, 19 Nays, 2 Present, not voting.

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

Otto; Parker; Patrick; Paxton; Peña; Phillips; Pitts; Puente; Raymond; Riddle; Ritter; Rose; Smith, W.; Smithee; Solomons; Strama; Swinford; Talton; Taylor; Thompson; Turner; Van Arsdale; Vaught; Veasey; West; Woolley; Zedler; Zerwas.

Nays — Alonzo; Bailey; Burnam; Callegari; Coleman; Goolsby; Hill; Hodge; Jackson; Krusee; Miles; Naishtat; Pickett; Quintanilla; Rodriguez; Smith, T.; Straus; Truitt; Villarreal.

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

Absent, Excused — Gattis; Moreno.

Absent — Jones; Menendez; Mowery; Pierson; Vo.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1064. I intended to vote yes.

Hodge

I was shown voting yes on Record No. 1064. I intended to vote no.

D. Howard

I was shown voting no on Record No. 1064. I intended to vote yes.

Villarreal

REASON FOR VOTE

I believe that we need to have a serious debate about indexing our state portion of the gasoline tax to support transportation funding in Texas. The rate of growth in our state suggests that we need to act quickly to secure our future transportation needs. However, the amendment offered by Representative Krusee was not thoroughly vetted before being offered. I would rather take the time to carefully consider gas-indexing legislation than make an off-the-cuff decision on such a major issue.

Castro

Amendment No. 5

Representative Martinez Fischer offered the following amendment to **SB 1886**:

Amend **SB 1886** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION _____. (a) Subchapter B, Chapter 162, Tax Code, is amended by adding Section 162.1021 to read as follows:

Sec. 162.1021. TEMPORARY REDUCTION IN TAX RATE. (a) Notwithstanding any other provision of this chapter, the tax imposed by this subchapter is reduced from 20 cents for each net gallon or fractional part on which the tax is imposed under Section 162.101 to zero cents for each net gallon or fractional part on which the tax is imposed under Section 162.101.

(b) A distributor or dealer who makes sales of gasoline at retail shall decrease the price of gasoline sold during the period in which this section is in effect to reflect the reduction in the tax. If a distributor or dealer paid tax on the gasoline sold during that period, the distributor or dealer is entitled to a credit or refund of the amount of taxes paid.

(c) If a distributor or dealer fails to decrease the price of gasoline as required by Subsection (b), the person is liable to the comptroller for a penalty in an amount equal to the total amount the person collected from the sale of gasoline during the period this section is in effect in excess of the amount the person should have collected during that period.

(d) A distributor or dealer who fails to decrease the price of gasoline as required by Subsection (a) commits an offense. An offense under this section is a Class B misdemeanor.

(e) The comptroller shall adopt rules to implement this section.

(f) The attorney general's office shall investigate a complaint relating to a violation of this section and may petition a district court for appropriate remedies.

(b) This section expires on the ninety-first day following the effective date of this section.

(c) Notwithstanding any other provision of this Act, this section takes effect immediately if this Act receives a vote of two-thirds of all members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for this section to take effect immediately, this section takes effect on the 91st day after the last day of the legislative session.

SECTION _____. There is appropriated from the general revenue fund for the state fiscal year beginning September 1, 2007, an amount sufficient to reimburse the available school fund and the state highway fund for the amount of revenue the state does not collect from the temporary decrease in the state gasoline tax required by Section 162.1021, Tax Code.

LEAVE OF ABSENCE GRANTED

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

Kolkhorst on motion of Geren.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Solomons requested permission for the Committee on Financial Institutions to meet while the house is in session, 4:30 p.m. today, in 3W.9, for a formal meeting, to consider pending legislation.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Financial Institutions, 4:30 p.m. today, 3W.9, for a formal meeting, to consider pending legislation.

FIVE DAY POSTING RULE SUSPENDED

Representative Puente moved to suspend the five day posting rule to allow the Committee on Natural Resources to consider **SB 401**, **SB 1271**, **SB 1526**, and **SB 1762** at 8 a.m. tomorrow in E2.012.

The motion prevailed.

SB 1886 - (consideration continued)

A record vote was requested.

Amendment No. 5 was adopted by (Record 1065): 118 Yeas, 16 Nays, 3 Present, not voting.

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

Nays — Crabb; Driver; Elkins; England; Harless; Hartnett; Hill; Jackson; Krusee; Orr; Patrick; Riddle; Ritter; Smith, T.; Strama; Truitt.

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

Absent, Excused — Gattis; Kolkhorst; Moreno.

Absent — Callegari; Cook, B.; Hardcastle; Jones; Kuempel; Merritt; Mowery; Pierson; Quintanilla; Smithee.

STATEMENTS OF VOTE

When Record No. 1065 was taken, I was in the house but away from my desk. I would have voted yes.

Callegari

I was shown voting no on Record No. 1065. I intended to vote yes.

England

I was shown voting yes on Record No. 1065. I intended to vote no.

Pickett

When Record No. 1065 was taken, my vote failed to register. I would have voted yes.

Pierson

When Record No. 1065 was taken, I was temporarily out of the house chamber. I would have voted yes.

Quintanilla

I was shown voting no on Record No. 1065. I intended to vote yes.

Strama

I was shown voting yes on Record No. 1065. I intended to vote no.

Woolley

Amendment No. 6

Representative Villarreal offered the following amendment to **SB 1886**:

Amend **SB 1886** as follows:

(1) On page 11, strike lines 9 through 12 and substitute the following:

(3) sold to a commercial transportation company or a metropolitan rapid transit authority operating under Chapter 451, Transportation Code, that provides public school transportation services to a school district under Section 34.008, Education Code, and that uses the gasoline only to provide those services;

(2) On page 15, line 24, between "is amended by" and "adding", insert "amending Subsection (a) and".

(3) On page 15, between lines 25 and 26, insert the following:

(a) A license holder may take a credit on a return for the period in which the sale occurred if the license holder paid tax on the purchase of gasoline and subsequently resells the gasoline without collecting the tax to:

(1) the United States government for its exclusive use, provided that a credit is not allowed for gasoline used by a person operating under contract with the United States;

(2) a public school district in this state for the district's exclusive use;

(3) an exporter licensed under this subchapter if the seller is a licensed supplier or distributor and the exporter subsequently exports the gasoline to another state;

(4) a licensed aviation fuel dealer if the seller is a licensed distributor;

or

(5) a commercial transportation company or a metropolitan rapid transit authority operating under Chapter 451, Transportation Code, that provides public school transportation services to a school district under Section 34.008, Education Code, and that uses the gasoline exclusively to provide those services.

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

SECTION _____. Subchapter B, Chapter 162, Tax Code, is amended by adding Section 162.1275 to read as follows:

Sec. 162.1275. REFUND FOR CERTAIN METROPOLITAN RAPID TRANSIT AUTHORITIES. (a) Except as otherwise provided by this section, a metropolitan rapid transit authority operating under Chapter 451, Transportation Code, that is a party to a contract governed by Section 34.008, Education Code, is entitled to a refund of taxes paid under this subchapter for gasoline used to provide services under the contract and may file a refund claim with the comptroller for the amount of those taxes.

(b) The refund claim under Subsection (a) must contain information regarding:

- (1) vehicle mileage;
- (2) hours of service provided;
- (3) fuel consumed;
- (4) the total number of student passengers per route; and
- (5) the total number of non-student passengers per route.

(c) If in any month of a school year the number of non-student passengers is greater than five percent of the total passengers for any single route under a contract governed by Section 34.008, Education Code, the metropolitan rapid transit authority is not entitled to a refund of taxes paid under this subchapter for the route for that month.

(d) A metropolitan rapid transit authority that requests a refund under this section shall maintain all supporting documentation relating to the refund until the sixth anniversary of the date of the request.

(5) Strike page 18, line 25 through page 19, line 1 and substitute the following:

(3) diesel fuel sold to a commercial transportation company or a metropolitan rapid transit authority operating under Chapter 451, Transportation Code, that provides public school transportation services to a school district under Section 34.008, Education Code, and that uses the diesel fuel only to provide those services;

(6) On page 26, line 21, between "is amended by" and "adding", insert "amending Subsection (a) and".

(7) On page 26, between lines 22 and 23, insert the following:

(a) A license holder may take a credit on a return for the period in which the sale occurred if the license holder paid tax on the purchase of diesel fuel and subsequently resells the diesel fuel without collecting the tax to:

- (1) the United States government for its exclusive use, provided that a credit is not allowed for gasoline used by a person operating under a contract with the United States;
- (2) a public school district in this state for the district's exclusive use;
- (3) an exporter licensed under this subchapter if the seller is a licensed supplier or distributor and the exporter subsequently exports the diesel fuel to another state;
- (4) a licensed aviation fuel dealer if the seller is a licensed distributor;

or

(5) a commercial transportation company or a metropolitan rapid transit authority operating under Chapter 451, Transportation Code, that provides public school transportation services to a school district under Section 34.008, Education Code, and that uses the diesel fuel exclusively to provide those services.

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

SECTION _____. Subchapter C, Chapter 162, Tax Code, is amended by adding Section 162.2275 to read as follows:

Sec. 162.2275. REFUND FOR CERTAIN METROPOLITAN RAPID TRANSIT AUTHORITIES. (a) Except as otherwise provided by this section, a metropolitan rapid transit authority operating under Chapter 451, Transportation Code, that is a party to a contract governed by Section 34.008, Education Code, is entitled to a refund of taxes paid under this subchapter for diesel fuel used to provide services under the contract and may file a refund claim with the comptroller for the amount of those taxes.

(b) The refund claim under Subsection (a) must contain information regarding:

- (1) vehicle mileage;
- (2) hours of service provided;
- (3) fuel consumed;
- (4) the total number of student passengers per route; and
- (5) the total number of non-student passengers per route.

(c) If in any month of a school year the number of non-student passengers is greater than five percent of the total passengers for any single route under a contract governed by Section 34.008, Education Code, the metropolitan rapid transit authority is not entitled to a refund of taxes paid under this subchapter for the route for that month.

(d) A metropolitan rapid transit authority that requests a refund under this section shall maintain all supporting documentation relating to the refund until the sixth anniversary of the date of the request.

SECTION _____. Section 162.3021(b), Tax Code, is amended to read as follows:

(b) Subject to Section 162.3022, the ~~The~~ tax imposed by this subchapter does not apply to the sale of liquefied petroleum gas to a commercial transportation company or a metropolitan rapid transit authority operating under Chapter 451, Transportation Code, that uses the gas exclusively to provide public school transportation services to a school district under Section 34.008, Education Code, or to the use of liquefied petroleum gas by that company for that purpose. A motor vehicle that uses liquefied petroleum gas and that is owned by a commercial transportation company or a metropolitan rapid transit authority operating under Chapter 451, Transportation Code, and used exclusively to provide public school transportation services to a school district under Section 34.008, Education Code, is not required to have a liquefied gas tax decal or a special use liquefied gas tax decal.

SECTION _____. Subchapter D, Chapter 162, Tax Code, is amended by adding Section 162.3022 to read as follows:

Sec. 162.3022. EXCLUSIVE USE FOR CERTAIN METROPOLITAN RAPID TRANSIT AUTHORITIES. (a) This section applies to a metropolitan rapid transit authority operating under Chapter 451, Transportation Code, that is a party to a contract governed by Section 34.008, Education Code, that is not required under Section 162.3021 to have a liquefied gas tax decal or a special use liquefied gas tax decal for liquefied gas used to provide services under the contract.

(b) If in any month of a school year the number of non-student passengers is greater than five percent of the total passengers for any single route under a contract governed by Section 34.008, Education Code, the metropolitan rapid transit authority is liable for the tax under this subchapter in an amount that is prorated for that month.

(c) The metropolitan rapid transit authority shall maintain the following supporting documentation relating to the services provided under the contract until the sixth anniversary of the date of the services provided:

- (1) vehicle mileage;
- (2) hours of service provided;
- (3) fuel consumed;
- (4) the total number of student passengers per route; and
- (5) the total number of non-student passengers per route.

(d) The comptroller may adopt rules to implement this section.

Amendment No. 6 was adopted.

Amendment No. 7

Representative Ritter offered the following amendment to **SB 1886**:

Amend **SB 1886** (house committee printing) by adding the following appropriately numbered SECTION to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION 1. Section 162.227, Tax Code, is amended by adding Subsections (c-1), (c-2), and (d-1) to read as follows:

(c-1) A license holder may take a credit on a return for the period in which the purchase occurred, and a person who does not hold a license under this subchapter may file a refund claim with the comptroller, if the license holder or person paid tax on diesel fuel and the diesel fuel is used in this state:

- (1) as a feedstock in the manufacturing of tangible personal property for resale not as a motor fuel; or
- (2) in a medium for the removal of drill cuttings from a well bore in the production of oil or gas.

(c-2) A license holder may take a credit on a return for the period in which the purchase occurred, and a person who does not hold a license may file a refund claim with the comptroller, if:

- (1) the license holder or person paid tax on diesel fuel;
- (2) the diesel fuel is used in this state by moveable specialized equipment used in oil field well servicing; and

(3) the person who purchased the diesel fuel has received or is eligible to receive a federal diesel fuel tax refund under the Internal Revenue Code of 1986 for the diesel fuel used by moveable specialized equipment used in oil field well servicing.

(d-1) A license holder may take a credit on a return for the period in which the purchase occurred, and a person who does not hold a license may file a refund claim with the comptroller, if the license holder or person paid tax on diesel fuel and the diesel fuel is used in this state by auxiliary power units or power take-off equipment on any motor vehicle. If the quantity of that diesel fuel can be accurately measured while the motor vehicle is stationary by any metering or other measuring device or method designed to measure the fuel separately from fuel used to propel the motor vehicle, the comptroller may approve and adopt the use of the device as a basis for determining the quantity of diesel fuel consumed in those operations for a tax credit or tax refund. If there is no separate metering device or other approved measuring method, the license holder may take the credit and the person who does not hold a license may claim the refund on a percentage of the diesel fuel consumed by each motor vehicle equipped with an auxiliary power unit or power take-off equipment. The comptroller shall determine the percentage of the credit or refund. The climate-control air conditioning or heating system of a motor vehicle that has a primary purpose of providing for the convenience or comfort of the operator or passengers is not a power take-off system, and a credit or refund may not be allowed for the tax paid on any portion of the diesel fuel that is used for that purpose. A credit or refund may not be allowed for the diesel fuel tax paid on that portion of the diesel fuel that is used for idling.

Amendment No. 7 was adopted.

Amendment No. 8

Representative Miller offered the following amendment to **SB 1886**:

Amend **SB 1886** (house committee printing) by adding the following appropriately numbered section and renumbering the remaining sections of the bill accordingly:

SECTION _____. Section 1(3), Chapter 1033, Acts of the 71st Legislature, Regular Session, 1989 (Article 8614, Vernon's Texas Civil Statutes), is amended to read as follows:

(3) "Motor fuel" has the meaning given that term by Section 162.001 [~~153.001~~], Tax Code.

Amendment No. 8 was adopted.

Amendment No. 9

Representative Hilderbran offered the following amendment to **SB 1886**:

Amend **SB 1886** by adding the following appropriately numbered SECTIONS to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 162.502(b), Tax Code, is amended to read as follows:

(b) The comptroller shall allocate and deposit these unclaimed refunds as follows:

(1) 25 percent of the revenues based on unclaimed refunds of taxes paid on motor fuel used in motorboats shall be deposited to the credit of the available school fund; and

(2) the remaining 75 percent of the revenue shall be deposited to the credit of the state parks account under Section 11.035, Parks and Wildlife Code [~~general revenue fund~~].

SECTION _____. Section 162.5025(b), Tax Code, is amended to read as follows:

(b) The comptroller shall allocate to the off-highway vehicle trail and recreational area account under Section 11.046, Parks and Wildlife Code [~~general revenue fund~~] the amount determined under Subsection (a)(2).

SECTION _____. Section 162.502(c), Tax Code, is repealed.

Amendment No. 9 was adopted.

SB 1886, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 3320 - LAID ON THE TABLE SUBJECT TO CALL

Representative Keffer moved to lay **HB 3320** on the table subject to call.

The motion prevailed.

CSSB 377 ON SECOND READING (Chisum - House Sponsor)

CSSB 377, A bill to be entitled An Act relating to the electronic payment of certain taxes and the electronic filing of certain reports.

CSSB 377 was considered in lieu of **HB 1015**.

CSSB 377 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 1015 - LAID ON THE TABLE SUBJECT TO CALL

Representative Chisum moved to lay **HB 1015** on the table subject to call.

The motion prevailed.

POSTPONED BUSINESS

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

SB 103 ON THIRD READING**(Madden, Hochberg, McReynolds, Haggerty, Jones, et al. - House Sponsors)**

SB 103, A bill to be entitled An Act relating to the Texas Youth Commission and the prosecution of certain offenses and delinquent conduct in the Texas Youth Commission and certain other criminal justice agencies; providing penalties.

SB 103 was read third time earlier today and was postponed until this time.

Amendment No. 1

Representative Truitt offered the following amendment to **SB 103**:

Amend **SB 103** on third reading as follows:

(1) Strike the SECTIONS of the bill that amend Sections 811.001(9), 814.104(b), and 815.505, Government Code, (SECTIONS 13, 14, 15, house committee printing).

(2) Strike the SECTION of the bill requiring Texas Youth Commission to certify to the Employees Retirement System of Texas the names of certain persons (SECTION 45, house committee printing).

Representative Madden moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 1066): 92 Yeas, 43 Nays, 2 Present, not voting.

Yeas — Alonzo; Anderson; Aycock; Berman; Bohac; Bolton; Brown, B.; Brown, F.; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Corte; Crabb; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Eissler; Elkins; England; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hamilton; Hardcastle; Harless; Hartnett; Heflin; Herrero; Hilderbran; Hill; Hochberg; Hodge; Howard, C.; Howard, D.; Jones; Keffer; King, T.; Kuempel; Laubenberg; Leibowitz; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miles; Miller; Noriega; Oliveira; Olivo; Orr; Ortiz; Otto; Paxton; Peña; Phillips; Pickett; Quintanilla; Raymond; Riddle; Rose; Smith, W.; Smithee; Straus; Swinford; Talton; Thompson; Turner; Van Arsdale; Veasey; Vo; West; Woolley; Zedler.

Nays — Anchia; Bailey; Bonnen; Burnam; Callegari; Cook, R.; Creighton; Crownover; Delisi; Driver; Dutton; Eiland; Frost; Garcia; Goolsby; Haggerty; Hancock; Harper-Brown; Homer; Hopson; Isett; Jackson; King, P.; Krusee; Latham; Macias; McClendon; Morrison; Murphy; O'Day; Parker; Patrick; Pierson; Pitts; Ritter; Rodriguez; Smith, T.; Solomons; Strama; Taylor; Truitt; Vaught; Zerwas.

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

Absent, Excused — Gattis; Kolkhorst; Moreno.

Absent — Allen; Farias; Hernandez; Hughes; King, S.; Lucio; Mowery; Naishtat; Puente; Villarreal.

STATEMENT OF VOTE

When Record No. 1066 was taken, my vote failed to register. I would have voted yes.

S. King

MESSAGE FROM THE SENATE

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

SB 103 - (consideration continued)

A record vote was requested.

SB 103 was passed by (Record 1067): 141 Yeas, 0 Nays, 3 Present, not voting.

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

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

Absent, Excused — Gattis; Kolkhorst; Moreno.

Absent — Farias; King, S.; Mowery.

STATEMENT OF VOTE

When Record No. 1067 was taken, my vote failed to register. I would have voted yes.

S. King

SB 561 ON THIRD READING (Smithee - House Sponsor)

SB 561, A bill to be entitled An Act relating to the subrogation interests of certain political subdivisions or insurance carriers providing reinsurance for subdivisions.

SB 561 was read third time earlier today and was postponed until this time.

A record vote was requested.

SB 561 was passed by (Record 1068): 139 Yeas, 2 Nays, 2 Present, not voting.

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

Nays — Herrero; Leibowitz.

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

Absent, Excused — Gattis; Kolkhorst; Moreno.

Absent — Mowery; Raymond; Solomons; Villarreal.

STATEMENT OF VOTE

When Record No. 1068 was taken, I was in the house but away from my desk. I would have voted yes.

Raymond

MAJOR STATE CALENDAR (consideration continued)

CSHB 3319 ON SECOND READING (by Keffer)

CSHB 3319, A bill to be entitled An Act relating to the sales and use tax.

Amendment No. 1

Representative Truitt offered the following amendment to **CSHB 3319**:

Section _____. Section 151.006, Tax Code, is amended as follows:

Section 151.006. "SALE FOR RESALE". (a) "Sale for resale" means a sale of:

(1) tangible personal property or a taxable service to a purchaser who acquires the property or service for the purpose of reselling it in the United States of America or a possession or territory of the United States of America or in the United Mexican States in the normal course of business in the form or condition in which it is acquired or as an attachment to or integral part of other tangible personal property or a taxable service;

(2) tangible personal property to a purchaser for the sole purpose of the purchaser's leasing or renting it in the United States of America or a possession or territory of the United States of America or in the United Mexican States in the normal course of business to another person, but not if incidental to the leasing or renting of real estate;

(3) tangible personal property to a purchaser who acquires the property for the purpose of transferring it in the United States of America or a possession or territory of the United States of America or in the United Mexican States as an integral part of a taxable service; or

(4) a taxable service performed on tangible personal property that is held for sale by the purchaser of the taxable service.

(b) Subsection (a)(3) applies to a transfer of a wireless voice communication device as an integral part of a taxable service, regardless of whether there is a separate charge for the wireless voice communication device or whether the purchaser is the provider of the taxable service, if payment for the service is a condition for receiving the wireless voice communication device.

Amendment No. 1 was adopted.

Amendment No. 2

Representative McReynolds offered the following amendment to **CSHB 3319**:

Amend **CSHB 3319** by adding the following appropriately numbered section and renumbering the remaining sections of the bill accordingly:

SECTION ____ . Section 151.0048, Tax Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) "Real property service" does not include a service listed under Subsection (a) if the service is performed by a landman and is necessary to negotiate or secure land or mineral rights for acquisition or trade, including:

(1) determining ownership;

(2) negotiating a trade or agreement regarding land or mineral rights;

(3) drafting and administering contractual agreements;

(4) ensuring that all governmental regulations are complied with; and

(5) any other action necessary to complete the transaction related to a service described by this subsection, other than an information service described by Section 151.0038.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Isett offered the following amendment to **CSHB 3319**:

Amend **CSHB 3319** (house committee printing) by adding the following appropriately numbered SECTIONS to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION _____. (a) Section 151.007, Tax Code, is amended by adding Subsection (f) to read as follows:

(f) The sales price of telecommunications services does not include the following assessments and fees, if the assessment or fee is passed through to the purchaser of the service:

(1) the utility gross receipts assessment imposed under Subchapter A, Chapter 16, Utilities Code;

(2) the state universal service fund assessment imposed under Subchapter B, Chapter 56, Utilities Code;

(3) the federal universal service fund charge;

(4) the telecommunications infrastructure fund assessment imposed under Subchapter C, Chapter 57, Utilities Code; or

(5) a municipal franchise fee or right-of-way fee authorized by Chapter 283, Local Government Code.

(b) Notwithstanding any other provision of this Act, this section takes effect September 1, 2007.

SECTION _____. (a) Section 152.041(a), Tax Code, is amended to read as follows:

(a) The tax assessor-collector of the county in which an application for registration or for a Texas certificate of title is made shall collect taxes imposed by this chapter ~~subject to Section 152.0412,~~ unless another person is required by this chapter to collect the taxes.

(b) Sections 152.002(f), 152.0412, and 152.1222, Tax Code, are repealed.

(c) The standard presumptive values for motor vehicles established as provided by Section 152.0412, Tax Code, have no effect on and after the effective date of this section.

(d) Notwithstanding any other provision of this Act, this section takes effect September 1, 2007.

Amendment No. 3 - Point of Order

Representative Dunnam raised a point of order against further consideration of Amendment No. 3 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The chair sustained the point of order.

The ruling precluded further consideration of Amendment No. 3.

Amendment No. 4

Representative Dunnam offered the following amendment to **CSHB 3319**:

Amend **CSHB 3319** by inserting an appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subchapter C, Chapter 151, is amended by adding Section 151.0511 to read as follows:

Sec. 151.0511. INCREASE IN RATE REQUIRES TWO-THIRDS MAJORITY OF LEGISLATURE. Notwithstanding any other provision of this chapter, any increase in the sales tax rate imposed under Section 151.051 requires a two-thirds vote of all the members elected to each house of the legislature.

Amendment No. 4 - Point of Order

Representative Isett raised a point of order against further consideration of Amendment No. 4 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The chair sustained the point of order.

The ruling precluded further consideration of Amendment No. 4.

Amendment No. 5

Representative McCall offered the following amendment to **CSHB 3319**:

Amend **CSHB 3319** by adding the following appropriately numbered SECTION to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION _____. (a) Section 151.318(b), Tax Code, is amended to read as follows:

(b) The exemption includes:

(1) chemicals, catalysts, and other materials that are used during a manufacturing, processing, or fabrication operation to produce or induce a chemical or physical change, to remove impurities, or to make the product more marketable;

(2) semiconductor fabrication cleanrooms and equipment; and

(3) pharmaceutical biotechnology cleanrooms and equipment that are installed as part of the construction of a new facility [~~with a value of at least \$150 million and~~] on which construction began after July 1, 2003[~~and before August 31, 2004~~].

(b) Notwithstanding any other provision of this Act, this section takes effect July 1, 2007, if this Act receives a vote of two-thirds of all members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for effect on that date, this section takes effect September 1, 2007.

Amendment No. 5 was adopted.

CSHB 3319, 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 428 ON SECOND READING
(by Madden)

CSHB 428, A bill to be entitled An Act relating to the authority of the inspector general of the Texas Department of Criminal Justice to issue administrative subpoenas for certain communication records.

CSHB 428 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.)

(Bonnen in the chair)

LEAVE OF ABSENCE GRANTED

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

Branch on motion of Geren.

CSHB 3315 ON SECOND READING (by Keffer)

CSHB 3315, A bill to be entitled An Act relating to the imposition and collection of certain insurance taxes and the adoption of certain reciprocal or multistate agreements relating to those taxes.

CSHB 3315 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 3418 ON SECOND READING (by Guillen, Chavez, Pickett, and Leibowitz)

HB 3418, A bill to be entitled An Act relating to state grants for student clubs in high schools that serve students at risk of dropping out of school.

HB 3418 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, Berman, Callegari, Flynn, Harper-Brown, Murphy, and Taylor recorded voting no.)

CSHB 438 ON SECOND READING (by Hochberg and Crabb)

CSHB 438, A bill to be entitled An Act relating to the limitation on the maximum percentage increase in the appraised value of a residence homestead for ad valorem taxation.

Amendment No. 1

Representative Hochberg offered the following amendment to **CSHB 438**:

Amend **CSHB 438** by striking SECTIONS 2 and 3 of the bill and substituting the following:

SECTION 2. This Act applies only to the appraisal of a residence homestead for ad valorem taxation for a tax year that begins on or after the effective date of this Act.

SECTION 3. This Act takes effect January 1, 2008, but only if the constitutional amendment proposed by the 80th Legislature, Regular Session, 2007, authorizing the legislature to provide that the maximum appraised value of a residence homestead for ad valorem taxation is limited to the lesser of the most recent market value of the residence homestead as determined by the appraisal entity or 110 percent, or a greater percentage, of the appraised value of the residence homestead for the preceding tax year is approved by the voters. If that amendment is not approved by the voters, this Act has no effect.

Amendment No. 1 was adopted.

Representative Hochberg moved to postpone consideration of **CSHB 438** until 5:30 p.m. today.

The motion prevailed.

CSSB 242 ON SECOND READING
(Chisum - House Sponsor)

CSSB 242, A bill to be entitled An Act relating to the transfer to the State Office of Administrative Hearings of contested cases involving the collection, receipt, administration, and enforcement of state taxes and fees by the comptroller.

CSSB 242 was considered in lieu of **HB 593**.

Amendment No. 1

Representative Truitt offered the following amendment to **CSSB 242**:

Amend **CSSB 242** by striking Section 2003.102 and substituting the following:

Sec. 2003.102. SUNSET PROVISION. (a) The tax division is subject to Chapter 325 (Texas Sunset Act).

(b) The Sunset Advisory Commission shall evaluate the tax division and present to the 82nd Legislature a report on that evaluation and the commission's recommendations in relation to the tax division.

(c) During the regular legislative session at which the commission presents its report and recommendations, the legislature by law may continue the tax division as provided by that chapter. If the tax division is not continued in existence as provided by that chapter, the tax division is abolished and this subchapter and Section 111.00455, Tax Code, expire on September 1 of the odd-numbered year in which the regular legislative session occurred.

Amendment No. 1 was adopted.

CSSB 242, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 593 - LAID ON THE TABLE SUBJECT TO CALL

Representative Chisum moved to lay **HB 593** on the table subject to call.

The motion prevailed.

CSHB 1066 ON SECOND READING

(by Delisi)

CSHB 1066, A bill to be entitled An Act relating to health information technology and the creation of the Texas Health Services Authority.

Amendment No. 1

Representative Strama offered the following amendment to **CSHB 1066**:

Amend **CSHB 1066** as follows:

- (1) On page 10, line 2, between "creation" and "of" insert "and support".
- (2) On page 10, line 3, strike "and".
- (3) On page 10, between lines 5 and 6, insert the following:

(D) sharing intellectual property developed under Section 182.104;

(E) waiving the corporation's fees associated with intellectual property, data, expertise, and other services or materials provided to regional health information exchanges operated on a nonprofit basis; and

(F) applying operational and technical standards developed by the corporation to existing health information exchanges only on a voluntary basis, except for standards related to ensuring effective privacy and security of individually identifiable health information;

Amendment No. 1 was adopted.

CSHB 1066, 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 1517 ON SECOND READING

(by Paxton, Bailey, Flynn, Eiland, et al.)

CSHB 1517, A bill to be entitled An Act relating to the reporting of expenditures for lobbying and legislative communication by local governmental entities.

CSHB 1517 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of **CSHB 1517** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The chair sustained the point of order.

CSHB 1517 was returned to the Committee on State Affairs.

CSHB 1756 ON SECOND READING
(by Madden and Peña)

CSHB 1756, A bill to be entitled An Act relating to the grade of offense for which a person may be committed to the Texas Youth Commission and the termination of control of persons committed to the Texas Youth Commission.

(S. King in the chair)

(Moreno now present)

Representative Madden moved to postpone consideration of **CSHB 1756** until 10 a.m. Friday, June 1.

The motion prevailed.

CSHB 2238 ON SECOND READING
(by Eissler, Murphy, Hochberg, Woolley, and Branch)

CSHB 2238, A bill to be entitled An Act relating to the establishment of the Texas Education Data System (TEDS).

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

(Speaker in the chair)

CSHB 2238 - (consideration continued)

Amendment No. 1

Representative Eissler offered the following amendment to **CSHB 2238**:

Amend **CSHB 2238** as follows:

(1) On page 2, line 10, strike "or".

(2) On page 2, line 11, strike the period and substitute "; or".

(3) On page 2, between lines 11 and 12, insert the following:

(E) a virtual educational system accredited by an education agency.

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

(5) On page 3, line 6, strike the period and substitute "; and".

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

(4) facilitate the collection of information used in the administration of educational institutions.

(7) On page 3, line 12, strike "board" and substitute "Department of Information Resources".

(8) On page 3, line 16, strike "board" and substitute "commissioner of education and commissioner of higher education".

(9) On page 3, between lines 21 and 22, insert the following:

(b) The commissioner of education and commissioner of higher education may implement the system on a pilot basis in one or more educational institutions before fully implementing the system as required by this section.

(10) On page 3, line 22, strike "(b)" and substitute "(c)".

(11) On page 4, strike line 4 and substitute "a board to design, develop, oversee, and monitor the implementation of the system and perform other functions authorized under this chapter."

(12) On page 4, lines 12 and 19, between "data systems" and the period, insert "or as researchers".

(13) On page 4, line 25, strike "two-year terms expiring February 1 of each odd-numbered year" and substitute "four-year terms expiring February 1, 2011, and February 1 of every fourth year thereafter".

(14) On page 5, line 7, strike "board" and substitute "commissioner of education and commissioner of higher education, with the assistance of the board."

(15) On page 5, line 15, strike "board" and substitute "commissioner of education and commissioner of higher education".

(16) On page 5, between lines 22 and 23, insert the following:

(d) The board shall ensure that the system is designed in a manner that:

(1) limits the extent to which education agencies and educational institutions are required to collect data separately from the collection of data for the system; and

(2) allows for longitudinal analysis and program evaluations through the system.

(17) On page 6, strike lines 12 through 14 and substitute the following:

(1) data for each educational institution concerning organization, personnel, budgetary and actual fiscal measures, and student and community demographics;

(18) On page 6, between lines 18 and 19, insert the following:

(3) a unique personal identification number for each student enrolled in and educator employed by an educational institution for the purpose of facilitating the connection of relevant data elements;

(19) On page 6, line 19, strike "(3)" and substitute "(4)".

(20) On page 6, line 21, strike "(4)" and substitute "(5)".

(21) On page 7, line 2, strike "and".

(22) On page 7, between lines 4 and 5, insert the following:

(iv) the student's performance on college preparation assessments and, to the extent applicable, end-of-degree or end-of-certificate assessments; and

(23) On page 7, line 12, between "39.023" and the semicolon, insert "and college preparation assessments".

(24) On page 7, between lines 25 and 26, insert the following:

(c) The board shall coordinate with the Texas State Data Center to include relevant data elements concerning community demographic characteristics in the system.

(d) The board shall ensure that the system includes flexible data fields so that the system can be used in the evaluation of programs at educational institutions.

(25) On page 10, line 21, strike "and".

(26) On page 10, line 23, strike the period and substitute "; and".

(27) On page 10, between lines 23 and 24, insert the following:

(3) may include incentives in board contracts to facilitate the receipt of timely delivery of services.

(28) On page 11, line 12, strike "board" and substitute "commissioner of education, the commissioner of higher education, and the board".

(29) On page 11, line 14, strike "board" and substitute "commissioner of education and commissioner of higher education".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Eissler offered the following amendment to **CSHB 2238**:

Amend **CSHB 2238** as follows:

(1) In SECTION 1 of the bill in Education Code Section 2.052 as added by the bill on page 4, line 10 strike "Five" and substitute "Three".

(2) In SECTION 1 of the bill in Education Code Section 2.052 as added by the bill on page 4, line 12 after the period insert "Two of the members appointed by the commissioner of education must have extensive experience in the field of public education curriculum and assessment."

(3) In Section 1 of the bill in Education Code Section 2.103(a)(4)(B) as added by the bill on page 7, line 19, strike the word "and".

(4) In SECTION 1 of the bill in Education Code Section 2.103(a)(4)(B) as added by the bill on page 7, line 22, strike the period and substitute a semi-colon followed by the word "and".

(5) In SECTION 1 of the bill in Education Code Section 2.103(a)(4)(B) as added by the bill after page 7, line 22, add a new subsection (viii) as follows: "(viii) demographic data for the student."

(6) In SECTION 1 of the bill in Education Code Section 2.103 as added by the bill after page 7, line 25, add a new subsection (c) as follows: "Any personally identifiable information collected under this section shall not be public information subject to disclosure under Chapter 552, Government Code."

(7) In SECTION 1 of the bill, strike Education Code Section 2.105(a) as added by the bill on page 8, lines 16 through 21, and substitute a new subsection (a) to read as follows:

(a) The board shall contract with one or more organizations with well-established peer-review processes to:

(1) develop recommendations, drawing from independently peer-reviewed research which is based upon empirical evidence and adheres to the basic principles of sound statistical analysis, for using the system to measure improvement in individual student achievement on assessment instruments administered under Section 39.023; and

(2) study the feasibility, reliability, and validity of using the measure of improvement in individual student achievement on assessment instruments in conducting evaluations and appraisal of educators employed by school districts and institutions of higher education or university systems. Results from the study must be based upon empirical evidence and published in scientific journals using independent peer review, and validity for this purpose must be established before

a student growth measure may be a required component of educator evaluation or appraisal. Any assessment instruments used as a basis for educator evaluations must be certified by the entity that develops the instruments as being validated and reliable for that purpose and independently verified by an impartial psychometrician as being valid for that purpose.

(8) In SECTION 1 of the bill in Education Code Section 2.105(b) as added by the bill page 8, line 26, after the words "district level" and the period add the words, "The methodology selected by the board must include advanced statistical methods that can fairly and accurately adjust for factors beyond the control of an educational institution or educator, including student demographics and community characteristics."

(9) In SECTION 1 of the bill, strike Education Code Section 2.105(c) as added by the bill on page 8, line 27 through page 9, line 3.

(10) In SECTION 1 of the bill in Education Code Section 2.151 as added by the bill after page 10, line 6, insert a new subsection (c) to read as follows: "(c) The board shall carry out its duties in accordance with Chapter 551, Government Code."

(11) In SECTION 1 of the bill in Education Code Section 21.153 as added by the bill on page 11, line 5, strike the word "may" after the words "The board" and substitute the word "shall".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Giddings offered the following amendment to **CSHB 2238**:

Amend **CSHB 2238** by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.023 to read as follows:

Sec. 37.023. REPORT RELATING TO CERTAIN OFFENSES COMMITTED BY CERTAIN STUDENTS. (a) In the manner required by the commissioner, each school district shall annually report to the commissioner information relating to an offense that does not involve the use of a weapon:

(1) committed by a student in kindergarten through grade five, during school hours, and on school property; and

(2) for which the student receives a citation.

(b) Conduct that must be reported under Subsection (a) includes only conduct that:

(1) is not harassment as defined by Section 37.001;

(2) occurs between two students;

(3) is not violent;

(4) involves open-handed physical contact; and

(5) is not intended to cause harm and is playful.

(c) The report required under Subsection (a) must include:

(1) the offense committed by the student;

(2) the age and sex of the student;

- (3) the grade level of the student; and
- (4) the campus to which the student is assigned.
- (d) The commissioner may adopt rules necessary to implement this section.

SECTION _____. Section 37.023, Education Code, as added by this Act, applies beginning with the 2007-2008 school year.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Hochberg offered the following amendment to **CSHB 2238**:

Amend **CSHB 2238** by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 29, Education Code, is amended by adding Section 29.066 to read as follows:

Sec. 29.066. PEIMS REPORTING REQUIREMENTS. (a) A school district that is required to offer bilingual education or special language programs shall include the following information in the district's Public Education Information Management System (PEIMS) report:

(1) demographic information, as determined by the commissioner, on students enrolled in district bilingual education or special language programs;

(2) the number and percentage of students enrolled in each instructional model of a bilingual education or special language program offered by the district; and

(3) the number and percentage of students identified as students of limited English proficiency who do not receive specialized instruction.

(b) For purposes of this section, the commissioner shall adopt rules to classify programs under this section as follows:

(1) if the program is a bilingual education program, the program must be classified under the Public Education Information Management System (PEIMS) report as:

(A) transitional bilingual/early exit: a bilingual program that serves students identified as students of limited English proficiency in both English and Spanish and transfers a student to English-only instruction not earlier than two or later than five years after the student enrolls in school;

(B) transitional bilingual/late exit: a bilingual program that serves students identified as students of limited English proficiency in both English and Spanish and transfers a student to English-only instruction not earlier than six or later than seven years after the student enrolls in school;

(C) dual language immersion/two-way: a biliteracy program that integrates students proficient in English and students identified as students of limited English proficiency in both English and Spanish and transfers a student identified as a student of limited English proficiency to English-only instruction not earlier than six or later than seven years after the student enrolls in school; or

(D) dual language immersion/one-way: a biliteracy program that serves only students identified as students of limited English proficiency in both English and Spanish and transfers a student to English-only instruction not earlier than six or later than seven years after the student enrolls in school; and

(2) if the program is a special language program, the program must be classified under the Public Education Information Management System (PEIMS) report as:

(A) English as a second language/content-based: an English program that serves students identified as students of limited English proficiency in English only by providing a full-time teacher certified under Section 29.061(c) to provide supplementary instruction for all content area instruction; or

(B) English as a second language/pull-out: an English program that serves students identified as students of limited English proficiency in English only by providing a part-time teacher certified under Section 29.061(c) to provide English language arts instruction exclusively, while the student remains in a mainstream instructional arrangement in the remaining content areas.

(c) If the school district has received a waiver and is not required to offer a bilingual education or special language program in a student's native language or if the student's parents have refused to approve the student's entry into a program as provided by Section 29.056, the program must be classified under the Public Education Information Management System (PEIMS) report as: no bilingual education or special language services provided.

SECTION _____. Section 39.027(e), Education Code, is amended to read as follows:

(e) The commissioner shall develop an assessment system that shall be used for evaluating the academic progress, including reading proficiency in English, of all students of limited English proficiency, as defined by Section 29.052. A student who is exempt from the administration of an assessment instrument under Subsection (a)(3) or (4) who achieves reading proficiency in English as determined by the assessment system developed under this subsection shall be administered the assessment instruments described by Sections 39.023(a) and (c). The performance under the assessment system developed under this subsection of students to whom Subsection (a)(3) or (4) applies shall be included in the academic excellence indicator system under Section 39.051, the performance report under Section 39.053, and the comprehensive annual report under Section 39.182. This information shall be provided in a manner that is disaggregated by the bilingual education or special language program, if any, in which the student is enrolled.

SECTION _____. Section 39.051, Education Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) Performance on the indicators described by Subsections (b)(1), (2), (3), (8), (9), and (14) must be based on longitudinal student data that is disaggregated by the bilingual education or special language program, if any, in which students of limited English proficiency, as defined by Section 29.052, are or former students of limited English proficiency were enrolled. If a student described by this subsection is not or was not enrolled in specialized language instruction, the number and percentage of those students shall be provided.

SECTION _____. Section 39.182, Education Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) Not later than December 1 of each year, the agency shall prepare and deliver to the governor, the lieutenant governor, the speaker of the house of representatives, each member of the legislature, the Legislative Budget Board, and the clerks of the standing committees of the senate and house of representatives with primary jurisdiction over the public school system a comprehensive report covering the preceding school year and containing:

(1) an evaluation of the achievements of the state educational program in relation to the statutory goals for the public education system under Section 4.002;

(2) an evaluation of the status of education in the state as reflected by the academic excellence indicators adopted under Section 39.051;

(3) a summary compilation of overall student performance on academic skills assessment instruments required by Section 39.023 with the number and percentage of students exempted from the administration of those instruments and the basis of the exemptions, aggregated by grade level, subject area, campus, and district, with appropriate interpretations and analysis, and disaggregated by race, ethnicity, gender, and socioeconomic status;

(4) a summary compilation of overall performance of students placed in a disciplinary alternative education program established under Section 37.008 on academic skills assessment instruments required by Section 39.023 with the number of those students exempted from the administration of those instruments and the basis of the exemptions, aggregated by district, grade level, and subject area, with appropriate interpretations and analysis, and disaggregated by race, ethnicity, gender, and socioeconomic status;

(5) a summary compilation of overall performance of students at risk of dropping out of school, as defined by Section 29.081(d), on academic skills assessment instruments required by Section 39.023 with the number of those students exempted from the administration of those instruments and the basis of the exemptions, aggregated by district, grade level, and subject area, with appropriate interpretations and analysis, and disaggregated by race, ethnicity, gender, and socioeconomic status;

(6) an evaluation of the correlation between student grades and student performance on academic skills assessment instruments required by Section 39.023;

(7) a statement of the dropout rate of students in grade levels 7 through 12, expressed in the aggregate and by grade level, and a statement of the completion rates of students for grade levels 9 through 12;

(8) a statement of:

(A) the completion rate of students who enter grade level 9 and graduate not more than four years later;

(B) the completion rate of students who enter grade level 9 and graduate, including students who require more than four years to graduate;

(C) the completion rate of students who enter grade level 9 and not more than four years later receive a high school equivalency certificate;

(D) the completion rate of students who enter grade level 9 and receive a high school equivalency certificate, including students who require more than four years to receive a certificate; and

(E) the number and percentage of all students who have not been accounted for under Paragraph (A), (B), (C), or (D);

(9) a statement of the projected cross-sectional and longitudinal dropout rates for grade levels 9 through 12 for the next five years, assuming no state action is taken to reduce the dropout rate;

(10) a description of a systematic, measurable plan for reducing the projected cross-sectional and longitudinal dropout rates to five percent or less for the 1997-1998 school year;

(11) a summary of the information required by Section 29.083 regarding grade level retention of students and information concerning:

(A) the number and percentage of students retained; and

(B) the performance of retained students on assessment instruments required under Section 39.023(a);

(12) information, aggregated by district type and disaggregated by race, ethnicity, gender, and socioeconomic status, on:

(A) the number of students placed in a disciplinary alternative education program established under Section 37.008;

(B) the average length of a student's placement in a disciplinary alternative education program established under Section 37.008;

(C) the academic performance of students on assessment instruments required under Section 39.023(a) during the year preceding and during the year following placement in a disciplinary alternative education program; and

(D) the dropout rates of students who have been placed in a disciplinary alternative education program established under Section 37.008;

(13) a list of each school district or campus that does not satisfy performance standards, with an explanation of the actions taken by the commissioner to improve student performance in the district or campus and an evaluation of the results of those actions;

(14) an evaluation of the status of the curriculum taught in public schools, with recommendations for legislative changes necessary to improve or modify the curriculum required by Section 28.002;

(15) a description of all funds received by and each activity and expenditure of the agency;

(16) a summary and analysis of the instructional expenditures ratios and instructional employees ratios of school districts computed under Section 44.0071;

(17) a summary of the effect of deregulation, including exemptions and waivers granted under Section 7.056 or 39.112;

(18) a statement of the total number and length of reports that school districts and school district employees must submit to the agency, identifying which reports are required by federal statute or rule, state statute, or agency rule, and a summary of the agency's efforts to reduce overall reporting requirements;

(19) a list of each school district that is not in compliance with state special education requirements, including:

(A) the period for which the district has not been in compliance;

(B) the manner in which the agency considered the district's failure to comply in determining the district's accreditation status; and

(C) an explanation of the actions taken by the commissioner to ensure compliance and an evaluation of the results of those actions;

(20) a comparison of the performance of open-enrollment charter schools and school districts on the academic excellence indicators specified in Section 39.051(b) and accountability measures adopted under Section 39.051(g), with a separately aggregated comparison of the performance of open-enrollment charter schools predominantly serving students at risk of dropping out of school, as defined by Section 29.081(d), with the performance of school districts;

(21) a summary of the information required by Section 38.0141 regarding student health and physical activity from each school district;

(22) a summary compilation of overall student performance under the assessment system developed to evaluate the longitudinal academic progress as required by Section 39.027(e), disaggregated by bilingual education or special language program instructional model, if any; and

(23) [(22)] any additional information considered important by the commissioner or the State Board of Education.

(b) In reporting the information required by Subsection (a)(3) or (4), the agency may separately aggregate the performance data of students enrolled in a special education program under Subchapter A, Chapter 29~~], or a bilingual education or special language program under Subchapter B, Chapter 29].~~

(b-1) In reporting the information required by Subsections (a)(3), (5), and (7), the agency shall separately aggregate the longitudinal performance data of all students identified as students of limited English proficiency, as defined by Section 29.052, or former students of limited English proficiency, disaggregated by bilingual education or special language program instructional model, if any, in which the students are or were enrolled.

SECTION _____. Section 42.006(c), Education Code, is amended to read as follows:

(c) Annually, the commissioner shall review the Public Education Information Management System and shall repeal or amend rules that require school districts to provide information through the Public Education Information Management System that is not necessary. In reviewing and revising the Public Education Information Management System, the commissioner shall develop rules to ensure that the system:

(1) provides useful, accurate, and timely information on student demographics and academic performance, personnel, and school district finances;

(2) contains only the data necessary for the legislature and the agency to perform their legally authorized functions in overseeing the public education system; and

(3) does not contain any information related to instructional methods, except as provided by Section 29.066 or required by federal law.

SECTION _____. Section 29.066, Education Code, as added by this Act, and Sections 39.027, 39.051, 39.182, and 42.006, Education Code, as amended by this Act, apply beginning with the 2008-2009 school year.

Amendment No. 4 was adopted.

CSHB 2238, 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.)

**ADDRESS BY REPRESENTATIVE MORENO
ON A MATTER OF PERSONAL PRIVILEGE**

The chair recognized Representative Moreno who addressed the house on a matter of personal privilege. [See supplement to today's house journal for text of Representative Moreno's speech.]

REMARKS ORDERED PRINTED

Representative Jones moved to print remarks by Representative Moreno.

The motion prevailed.

POSTPONED BUSINESS

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

(Rose in the chair)

**CSHB 438 ON SECOND READING
(by Hochberg and Crabb)**

CSHB 438, A bill to be entitled An Act relating to the limitation on the maximum percentage increase in the appraised value of a residence homestead for ad valorem taxation.

CSHB 438 was read second time earlier today, amendments were offered and disposed of, and **CSHB 438** was postponed until this time.

CSHB 438, 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.)

**MAJOR STATE CALENDAR
(consideration continued)**

**CSHB 1467 ON SECOND READING
(by Deshotel)**

CSHB 1467, A bill to be entitled An Act relating to reservations of the state ceiling and priority carryforward classifications for certain projects under the private activity bond allocation program.

Amendment No. 1

Representative Deshotel offered the following amendment to **CSHB 1467**:

Amend **CSHB 1467** (house committee printing) as follows:

(1) On page 2, between lines 8 and 9, insert:

(d) This section and Section 1372.063 do not give a priority to any project described by Subsection (b) for the purpose of selecting projects for reservations under Section 1372.022(b).

(2) On page 2, strike lines 21-26.

(3) On page 2, line 27, strike "SECTION 4." and substitute "SECTION 3."

Amendment No. 1 was adopted.

A record vote was requested.

CSHB 1467, as amended, was passed to engrossment by (Record 1069): 137 Yeas, 1 Nays, 2 Present, not voting.

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

Nays — Burnam.

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

Absent, Excused — Branch; Gattis; Kolkhorst.

Absent — Driver; Giddings; Goolsby; Krusee; Moreno; Mowery; Parker.

STATEMENT OF VOTE

When Record No. 1069 was taken, I was in the house but away from my desk. I would have voted yes.

Parker

CSHB 2508 ON SECOND READING (by P. King and Crabb)

CSHB 2508, A bill to be entitled An Act relating to the use of public resources to make communications that contain political messages; providing a criminal penalty.

CSHB 2508 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **CSHB 2508** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative P. King moved to postpone consideration of **CSHB 2508** until 6:45 p.m. today.

The motion prevailed.

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

Representative C. Howard moved to suspend all necessary rules to set a local, consent, and resolutions calendar for 9 a.m. Wednesday, May 9.

The motion prevailed.

On motion of Representative C. Howard and by unanimous consent, an addendum containing postponed bills from today's local, consent, and resolutions calendar was added to the above referenced calendar.

COMMITTEE GRANTED PERMISSION TO MEET

Representative C. Howard requested permission for the Committee on Local and Consent Calendars to meet while the house is in session, 6:45 p.m. today, in 3W.9, for a formal meeting, to set a calendar for Wednesday, May 9.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local and Consent Calendars, 6:45 p.m. today, 3W.9, for a formal meeting, to consider bills for tomorrow's calendar.

(Speaker in the chair)

**CSHB 1287 ON SECOND READING
(by Chisum, Flynn, Zerwas, Berman, Eissler, et al.)**

CSHB 1287, A bill to be entitled An Act relating to public school elective courses providing academic study of the Bible.

Amendment No. 1

Representative Chisum offered the following amendment to **CSHB 1287**:

Amend **CSHB 1287** by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.011 to read as follows:

Sec. 28.011. ELECTIVE COURSES ON THE BIBLE'S HEBREW SCRIPTURES (OLD TESTAMENT) AND NEW TESTAMENT AND THEIR IMPACT ON THE HISTORY AND LITERATURE OF WESTERN CIVILIZATION. (a) A school district shall offer to students in grade nine or above:

(1) an elective course on the Hebrew Scriptures (Old Testament) and its impact and an elective course on the New Testament and its impact; or

(2) an elective course that combines the courses described by Subdivision (1).

(b) The purpose of a course under this section is to:

(1) teach students knowledge of biblical content, characters, poetry, and narratives that are prerequisites to understanding contemporary society and culture, including literature, art, music, mores, oratory, and public policy; and

(2) familiarize students with, as applicable:

(A) the contents of the Hebrew Scriptures or New Testament;

(B) the history of the Hebrew Scriptures or New Testament;

(C) the literary style and structure of the Hebrew Scriptures or New Testament; and

(D) the influence of the Hebrew Scriptures or New Testament on law, history, government, literature, art, music, customs, morals, values, and culture.

(c) Notwithstanding Sections 28.002(c) and 31.022, respectively, for a course under this section, the State Board of Education or the agency may not:

(1) identify the essential knowledge and skills; or

(2) adopt textbooks under Chapter 31.

(d) The book or collection of books commonly known as the Hebrew Scriptures shall be used as the primary source textbook for a course on the Hebrew Scriptures. The book or collection of books commonly known as the New Testament shall be used as the primary source textbook for a course on the New Testament. A school district may select a supporting textbook or curriculum materials to accompany the primary source textbooks, and students may be assigned a range of reading materials for the courses, including selections from secular historical and cultural works and selections from religious and cultural traditions other than the Jewish and Christian traditions.

(e) A student may not be required to use a specific translation as the sole text of the Hebrew Scriptures or New Testament and may use as the basic textbook a different translation of the Hebrew Scriptures or New Testament from that chosen by the board of trustees of the student's school district or the student's teacher.

(f) A course offered under this section must be taught in an objective and nondevotional manner that does not attempt to indoctrinate students in any religion or nonreligious system of belief. Nothing in a course offered under this section is intended to violate any provision of the United States Constitution, federal law, or the Texas Constitution.

(g) A teacher of a course offered under this section is entitled to training in connection with the chosen curriculum at a level equal to that provided to teachers of other elective courses.

(h) For the purpose of a student earning credit for high school graduation, a school district shall grant one-half academic elective credit for satisfactory completion of a course on the Hebrew Scriptures, one-half academic elective credit for satisfactory completion of a course on the New Testament, and one-half academic elective credit for satisfactory completion of a combined course on both the Hebrew Scriptures and the New Testament. This subsection applies only to a course that is taught in strict compliance with this section.

(i) If, for a particular semester, fewer than 15 students at a school district campus register to enroll in a course required by this section, the district is not required to offer the course at that campus for that semester.

(j) This section does not prohibit the board of trustees of a school district from offering an elective course based on the books of a religion or society other than one with Jewish or Christian traditions. In determining whether to offer such a course, the board may consider various factors, including student and parent demand for such a course and the impact such books have had on history and culture.

SECTION 2. Section 28.002(a), Education Code, is amended to read as follows:

(a) Each school district that offers kindergarten through grade 12 shall offer, as a required curriculum:

(1) a foundation curriculum that includes:

- (A) English language arts;
- (B) mathematics;
- (C) science; and
- (D) social studies, consisting of Texas, United States, and world

history, government, and geography; and

(2) an enrichment curriculum that includes:

- (A) to the extent possible, languages other than English;
- (B) health, with emphasis on the importance of proper nutrition and exercise;
- (C) physical education;
- (D) fine arts;
- (E) economics, with emphasis on the free enterprise system and its

benefits;

(F) career and technology education; ~~and~~

(G) technology applications; and

(H) the Hebrew Scriptures (Old Testament) and New Testament and their impact on the history and literature of western civilization as provided by Section 28.011.

SECTION 3. A school district shall offer a course on the Hebrew Scriptures (Old Testament) and its impact and a course on the New Testament and its impact, or a combined course in those subjects, as required by Section 28.011, Education Code, as added by this Act, beginning with the 2007-2008 school year.

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

Representative Hochberg moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 1070): 79 Yeas, 59 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Aycocock; Bailey; Bolton; Burnam; Callegari; Castro; Chavez; Cohen; Coleman; Cook, R.; Creighton; Crownover; Darby; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Eissler; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Hardcastle; Harless; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Howard, D.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miles; Murphy; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Patrick; Pierson; Puente; Quintanilla; Raymond; Rodriguez; Rose; Strama; Straus; Taylor; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Nays — Anderson; Beran; Bohac; Bonnen; Brown, B.; Brown, F.; Chisum; Corte; Crabb; Davis, J.; Delisi; Driver; Elkins; Flynn; Haggerty; Hancock; Harper-Brown; Hartnett; Hilderbran; Hill; Hopson; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; King, T.; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; Merritt; Morrison; O'Day; Orr; Otto; Parker; Paxton; Peña; Phillips; Pickett; Pitts; Riddle; Ritter; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Gattis; Kolkhorst.

Absent — Christian; Cook, B.; Hamilton; Jones; King, S.; Miller; Moreno; Mowery.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1070. I intended to vote no.

Chavez

When Record No. 1070 was taken, I was in the house but away from my desk. I would have voted no.

Miller

(Branch, Gattis, and Kolkhorst now present)

A record vote was requested.

CSHB 1287 was passed to engrossment by (Record 1071): 146 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent — Moreno; Mowery.

CSHB 3314 ON SECOND READING
(by Keffer)

CSHB 3314, A bill to be entitled An Act relating to administration, collection, and enforcement of state taxes; providing penalties.

Amendment No. 1

Representative Keffer offered the following amendment to **CSHB 3314**:

Amend **CSHB 3314** (house committee printing) by striking SECTION 9 of the bill (page 7, line 24, through page 8, line 24), and renumbering subsequent SECTIONS accordingly.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Keffer offered the following amendment to **CSHB 3314**:

Amend **CSHB 3314** (house committee printing) on page 6, between lines 5 and 6, by inserting the following:

(c) To the extent the comptroller can verify and secure sufficient unencumbered assets of the corporation, association, or partnership to satisfy the liability, an individual's personal liability under Subsection (a) is limited to the amount by which the total tax, penalty, and interest due under this section exceed those assets.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Farabee offered the following amendment to **CSHB 3314**:

Amend **CSHB 3314** by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 201.203(a), Tax Code, is amended to read as follows:

(a) On or before the last day of each calendar month, each producer shall file a report with the comptroller on forms prescribed by the comptroller. The report must contain the following information concerning gas produced during the preceding calendar month:

(1) the gross amount of gas produced that is subject to the tax imposed by this chapter;

(2) the price per MMBtu received in payment for the gas;

(3) the leases from which the gas was produced;

(4) ~~(3)~~ the names and addresses of the first purchasers of the gas; and

(5) ~~(4)~~ other information the comptroller may reasonably require.

SECTION _____. Section 201.2035(a), Tax Code, is amended to read as follows:

(a) On or before the last day of each calendar month, each first purchaser must file a report with the comptroller on forms prescribed by the comptroller. The report must contain the following information concerning gas purchased from a producer during the preceding calendar month:

(1) the gross amount of gas purchased from each producer;

(2) the price per MMBtu paid for the gas;

(3) the leases from which the gas was produced; and

(4) other information the comptroller may reasonably require.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Keffer offered the following amendment to **CSHB 3314**:

Amend **CSHB 3314** (house committee printing) by striking SECTION 10 of the bill (page 8, line 25 through page 9, line 7), and renumbering subsequent SECTIONS accordingly.

Amendment No. 4 was withdrawn.

CSHB 3314, 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 3485 ON SECOND READING

(by S. King, Anchia, Kolkhorst, Eissler, et al.)

CSHB 3485, A bill to be entitled An Act relating to career and technical education provided by school districts and certain postsecondary institutions.

Amendment No. 1

Representative S. King offered the following amendment to **CSHB 3485**:

Amend **CSHB 3485** on page 5 by striking lines 9-16 and substituting the following:

(b-2) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student to comply with the curriculum requirements for a mathematics course under Subsection (b-1)(1) taken after the successful completion of an Algebra II course or science course under Subsection (b-1)(1) taken after the successful completion of a physics course by successfully completing an advanced career and technical course designated by the State Board of Education as containing substantively similar and rigorous academic content. A student may use the option provided by this subsection for not more than two courses.

Amendment No. 1 was adopted.

Amendment No. 2

Representatives Kolkhorst, Anchia, Hamilton, and Herrero offered the following amendment to **CSHB 3485**:

Amend **CSHB 3485** as follows:

(1) On page 5, between lines 16 and 17, add the following appropriately numbered SECTION to the bill:

SECTION _____. Section 42.154, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Notwithstanding any other provision of this section, the commissioner shall develop and implement a pilot program under which a school district is entitled to additional funding for each student receiving career and technology instruction in grade eight. The commissioner shall select not more than five school districts for participation in the pilot program. In selecting school districts for participation, the commissioner shall consider school districts that can provide services under the program at the least cost. For each full-time equivalent student in grade eight in average daily attendance in an approved career and technology education program, a school district participating in the program under this subsection is entitled to an annual allotment equal to the adjusted basic allotment multiplied by a weight of 1.35. Funds allocated under this subsection, other than an indirect cost allotment established under State Board of Education rule, must be used in providing career and technology programs in grade eight under Sections 29.182, 29.183, and 29.184. A school district is entitled to an allotment under this subsection for each school year through the completion of the 2011-2012 school year. Not later than January 1, 2013, the agency shall prepare and deliver to each member of the legislature a report describing the effectiveness of the pilot program described by this subsection. This subsection expires February 1, 2013.

(2) Renumber subsequent SECTIONS of the bill accordingly.

Amendment No. 2 was adopted.

CSHB 3485, 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 928 ON SECOND READING
(by J. Davis and Dunnam)

CSHB 928, A bill to be entitled An Act relating to the deadline for submitting a federal postcard application to the early voting clerk.

Amendment No. 1

Representative Burnam offered the following amendment to **CSHB 928**:

Amend **CSHB 928** as follows:

(1) On page 1, strike lines 10 through 14 and substitute the following:

(1) the applicant submits a federal postcard application to the early voting clerk on or before the 20th [~~30th~~] day before election day; and

(2) Strike page 2, line 11 through page 3, line 2, and substitute the following:

application made under Subsection (e):

(1) an application that does not contain a cancellation mark is considered to be timely if it is received by the early voting clerk on or before the 15th [~~22nd~~] day before election day; and

(2) if the 20th [~~30th~~] day before the date of an election is a Saturday, Sunday, or legal state or national holiday, an application is considered to be timely if it is submitted to the early voting clerk on or before the next regular business day.

Amendment No. 1 was adopted.

CSHB 928, 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 3826 ON SECOND READING
(by Morrison)

HB 3826, A bill to be entitled An Act relating to high school curriculum requirements for admission to public institutions of higher education.

Amendment No. 1

Representative Miles offered the following amendment to **HB 3826**:

Amend **HB 3826** by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Section 51.803, Education Code, is amended by adding Subsection (c) to read as follows:

(c) Each institution of higher education shall admit an applicant for admission to the institution as an undergraduate student if the applicant:

(1) is the child of a public servant listed in Section 615.003, Government Code, who was killed or sustained a fatal injury in the line of duty; and

(2) meets the minimum requirements, if any, established for purposes of this subsection by the governing board of the institution for high school or prior college-level grade point average and performance on standardized tests.

SECTION _____. Section 51.803(c), Education Code, as added by this Act, applies beginning with admissions to general academic teaching institutions for the 2008-2009 academic year. Admissions to a general academic teaching institution before that academic year are covered by the law in effect before the effective date of this Act, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted.

HB 3826, 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: Castro recorded voting no.)

CSHB 2828 ON SECOND READING
(by Taylor)

CSHB 2828, A bill to be entitled An Act relating to the release of a motor vehicle accident report or certain information in a motor vehicle accident report; providing penalties.

CSHB 2828 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **CSHB 2828** under Rule 4, Section 32(c)(4) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Taylor moved to postpone consideration of **CSHB 2828** until 8 p.m. today.

The motion prevailed.

CSHB 3281 ON SECOND READING
(by P. King, Gattis, Phillips, Smithee, and Hughes)

CSHB 3281, A bill to be entitled An Act relating to the recovery of medical or health care expenses in civil actions.

CSHB 3281 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 3696 ON SECOND READING**(by B. Brown)**

HB 3696, A bill to be entitled An Act relating to the validation of acts and proceedings of the Lake View Management and Development District and the division of the district into two or more new districts.

HB 3696 - RECOMMENDED

Representative B. Brown moved to recommit **HB 3696** to the Committee on Urban Affairs.

The motion prevailed.

CSHB 2656 ON SECOND READING**(by Parker, Homer, P. King, Hartnett, Rose, et al.)**

CSHB 2656, A bill to be entitled An Act relating to requiring that a driver's license, personal identification certificate, commercial driver's license, and commercial driver learner's permit issued by the Department of Public Safety state that the holder is a registered sex offender.

CSHB 2656 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.)

POSTPONED BUSINESS

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

CSHB 2508 ON SECOND READING**(by P. King and Crabb)**

CSHB 2508, A bill to be entitled An Act relating to the use of public resources to make communications that contain political messages; providing a criminal penalty.

CSHB 2508 was read second time earlier today and was postponed until this time.

CSHB 2508 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **CSHB 2508** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The speaker sustained the point of order.

CSHB 2508 was returned to the Committee on State Affairs.

MAJOR STATE CALENDAR**(consideration continued)****CSHB 2990 ON SECOND READING****(by Madden)**

CSHB 2990, A bill to be entitled An Act relating to use of certain electronic monitoring technology in certain correctional facilities by the Texas Department of Criminal Justice.

Amendment No. 1

Representative Madden offered the following amendment to **CSHB 2990**:

SECTION 1. In Section 1 of **CSHB 2990**, in Government Code, new Section 494.0111, add a new Subsection (e) to read as follows:

(e) this section does not apply to a jail owned or operated by a municipality.

Amendment No. 1 was adopted.

CSHB 2990, 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 1433 ON SECOND READING
(by Laubenberg and Madden)

CSHB 1433, A bill to be entitled An Act relating to audits, investigations, and reviews conducted by the Health and Human Services Commission's office of inspector general.

CSHB 1433 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 3851 ON SECOND READING
(by Morrison)

CSHB 3851, A bill to be entitled An Act relating to the admission of high school graduates and undergraduate transfer students to certain institutions of higher education, the computation of a student's high school grade point average for purposes of determining eligibility for admission, and policies to promote the admission of undergraduate transfer students.

Amendment No. 1

Representative Alonzo offered the following amendment to **CSHB 3851**:

Amend **CSHB 3851** (House committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. It is the intent of the legislature that each general academic teaching institution demonstrate by concrete action a commitment to providing full opportunities for postsecondary study and graduation from that institution by members of underrepresented groups using factors such as gender, geographic location, race, or ethnicity.

Amendment No. 1 was withdrawn.

CSHB 3851 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.)

REASON FOR VOTE

I support this legislation. However, I am concerned about the limited availability of advanced placement and dual credit courses in some school districts throughout Texas. We must look into this issue in the coming years.

Castro

CONSTITUTIONAL AMENDMENTS CALENDAR HOUSE JOINT RESOLUTIONS SECOND READING

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

HJR 37 ON SECOND READING (by McReynolds)

HJR 37, A joint resolution proposing a constitutional amendment to authorize a change in the manner of determining the amount of the exemption from ad valorem taxation to which a disabled veteran is entitled.

A record vote was requested.

HJR 37 was adopted by (Record 1072): 132 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent — Branch; Brown, B.; Driver; Gallego; Gonzales; Hamilton; Hartnett; Krusee; Kuempel; Miller; Moreno; Mowery; Parker; Paxton; Pierson; Smithee; Straus.

STATEMENTS OF VOTE

When Record No. 1072 was taken, I was in the house but away from my desk. I would have voted yes.

Branch

When Record No. 1072 was taken, I was in the house but away from my desk. I would have voted yes.

B. Brown

When Record No. 1072 was taken, my vote failed to register. I would have voted yes.

Gallego

When Record No. 1072 was taken, I was in the house but away from my desk. I would have voted yes.

Gonzales

When Record No. 1072 was taken, I was in the house but away from my desk. I would have voted yes.

Parker

CSHJR 40 ON SECOND READING
(by Hochberg and Crabb)

CSHJR 40, A joint resolution proposing a constitutional amendment authorizing the legislature to provide that the maximum appraised value of a residence homestead for ad valorem taxation is limited to the lesser of the most recent market value of the residence homestead as determined by the appraisal entity or 110 percent, or a greater percentage, of the appraised value of the residence homestead for the preceding tax year.

A record vote was requested.

CSHJR 40 was adopted by (Record 1073): 141 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent — Branch; Coleman; Hamilton; Latham; Moreno; Mowery; Paxton.

STATEMENT OF VOTE

When Record No. 1073 was taken, I was in the house but away from my desk. I would have voted yes.

Branch

CSHJR 90 ON SECOND READING

(by Keffer, Rose, Delisi, Morrison, Thompson, et al.)

CSHJR 90, A joint resolution proposing a constitutional amendment providing for the establishment of the Cancer Prevention and Research Institute of Texas and authorizing the issuance of general obligation bonds for the purpose of scientific research of all forms of human cancer.

Representative Keffer moved to postpone consideration of **CSHJR 90** until 10 a.m. tomorrow.

The motion prevailed.

CSHJR 93 ON SECOND READING

(by Chisum, Darby, and Hardcastle)

CSHJR 93, A joint resolution proposing constitutional amendments authorizing the issuance of general obligation bonds to provide and guarantee loans to encourage the use of carbon-free hydrogen energy and for clean energy projects.

A record vote was requested.

CSHJR 93 was adopted by (Record 1074): 145 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent — Hughes; Moreno; Mowery; Paxton.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 2892 ON SECOND READING
(by Guillen)**

CSHB 2892, A bill to be entitled An Act relating to consolidated billing and collection of fees and payments of certain sewer service corporations and water supply corporations.

CSHB 2892 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 191 ON SECOND READING
(by Miller, Pickett, and Leibowitz)**

CSHB 191, A bill to be entitled An Act relating to fees for issuance of specialty license plates to members and former members of the United States armed forces and their surviving spouses.

CSHB 191 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 199 ON SECOND READING
(by Madden, Noriega, and Leibowitz)**

HB 199, A bill to be entitled An Act relating to a residential infant care program for mothers confined in Texas Department of Criminal Justice facilities.

HB 199 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: Harper-Brown recorded voting no.)

**SB 1867 ON SECOND READING
(Guillen - House Sponsor)**

SB 1867, A bill to be entitled An Act relating to the filing of an amended subdivision plat with a county to correct certain errors or omissions.

SB 1867 was considered in lieu of **HB 2798**.

SB 1867 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 2798 - LAID ON THE TABLE SUBJECT TO CALL

Representative Guillen moved to lay **HB 2798** on the table subject to call.

The motion prevailed.

CSHB 3064 ON SECOND READING

(by Delisi)

CSHB 3064, A bill to be entitled An Act relating to registration and regulation of certain discount health plans; providing penalties.

Amendment No. 1

Representative Delisi offered the following amendment to **CSHB 3064**:

Amend **CSHB 3064** (House Committee Report) on page 3, line 4, between "freestanding" and "program", by inserting "discount health care".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Delisi offered the following amendment to **CSHB 3064**:

Amend **CSHB 3064** (House Committee Report) on page 7, line 16, by striking "covered individual" and substituting "member".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Delisi offered the following amendment to **CSHB 3064**:

Amend **CSHB 3064** (House Committee Report) on page 1, line 24, between "Insurance" and the period, by inserting "or a self-funded or self-insured employee benefit plan".

Amendment No. 3 was adopted.

CSHB 3064, 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.)

POSTPONED BUSINESS

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

CSHB 2828 ON SECOND READING

(by Taylor)

CSHB 2828, A bill to be entitled An Act relating to the release of a motor vehicle accident report or certain information in a motor vehicle accident report; providing penalties.

CSHB 2828 was read second time earlier today and was postponed until this time.

CSHB 2828 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
(consideration continued)

CSHB 888 ON SECOND READING
(by Giddings, Solomons, and Leibowitz)

CSHB 888, A bill to be entitled An Act relating to the cost of obtaining copies of an injured employee's medical records for use by an ombudsman under the office of injured employee counsel's ombudsman program; providing an administrative violation.

CSHB 888 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 1609 ON SECOND READING
(by Crossover, Naishtat, Villarreal, Delisi, Eissler, et al.)

CSHB 1609, A bill to be entitled An Act relating to the Communities In Schools program.

Amendment No. 1

Representative Herrero offered the following amendment to **CSHB 1609**:

Amend **CSHB 1609** as follows:

(1) On page 1, strike lines 6 and 7 and substitute the following:

Sec. 33.154. DUTIES OF STATE DIRECTOR. (a) The state director shall:

(2) On page 2, line 6, strike "adopt policies" and substitute "develop recommendations".

(3) On page 2, line 15, strike "commissioner" and substitute "state director".

(4) On page 2, strike lines 16 through 18 and substitute the following:

(b) The commissioner may adopt rules to implement the recommendations described by Subsection (a)(7) and may annually update the rules.

(5) On page 2, line 22, strike "commissioner" and substitute "state director".

(6) On page 3, line 17, strike ", 33.153,".

Representative Crossover moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 1075): 98 Yeas, 45 Nays, 1 Present, not voting.

Yeas — Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Chisum; Christian; Cohen; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dunnam; Eiland; Eissler; Elkins; England; Farabee; Flynn; Garcia; Gattis; Geren; Giddings; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Madden; McCall; Menendez; Miller; Morrison; Murphy; Naishtat; O'Day; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Raymond; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Turner; Van Arsdale; Villarreal; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Bolton; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Dukes; Dutton; Escobar; Farias; Farrar; Flores; Frost; Gallego; Gonzales; Gonzalez Tourelles; Guillen; Heflin; Hernandez; Herrero; Hill; Hochberg; Hodge; Jones; King, T.; Leibowitz; Lucio; Macias; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Merritt; Miles; Noriega; Oliveira; Ortiz; Quintanilla; Thompson; Vaught; Veasey; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Moreno; Mowery; Olivo; Pierson; Rodriguez; Truitt.

STATEMENT OF VOTE

When Record No. 1075 was taken, I was in the house but away from my desk. I would have voted no.

Olivo

A record vote was requested.

CSHB 1609 was passed to engrossment by (Record 1076): 139 Yeas, 2 Nays, 1 Present, not voting.

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

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

Nays — Escobar; Morrison.

Present, not voting — Mr. Speaker(C).

Absent — Creighton; Howard, C.; McClendon; Miller; Moreno; Mowery; Quintanilla; West.

STATEMENTS OF VOTE

When Record No. 1076 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

I was shown voting no on Record No. 1076. I intended to vote yes.

Morrison

When Record No. 1076 was taken, I was temporarily out of the house chamber. I would have voted no.

Quintanilla

CSHB 3135 ON SECOND READING

(by Hughes, Gonzalez Tourelles, Gattis, Leibowitz, and Alonzo)

CSHB 3135, A bill to be entitled An Act relating to the compensation paid to retired and former judges or justices while assigned as visiting judges in certain courts.

CSHB 3135 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 1281 ON SECOND READING

(by Bailey)

CSHB 1281, A bill to be entitled An Act relating to the licensing and regulation of certain journeyman and apprentice sheet metal workers.

CSHB 1281 - POINT OF ORDER

Representative Taylor raised a point of order against further consideration of **CSHB 1281** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker sustained the point of order.

CSHB 1281 was returned to the Committee on Licensing and Administrative Procedures.

CSHB 426 ON SECOND READING
(by Madden and Strama)

CSHB 426, A bill to be entitled An Act relating to standards for the operation of school district disciplinary alternative education programs.

Amendment No. 1

Representative Strama offered the following amendment to **CSHB 426**:

Amend **CSHB 426** as follows:

(1) On page 1, line 6, strike "and (a-3)" and substitute "(a-3), and (a-4)".

(2) On page 1, between lines 17 and 18, insert the following:

(a-2) The commissioner shall develop a compliance monitoring system that includes the identification of disciplinary alternative education programs that are at high risk of noncompliance with the standards adopted under Subsection (a-1) and the on-site monitoring of the identified programs. The monitoring system must require the issuance of a monitoring report identifying any areas of noncompliance, a system to track corrective action plans for disciplinary alternative education programs, and a system to track the progression, completion, and verification of corrective action plans. The monitoring system must also allow the issuance, notification, and tracking of findings of noncompliance that are made outside of the normal monitoring process, such as unannounced visits or investigations.

(3) On page 1, line 18, strike "(a-2)" and substitute "(a-3)".

(4) On page 2, line 1, strike "(a-3)" and substitute "(a-4)".

(5) On page 2, line 1, strike "(a-2)" and substitute "(a-3)".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Dutton offered the following amendment to **CSHB 426**:

Amend **CSHB 426** as follows:

(1) On page 1, between lines 4 and 5, insert the following new SECTION, appropriately numbered:

SECTION _____. Section 29.081(e), Education Code, is amended to read as follows:

(e) A school district may use a private or public community-based dropout recovery education program to provide alternative education programs for students at risk of dropping out of school. The programs must:

(1) provide not less than the minimum amount [~~four hours~~] of instructional time per day required under Section 25.082(a);

(2) employ as faculty and administrators persons with baccalaureate or advanced degrees who meet all certification requirements established under Subchapter B, Chapter 21;

(3) provide at least one instructor for each 28 students;

(4) perform satisfactorily according to performance indicators and accountability standards adopted for alternative education programs by the commissioner; and

(5) comply with this title and rules adopted under this title except as otherwise provided by this subsection.

(2) On page 1, line 6, before "adding," insert "amending Subsections (a) through (c) and".

(3) On page 1, between lines 6 and 7, insert the following:

(a) Each school district shall provide a disciplinary alternative education program that:

(1) is provided in a setting other than a student's regular classroom;

(2) is located on or off of a regular school campus;

(3) provides for the students who are assigned to the disciplinary alternative education program to be separated from students who are not assigned to the program;

(4) focuses on English language arts, mathematics, science, history, and self-discipline;

(5) provides for students' educational and behavioral needs;

(6) provides supervision and counseling;

(7) employs only teachers who ~~[requires that to teach in an off campus disciplinary alternative education program, each teacher]~~ meet all certification requirements established under Subchapter B, Chapter 21; and

(8) provides not less than the minimum amount of instructional time per day required by Section 25.082(a) ~~[notwithstanding Subdivision (7), requires that to teach in a disciplinary alternative education program of any kind, each teacher employed by a school district during the 2003-2004 school year or an earlier school year meet, not later than the beginning of the 2005-2006 school year, all certification requirements established under Subchapter B, Chapter 21].~~

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

(b) A disciplinary alternative education program may provide for a student's transfer to:

(1) a different campus;

(2) a school-community guidance center under Subchapter B; or

(3) a community-based alternative school, including a community-based dropout recovery education program under Section 29.081(e).

(c) An off-campus disciplinary alternative education program, including a school-community guidance center, a community-based alternative school, or a community-based dropout recovery education program, is not subject to a requirement imposed by this title, other than:

(1) a limitation on liability;

(2) ~~[]~~ a reporting requirement;

(3) ~~[]~~ a requirement imposed by this chapter or by Chapter 39; or

(4) any other requirement imposed by this title that applies to an on-campus disciplinary alternative education program.

(5) On page 2, line 3, between "2." and "Standards", insert the following:

(a) Sections 29.081(e) and 37.008, Education Code, as amended by this Act, apply beginning with the 2007-2008 school year.

(b)

(6) Renumber the SECTIONS of the bill accordingly.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Olivo offered the following amendment to **CSHB 426**:

Amend **CSHB 426** as follows:

(1) On page 1, line 7, strike "minimum".

(2) On page 1, lines 8 and 9, strike ", including standards relating to" and substitute the following:

. The standards must be designed to enable students placed in a disciplinary alternative education program to perform at grade level and must include standards relating to

Amendment No. 3 was adopted.

CSHB 426, 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 1751 ON SECOND READING

(by Cohen, Dukes, Delisi, Hartnett, Taylor, Van Arsdale, et al.)

CSHB 1751, A bill to be entitled An Act relating to the imposition and use of a fee on certain sexually oriented businesses.

(McClendon in the chair)

A record vote was requested.

CSHB 1751 was passed to engrossment by (Record 1077): 108 Yeas, 23 Nays, 6 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Berman; Bohac; Bolton; Bonnen; Burnam; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Darby; Davis, Y.; Delisi; Driver; Dukes; Dunnam; Eiland; Eissler; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Harless; Hartnett; Heflin; Hernandez; Herrero; Hill; Hochberg; Homer; Hopson; Howard, D.; Hughes; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Laubenberg; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; Menendez; Miles; Morrison; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Paxton; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smithee; Solomons; Strama; Straus; Swinford; Thompson; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Anderson; Aycok; Brown, B.; Brown, F.; Callegari; Crownover; Davis, J.; Deshotel; Dutton; Elkins; Flynn; Hardcastle; Harper-Brown; Isett; Kuempel; Latham; Macias; Merritt; Miller; Parker; Patrick; Taylor; Truitt.

Present, not voting — Mr. Speaker; Haggerty; Hodge; McClendon(C); Murphy; Smith, W.

Absent — Bailey; Branch; Geren; Goolsby; Hamilton; Hancock; Hilderbran; Howard, C.; McReynolds; Moreno; Mowery; Peña; Talton.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1077. I intended to vote yes.

Deshotel

When Record No. 1077 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

I was shown voting no on Record No. 1077. I intended to vote yes.

Patrick

I was shown voting no on Record No. 1077. I intended to vote yes.

Truitt

(Speaker in the chair)

CSHB 2002 ON SECOND READING (by Giddings)

CSHB 2002, A bill to be entitled An Act relating to notification to check verification entities that a customer is a victim of identity theft and the consequences of the notice.

Amendment No. 1

Representative Giddings offered the following amendment to **CSHB 2002**:

Amend **CSHB 2002** (house committee printing) as follows:

(1) On page 1, line 20, between the second comma and "and", insert "requests that the financial institution close an account that has been compromised by the alleged offense.".

(2) On page 2, line 18, between "offense" and the semicolon, insert "and has been closed in response to the alleged offense".

(3) On page 2, line 22, strike "may not recommend" and substitute "shall maintain reasonable procedures, in accordance with rules adopted by the finance commission, to prevent the check verification entity from recommending".

(4) On page 3, line 5, between "section" and the semicolon, insert "and that the person has requested that the financial institution close any account that has been compromised by the alleged offense".

Amendment No. 1 was adopted.

CSHB 2002, 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 494 ON SECOND READING
(by Madden, et al.)

HB 494, A bill to be entitled An Act relating to assessment of the academic growth of students attending a disciplinary alternative education program and evaluation of disciplinary alternative education programs.

HB 494 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.)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Giddings requested permission for the Committee on Business and Industry to meet while the house is in session and to hold its regularly scheduled meeting beginning at 9 p.m.

Permission to meet was granted.

HB 2160 ON SECOND READING
(by Flores)

HB 2160, A bill to be entitled An Act relating to eliminating the limitation on lottery advertising expenses based on the lottery prize payout percentage.

Representative Geren moved to postpone consideration of **HB 2160** until 12 p.m. tomorrow.

The motion prevailed.

CSHB 983 ON SECOND READING
(by Corte)

CSHB 983, A bill to be entitled An Act relating to the application of certain disability payments to a child who is the subject of a child support order.

Amendment No. 1

Representative Dutton offered the following amendment to **CSHB 983**:

Amend **CSHB 983** by striking page 1, line 5, through page 2, line 8, and substituting the following:

SECTION 1. Subchapter A, Chapter 157, Family Code, is amended by adding Section 157.009 to read as follows:

Sec. 157.009. AFFIRMATIVE DEFENSE TO MOTION FOR ENFORCEMENT OF CHILD SUPPORT: DISABILITY PAYMENTS. (a) This section applies only to an obligor who has a disability and who is required to pay support for a child who receives benefits as a result of the obligor's disability.

(b) An obligor may plead as an affirmative defense in whole or in part to a motion for enforcement of child support that the obligor is entitled to an offset against the obligee's claim for child support arrearages and interest in an amount equal to the amount of any benefit payments, including lump-sum benefit payments, made as a result of the obligor's disability to the obligee as the representative payee of the child.

(c) The offset permitted under this section may be applied only against arrearages and interest that accrued during the period of the obligor's disability and that are not assigned to the Title IV-D agency under Section 231.104(a).

(d) To the extent that this section conflicts with Subchapter F, this section prevails.

SECTION 2. Section 157.009, Family Code, as added by this Act, applies to a motion for enforcement of child support that is pending before a trial court on or filed on or after the effective date of this Act.

Amendment No. 1 was adopted.

CSHB 983, 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 2691 ON SECOND READING **(by Truitt)**

CSHB 2691, A bill to be entitled An Act relating to grants provided to local guardianship programs.

Amendment No. 1

Representative Truitt offered the following amendment to **CSHB 2691**:

Amend **CSHB 2691** as follows:

(1) On page 1, line 9, strike "Subsection (b)" and substitute "the requirements of this section".

(2) On page 1, line 15, between "program" and "must offer", insert "operating in a county that has a population of at least 150,000".

(3) On page 1, strike line 20 and substitute the following: management service that satisfies the requirements under Subsection (c).

(c) A money management service to which a local guardianship program may refer a client must:

(4) On page 2, between lines 22 and 23, insert the following:

(d) A local guardianship program operating in a county that has a population of less than 150,000 may, at the program's option, offer, either directly or by referral, a money management service among the program's services. If the program elects to offer a money management service by referral, the service must satisfy the requirements under Subsection (c), except as provided by Subsection (e).

(5) On page 2, line 23, strike "(c)" and substitute "(e)".

(6) On page 2, line 24, strike "Subsection (b)" and substitute "Subsection (c)".

Amendment No. 1 was adopted.

CSHB 2691, 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 1309 ON SECOND READING
(by Hilderbran)

CSHB 1309, A bill to be entitled An Act relating to the possession or transportation of certain snakes that are not indigenous to this country; providing a penalty.

CSHB 1309 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 1324 ON SECOND READING
(by Madden and Strama)

CSHB 1324, A bill to be entitled An Act relating to placement of public school students with certain disabilities in disciplinary alternative education programs and juvenile justice alternative education programs.

Amendment No. 1

On behalf of Representative Hochberg, Representative Madden offered the following amendment to **CSHB 1324**:

Amend **CSHB 1324** as follows:

- (1) On page 2, line 17, strike "may" and substitute "shall".
- (2) On page 3, line 20, strike "certify in writing to the agency" and substitute "ensure".
- (3) On page 3, line 24, between "Section 29.005" and the period, insert "and that a copy of that individualized education program has been provided to the disciplinary alternative education program".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Strama offered the following amendment to **CSHB 1324**:

Amend **CSHB 1324** as follows:

- (1) On page 3, line 9, strike "and".
- (2) On page 3, strike lines 13 and 14, and substitute the following:
Subchapter B, Chapter 21; and
(8) provides at least the number of days of instruction required by Section 25.081(a) and the number of hours each school day required by Section 25.082(a), except that the program may follow the same calendar adopted by the district for all district campuses ~~[notwithstanding Subdivision (7), requires that~~

Amendment No. 2 was adopted.

Amendment No. 3

Representative Olivo offered the following amendment to **CSHB 1324**:

Amend **CSHB 1324** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering existing SECTIONS appropriately:

SECTION _____. Section 37.001(a), Education Code, is amended to read as follows:

(a) The board of trustees of an independent school district shall, with the advice of its district-level committee established under Subchapter F, Chapter 11, adopt a student code of conduct for the district. The student code of conduct must be posted and prominently displayed at each school campus or made available for review at the office of the campus principal. In addition to establishing standards for student conduct, the student code of conduct must:

(1) specify the circumstances, in accordance with this subchapter, under which a student may be removed from a classroom, campus, or disciplinary alternative education program;

(2) specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program;

(3) outline conditions under which a student may be suspended as provided by Section 37.005 or expelled as provided by Section 37.007;

(4) specify that ~~that [whether]~~ consideration will be [is] given, as a factor in a decision regarding [to order] suspension, removal to a disciplinary alternative education program, or expulsion, to:

(A) self-defense;

(B) intent or lack of intent at the time the student engaged in the conduct;

(C) a student's disciplinary history; or

(D) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;

(5) provide guidelines for setting the length of a term of:

(A) a removal under Section 37.006; and

(B) an expulsion under Section 37.007;

(6) address the notification of a student's parent or guardian of a violation of the student code of conduct committed by the student that results in suspension, removal to a disciplinary alternative education program, or expulsion;

(7) prohibit bullying, harassment, and making hit lists and ensure that district employees enforce those prohibitions; and

(8) provide, as appropriate for students at each grade level, methods, including options, for:

(A) managing students in the classroom and on school grounds;

(B) disciplining students; and

(C) preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists.

Amendment No. 3 was adopted.

CSHB 1324, 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 3071 ON SECOND READING
(by Strama)

CSHB 3071, A bill to be entitled An Act relating to recovery of attorney's fees for certain claims arising from the abandonment of hazardous wastes on the claimant's property.

Representative Strama moved to postpone consideration of **CSHB 3071** until 9 a.m. tomorrow.

The motion prevailed.

HB 1462 ON SECOND READING
(by Zedler)

HB 1462, A bill to be entitled An Act relating to the investigation of certain criminal conduct in election matters.

Representative Zedler moved to postpone consideration of **HB 1462** until 8 a.m. tomorrow.

The motion prevailed.

HB 1541 ON SECOND READING
(by Isett)

HB 1541, A bill to be entitled An Act relating to preannouncement of certain promotional events and purchases by certain alcoholic beverage permit holders.

HB 1541 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 1632 ON SECOND READING
(by Eissler, et al.)

CSHB 1632, A bill to be entitled An Act relating to the use of technology by public schools.

Amendment No. 1

Representative Strama offered the following amendment to **CSHB 1632**:

Amend **CSHB 1632** on page 5, between lines 22 and 23, by inserting the following new SECTION and renumbering the subsequent SECTIONS accordingly:

SECTION _____. (a) The Commission on Online Learning is established to develop a plan to provide all public school students and teachers in Texas with access to essential educational content and best pedagogical practices to ensure the general diffusion of knowledge promised in Section 1, Article VII, Texas Constitution.

(b) The commission is composed of:

(1) two members of the senate, appointed by the lieutenant governor;

(2) three members of the house of representatives, appointed by the speaker of the house of representatives;

(3) two members of the State Board of Education, appointed by the chair of the State Board of Education;

(4) one person employed by the Texas Education Agency, appointed by the commissioner of education;

(5) two persons employed as the superintendent of a school district, appointed by the governor;

(6) two persons employed as the district technology director or coordinator of a school district, appointed by the governor;

(7) two members employed as the principal of a public school campus or the director of an open-enrollment charter school, appointed by the governor;

(8) three members employed as a teacher by a public school campus or open-enrollment charter school, appointed by the governor;

(9) three members who are business leaders in the high-tech industry, appointed by the governor; and

(10) one member who is a national expert on education technology research, appointed by the governor.

(c) The chair of the Commission on Online Learning shall be selected by the members of the commission.

(d) The Commission on Online Learning shall conduct a study that includes consideration of the following issues:

(1) accessibility on a state-approved Internet website or another online source of the elements of the essential knowledge and skills identified by the State Board of Education under Section 28.002, Education Code;

(2) curriculum enhancement materials that can be used as stand-alone lessons or teaching aids;

(3) electronic student assessment tools;

(4) test preparation resource tools;

(5) library and other research tools;

(6) electronic professional development tools for teachers;

(7) state budget requirements necessary to achieve the commission's recommendations;

(8) current state policies on online learning;

(9) research-based best practices in online learning from other states and from other countries;

(10) any modifications of state policies that may be needed to achieve the commission's recommendations;

(11) possible partners that could assist the state in enhancing online learning, including other states, the federal government, school districts in Texas, philanthropic foundations, nonprofit organizations, and private companies; and

(12) a specific plan of action for the legislature and the Texas Education Agency to implement the most cost-effective strategy to integrate online learning into the Texas public education system to the benefit of students, teachers, and parents.

(e) The commissioner of education shall enter into an interagency contract with The University of Texas System and shall, to the extent permitted under federal law, transfer to the system, from the state's allotment for educational technology under Title II, Part D, No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6751 et seq.), the amount of \$252,671 for the fiscal year ending August 31, 2008, and the amount of \$212,670 for the fiscal year ending August 31, 2009. The University of Texas System shall use the transferred funds to pay for the necessary and reasonable expenses of the Commission on Online Learning, including the compensation of any staff necessary to conduct the work of the commission.

(f) A member, committee, or agency of the legislature may provide staff support and other resources to the Commission on Online Learning. The commission may request assistance and information, other than confidential information, from any state agency, and agencies shall provide the assistance and information requested.

(g) Not later than December 1, 2008, the Commission on Online Learning shall submit a report, including findings, recommendations, and possible legislation, to the governor, the lieutenant governor, and the speaker of the house of representatives.

(h) The Commission on Online Learning is abolished January 1, 2009.

Amendment No. 1 was withdrawn.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Business and Industry, 9 p.m., E2.026.

CSHB 1632 - (consideration continued)

CSHB 1632 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 1950 ON SECOND READING

(by Anderson)

HB 1950, A bill to be entitled An Act relating to an exemption from the sales tax for by products sold by electric generating facilities that use integrated gasification combined cycle technology.

A record vote was requested.

HB 1950 was passed to engrossment by (Record 1078): 108 Yeas, 35 Nays, 1 Present, not voting.

Yeas — Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dunnam; Dutton; Eissler; Elkins; England; Farabee; Flynn; Frost; Garcia; Gattis; Geren; Goolsby; Guillen; Haggerty; Hamilton;

Hancock; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Mallory Caraway; Martinez Fischer; McReynolds; Menendez; Merritt; Miller; Morrison; Murphy; Naishtat; Noriega; O'Day; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Veasey; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Bailey; Bolton; Castro; Chavez; Davis, Y.; Dukes; Eiland; Escobar; Farias; Farrar; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Hardcastle; Heflin; Hernandez; Herrero; Hochberg; King, T.; Leibowitz; Martinez; McCall; McClendon; Miles; Olivo; Ortiz; Puente; Quintanilla; Turner; Vaught; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Flores; Hodge; Madden; Moreno; Mowery; Van Arsdale.

STATEMENT OF VOTE

I was shown voting no on Record No. 1078. I intended to vote yes.

Villarreal

CSHB 3571 ON SECOND READING (by Rose, Naishtat, and Ortiz)

CSHB 3571, A bill to be entitled An Act relating to a pilot program to facilitate food stamp program outreach efforts and eligibility determination processes.

CSHB 3571 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, Harper-Brown, Latham, and Taylor recorded voting no.)

CSHB 2093 ON SECOND READING (by Hill)

CSHB 2093, A bill to be entitled An Act relating to the enforcement of motor carrier registration and overweight and oversize permits.

Amendment No. 1

Representative Hill offered the following amendment to **CSHB 2093**:

Amend **CSHB 2093** on page 5, line 9, by striking "13908" and substituting "14504a".

Amendment No. 1 was adopted.

CSHB 2093, 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 2112 ON SECOND READING
(by Patrick, et al.)

CSHB 2112, A bill to be entitled An Act relating to the prosecution of an offense prohibiting the exhibition, use, or threatened exhibition or use of a firearm in or on school property or a school bus.

CSHB 2112 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 47 ON SECOND READING
(by Hodge, Miles, et al.)

HB 47, A bill to be entitled An Act relating to the provision of educational services to certain inmates imprisoned in the institutional division of the Texas Department of Criminal Justice.

HB 47 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: Harper-Brown recorded voting no.)

CSHB 2137 ON SECOND READING
(by Paxton)

CSHB 2137, A bill to be entitled An Act relating to ad valorem tax lien transfers.

Amendment No. 1

Representative Rodriguez offered the following amendment to **CSHB 2137**:

Amend **CSHB 2137**

(1) Insert after "section ." on page 2, line 15 the following:

(3) adopt rules relating to the prohibition of deceptive practices that, to a homeowner's detriment, take advantage of the lack of knowledge, ability, experience, or capacity of the homeowner.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Rodriguez offered the following amendment to **CSHB 2137**:

Amend **CSHB 2137**

(1) Insert after "Property Code; and" on page 4, line 22 the following:

(D) state the applicant has confirmed with the chief appraiser for the appraisal district in which the property is located that the homeowner has not filed an affidavit of deferral under 33.06, Tax Code; and

(E) verify the application; and

Amendment No. 2 was adopted.

Amendment No. 3

Representative Puente offered the following amendment to **CSHB 2137**:

Amend **CSHB 2137** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 32.06, Tax Code, is amended by amending Subsections (a-1), (a-2), (a-3), (b), (c), (d), (f), (i), and (k) and adding Subsections (a-4), (b-1), (c-1), (d-1), (f-1), (f-2), (f-3), (f-4), and (k-1) to read as follows:

(a-1) A person may authorize another person to pay the ~~delinquent~~ taxes imposed by a taxing unit on the person's real property by filing with the collector for the unit a sworn document stating:

- (1) the authorization;
- (2) the name and street address of the transferee authorized to pay the taxes of the property owner; and
- (3) a description of the property by street address, if applicable, and legal description.

(a-2) A ~~After a~~ tax lien may be ~~is~~ transferred to the person who pays the taxes on behalf of the property owner under the authorization for:

- (1) taxes that are delinquent at the time of payment; or
- (2) taxes that are not delinquent at the time of payment if:
 - (A) the property is not subject to a recorded mortgage lien;
 - (B) a tax lien transfer authorized by the property owner has been executed and recorded for one or more prior years on the same property; or
 - (C) the property owner has executed an authorization consenting to a transfer of the tax liens for both the taxes on the property that are not delinquent and taxes on the property that are delinquent~~[- taxes on the property that become due in subsequent tax years may be transferred before the delinquency date in the manner provided by Subsection (a-1)].~~

(a-3) If the property owner has executed an authorization under Section (a-2)(2)(C) consenting to a transfer of the tax liens for both the taxes on the property that are not delinquent and taxes on the property that are delinquent, the collector shall certify in one document the transfer of the liens for all the taxes.

(a-4) The Finance Commission of Texas shall:

- (1) prescribe the form and content of an appropriate disclosure statement to be provided to a property owner before the execution of a tax lien transfer; and
- (2) adopt rules relating to the reasonableness of closing costs, fees, and other charges permitted under this section ~~[A tax lien may be transferred before the delinquency date in the manner provided by Subsection (a-1) only if the real property is not subject to a lien other than the tax lien].~~

(b) If a transferee authorized to pay a property owner's taxes pursuant to Subsection (a-1) pays the taxes and any penalties and interest imposed, the collector shall issue a tax receipt to that transferee. In addition, the collector or a person designated by the collector shall certify ~~[on the sworn document]~~ that

~~[payment of]~~ the taxes and any penalties and interest on the subject ~~[described]~~ property and collection costs have [has] been paid [made] by the transferee on behalf of the property owner ~~[liable for the taxes when imposed]~~ and that the taxing unit's tax lien is transferred to that transferee. The collector shall attach to the certified statement ~~[sworn document]~~ the collector's seal of office or sign the statement ~~[document]~~ before a notary public and deliver ~~[the sworn document,]~~ a tax receipt~~;~~ and the statement ~~[affidavit]~~ attesting to the transfer of the tax lien to the transferee within 30 days. The ~~[sworn document,]~~ tax receipt~~;~~ and statement ~~[affidavit attesting to the transfer of the tax lien]~~ may be combined into one document. The collector shall ~~[conspicuously]~~ identify in a discrete field in the applicable property owner's [taxpayer's] account the date of the transfer of a tax lien transferred under this section. When a tax lien is released, the transferee shall file a release with the county clerk of each county in which the property encumbered by the lien is located for recordation by the clerk and send a copy to the collector. The transferee may charge the property owner a reasonable fee for filing the release.

(b-1) Not later than the 10th business day after the date the certified statement is received by the transferee, the transferee shall send by certified mail a copy of the sworn document described by Subsection (a-1) to any mortgage servicer and to each holder of a first lien encumbering the property. The copy must be sent, as applicable, to the address shown on the most recent payment invoice, statement, or payment coupon provided by the mortgage servicer to the property owner, or the address of the holder of a recorded first lien as shown in the real property records.

(c) Except as otherwise provided by this section, the transferee of a tax lien and any successor in interest is entitled to foreclose the lien:

(1) in the manner provided by law for foreclosure of tax liens; or

(2) in the manner specified in Section 51.002, Property Code, and Section 32.065, after the transferee or a successor in interest obtains a court order for foreclosure under Rule 736, Texas Rules of Civil Procedure, except as provided by Subsection (c-1) of this section [of this code], if the property owner and the transferee enter into a contract that is secured by a lien on the property.

(c-1) If a transferee seeks to foreclose a tax lien on the property under Subsection (c)(2):

(1) the application for the foreclosure must be served on and name as parties the owner of the property and the holder of any recorded preexisting first lien on the property and must:

(A) allege that the lien is an ad valorem tax lien instead of a lien created under Section 50, Article XVI, Texas Constitution;

(B) state that the applicant does not seek a court order required by Section 50, Article XVI, Texas Constitution; and

(C) state that the transferee has provided notice to cure the default, notice of intent to accelerate, and notice of acceleration of the maturity of the debt to the property owner and each holder of a recorded first lien on the property in the manner required for notice to a debtor under Section 51.002, Property Code; and

(2) the holder of a recorded preexisting lien must be provided at least 60 days' notice before the date of the proposed foreclosure.

(d) A transferee shall record ~~[To be enforceable,]~~ a tax lien transferred as provided by this section ~~[must be recorded]~~ with the ~~[sworn]~~ statement ~~[and affidavit]~~ attesting to the transfer of the tax lien as described by ~~[in]~~ Subsection (b) in the deed records of each county in which the property encumbered by the lien is located.

(d-1) A right of rescission described by 12 C.F.R. Section 226.23 applies to a tax lien transfer under this section.

(f) The holder of a loan secured by a transferred tax lien that is delinquent for 90 consecutive days must send a notice of the delinquency by certified mail on or before the 120th day of delinquency or, if the 120th day is not a business day, on the next business day after the 120th day of delinquency, to any holder of a recorded preexisting lien on the property. The holder or mortgage servicer of a recorded preexisting lien on property encumbered by a tax lien transferred as provided by Subsection (b) is entitled, within six months after the date on which the notice is sent ~~[tax lien is recorded in all counties in which the property is located]~~, to obtain a release of the transferred tax lien by paying the transferee of the tax lien the amount owed under the contract between the property owner and the transferee.

(f-1) If an obligation secured by a preexisting first lien on the property is delinquent for at least 90 consecutive days and the obligation has been referred to a collection specialist, the mortgage servicer or the holder of the first lien may send the notice of the delinquency to the transferee of a tax lien. The mortgage servicer or the first lien holder is entitled, within six months after the date on which that notice provided by this subsection is sent, to obtain a release of the transferred tax lien by paying the transferee of the tax lien the amount owed under the contract between the property owner and the transferee. The Finance Commission of Texas by rule shall prescribe the form and content of the notice under this subsection.

(f-2) The rights granted by Subsections (f) and (f-1) do not affect a right of redemption in a foreclosure proceeding described by Subsection (k) or (k-1).

(f-3) Notwithstanding any contractual agreement with the property owner, the transferee of a tax lien must provide the payoff information required by this section to the greatest extent permitted by 15 U.S.C. Section 6802 and 12 C.F.R. Part 216. The payoff statement must meet the requirements of a payoff statement defined by Section 12.017, Property Code. A transferee may charge a reasonable fee for a payoff statement that is requested after an initial payoff statement is provided.

(f-4) Failure to comply with Subsection (b-1), (f), or (f-1) does not invalidate a tax lien under this chapter, a contract lien, or a deed of trust.

(i) A foreclosure of a tax lien transferred as provided by this section may not be instituted within one year from the date on which the lien is recorded in all counties in which the property is located, unless the contract between the owner of the property and the transferee provides otherwise. ~~[The transferee of a tax lien or any successor in interest must notify the holders of all recorded liens on the~~

~~property before foreclosure in the same manner and within the same time frame as the transferee must notify the owner of the property under Section 51.002, Property Code.]~~

(k) Beginning on the date the foreclosure deed is recorded, the person whose property is sold as provided by Subsection (c) or the mortgage servicer of a prior recorded lien against the property is entitled to redeem the foreclosed property from the purchaser or the purchaser's successor by paying the purchaser or successor:

(1) 125 percent of the purchase price during the first year of the redemption period or 150 percent of the purchase price during the second year of the redemption period with cash or cash equivalent funds; and

(2) the amount reasonably spent by the purchaser in connection with the property as costs within the meaning of Section 34.21(g) and the legal judgment rate of return on that amount.

(k-1) The right of redemption provided by Subsection (k) may be exercised on or before the second anniversary of the date on which the purchaser's deed is filed of record if the property sold was the residence homestead of the owner, was land designated for agricultural use, or was a mineral interest. For any other property, the right of redemption must be exercised not later than the 180th day after the date on which the purchaser's deed is filed of record. If a person redeems the property as provided by Subsection (k) and this subsection, the purchaser at the tax sale or the purchaser's successor shall deliver a deed without warranty to the property to the person redeeming the property. If the person who owned the property at the time of foreclosure redeems the property, all liens existing on the property at the time of the tax sale remain in effect to the extent not paid from the sale proceeds.

SECTION 2. Subsections (b), (c), and (d), Section 32.065, Tax Code, are amended to read as follows:

(b) Notwithstanding any agreement to the contrary, a contract entered into under Subsection (a) between a transferee and the property owner under Section 32.06 that is secured by a priority lien on the property shall provide for a power of sale and foreclosure in the manner provided by Section 32.06(c)(2) [under Chapter 51, Property Code,] and:

(1) an event of default;

(2) notice of acceleration;

(3) recording of the deed of trust or other instrument securing the contract entered into under Subsection (a) in each county in which the property is located;

(4) recording of the sworn document and affidavit attesting to the transfer of the tax lien;

(5) requiring the transferee to serve foreclosure notices on the property owner at the property owner's last known address in the manner provided [required] by Section 32.06(c)(2) [Sections 51.002(b), (d), and (e), Property Code,] or by a commercially reasonable delivery service that maintains verifiable records of deliveries for at least five years from the date of delivery; and

(6) requiring, at the time the foreclosure notices required by Subdivision (5) are served on the property owner, the transferee to serve a copy of the notice of sale in the same manner on the mortgage servicer or the holder of all recorded real property liens encumbering the property that includes on the first page, in 14-point boldfaced type or 14-point uppercase typewritten letters, a statement that reads substantially as follows: "PURSUANT TO TEXAS TAX CODE SECTION 32.06, THE FORECLOSURE SALE REFERRED TO IN THIS DOCUMENT IS A SUPERIOR TRANSFER TAX LIEN SUBJECT TO RIGHT OF REDEMPTION UNDER CERTAIN CONDITIONS. THE FORECLOSURE IS SCHEDULED TO OCCUR ON THE (DATE)."

(c) Notwithstanding any other provision of this code, a transferee of a tax lien or the transferee's assignee is subrogated to and is entitled to exercise any right or remedy possessed by the transferring taxing unit, including or related to foreclosure or judicial sale, but is prohibited from exercising a remedy of foreclosure or judicial sale where the transferring taxing unit would be prohibited from foreclosure or judicial sale.

(d) Chapters 342 and 346, Finance Code, and the provisions of Chapter 343, Finance Code, other than Sections 343.203 and 343.205, do not apply to a transaction covered by this section. The transferee of a tax lien under this section is not required to obtain a license under Title 4, Finance Code.

SECTION 3. Subsection (g), Section 32.065, Tax Code, as added by Chapter 406, Acts of the 79th Legislature, Regular Session, 2005, is repealed.

SECTION 4. (a) The change in law made by this Act applies only to the transfer of an ad valorem tax lien that occurs on or after the effective date of this Act. A transfer of an ad valorem tax lien that occurs before the effective date of this Act is covered by the law in effect at the time the transfer occurred, and the former law is continued in effect for that purpose.

(b) The change in law made by this Act to Sections 32.06 and 32.065, Tax Code, applies to all foreclosures under those sections that occur on or after the effective date of this Act, other than a foreclosure under a transferred ad valorem tax lien that was transferred before the effective date of this Act pursuant to a contract that provided for specific foreclosure procedures under the law in effect at the time the contract was executed. A foreclosure under a transferred ad valorem tax lien that was transferred before the effective date of this Act pursuant to a contract that provided for specific foreclosure procedures under the law in effect at the time the contract was executed is governed by the law in effect at the time the contract was executed, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2007.

Amendment No. 4

Representative Eiland offered the following amendment to Amendment No. 3:

Amend **CSHB 2137** as follows:

- (1) On page 1, line 5, between "(f)," and "(i),", insert "(g),".
- (2) On page 1, line 5, between "(i)," and "and (k)", insert "(j),".

(3) On page 1, line 6, strike "(b-1), (c-1), (d-1), (f-1)," and substitute "(a-4), (b-1), (c-1), (d-1),".

(4) On page 2, line 1, strike "or".

(5) On page 2, line 4, between "property" and "~~[-taxes]~~", insert the following:

; or

(C) the property owner has executed an authorization consenting to a transfer of the tax liens for both the taxes on the property that are not delinquent and taxes on the property that are delinquent

(6) On page 2, line 7, between "(a-3)" and "The Finance Commission", insert the following:

If the property owner has executed an authorization under Section (a-2)(2)(C) consenting to a transfer of the tax liens for both the taxes on the property that are not delinquent and taxes on the property that are delinquent, the collector shall certify in one document the transfer of the liens for all the taxes.

(a-4)

(7) On page 3, line 17, strike "to any mortgage servicer and".

(8) On page 3, at the end of line 17, add "recorded".

(9) On page 4, line 18, strike the first comma and substitute "and".

(10) On page 4, line 18, between "accelerate" and ", and", insert "to the property owner".

(11) On page 4, line 19, strike "owner, the" and substitute "owner, any recorded".

(12) On page 5, line 11, strike "becomes delinquent" and substitute "is delinquent for 90 consecutive days".

(13) On page 5, line 14, between "of a" and "preexisting", insert "recorded".

(14) On page 5, line 15, between "of a" and "preexisting", insert "recorded".

(15) On page 5, lines 17 through 19, strike "is entitled, within six months after the date on which the notice is sent [tax lien is recorded in all counties in which the property is located], to" and substitute "may [is entitled, within six months after the date on which the tax lien is recorded in all counties in which the property is located, to]".

(16) On page 5, line 21, between "transferee" and the period, insert ", if the tax lien has not been reinstated or foreclosed".

(17) On page 6, line 1, between "a" and "preexisting", insert "recorded".

(18) On page 6, line 5, strike "(f-1)" and substitute "(g)".

(19) On page 6, line 5, between "(b-1)" and "or (f)", insert ", (c-1)(2),".

(20) On page 6, line 7, strike the period and insert the following:

~~[At any time after the end of the six month period specified by Subsection (f) and before a notice of foreclosure of the transferred tax lien is sent, the transferee of the tax lien or the holder of the tax lien may require the property owner to provide written authorization and pay a reasonable fee before providing information regarding the current balance owed by the property owner to the transferee or the holder of the tax lien].~~

(21) On page 6, between lines 16 and 17, insert the following:

(j) After one year from the date on which a tax lien transferred as provided by this section is recorded in all counties in which the property is located, the transferee of the lien may foreclose the lien in the manner provided by Subsection (c) unless a contract between the holder of the lien and the owner of the property encumbered by the lien provides otherwise. If a foreclosure suit under Subsection (c)(1) results in foreclosure of the lien, the transferee is entitled to recover attorney's fees in an amount not to exceed 10 percent of the judgment. The proceeds of a sale following a foreclosure suit under Subsection (c)(1) [~~judicial foreclosure as provided by this subsection~~] shall be applied first to the payment of court costs, then to payment of the judgment, including accrued interest, and then to the payment of any attorney's fees fixed in the judgment. Any remaining proceeds shall be paid to other holders of liens on the property in the order of their priority and then to the person whose property was sold at the tax sale.

(22) On page 8, strike lines 10 through 14 and substitute the following:

(6) requiring that notice under Section 32.06(c-1)(2) include, [at the time the foreclosure notices required by Subdivision (5) are served on the property owner, the transferee to serve a copy of the notice of sale in the same manner on the mortgage servicer or the holder of all recorded real property liens encumbering the property that includes] on the first page, in

(23) On page 8, line 18, between "A" and "SUPERIOR", insert "FORECLOSURE OF A".

(24) On page 8, lines 19 and 20, strike "THE FORECLOSURE IS SCHEDULED TO OCCUR ON THE (DATE)." and substitute "[~~THE FORECLOSURE IS SCHEDULED TO OCCUR ON THE (DATE).~~]".

(25) On page 9, insert the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION _____. Section 32.065(b-1), Tax Code, is repealed.

Amendment No. 4 was adopted.

Amendment No. 3, as amended, was adopted.

CSHB 2137, 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 2151 ON SECOND READING

(by Bohac, Bailey, and Latham)

CSHB 2151, A bill to be entitled An Act relating to the prosecution and adjudication of the offense of graffiti and to the payment and use of a juvenile delinquency prevention fee.

Amendment No. 1

Representatives Pickett and Bohac offered the following amendment to **CSHB 2151**:

Amend **CSHB 2151** (house committee printing) as follows:

(1) On page 1, line 22, between "device." and "For", insert "If the court orders a defendant to make restitution under this subdivision and the defendant is financially unable to make the restitution, the court may order the defendant to perform a specific number of hours of community service, including service restoring the property by removing or painting over any markings the defendant made, to satisfy the restitution.".

(2) On page 3, strike lines 17 through 23 and substitute the following:

(2) if the child made markings on a street sign or official traffic-control device in violation of Section 28.08, Penal Code, may order the child to:

(A) make to the political subdivision that erected the street sign or official traffic-control device restitution in an amount equal to the lesser of the cost to the political subdivision of replacing or restoring the street sign or official traffic-control device; or

(B) with the consent of the political subdivision, restore the street sign or official traffic-control device by removing or painting over any markings made by the child on the sign or device.

(3) Strike page 3, line 27, through page 4, line 6, and substitute the following:

(c) If a juvenile court orders a child to make restitution under Subsection (a) and the child, child's parent, or other person responsible for the child's support is financially unable to make the restitution, the court may order the child to perform a specific number of hours of community service to satisfy the restitution.

(4) On page 5, strike lines 1 through 8 and substitute the following:

(2) if the child made markings on a street sign or official traffic-control device in violation of Section 28.08, Penal Code, may order the child or a parent or other person responsible for the child's support to:

(A) make to the political subdivision that erected the street sign or official traffic-control device restitution in an amount equal to the lesser of the cost to the political subdivision of replacing or restoring the street sign or official traffic-control device; or

(B) with the consent of the political subdivision, restore the street sign or official traffic-control device by removing or painting over any markings made by the child on the sign or device.

(5) On page 5, strike lines 9 through 15 and substitute the following:

(b) If a juvenile court orders a child to make restitution under Subsection (a) and the child, child's parent, or other person responsible for the child's support is financially unable to make the restitution, the court may order the child to perform a specific number of hours of community service to satisfy the restitution.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Pickett offered the following amendment to **CSHB 2151**:

Amend **CSHB 2151** (House committee printing) as follows:

(1) On page 2, lines 5 and 6, strike "~~[\$5 graffiti eradication]~~" and substitute "and [~~\$5~~] graffiti eradication".

(2) On page 6, lines 7 and 8, strike "~~[graffiti eradication]~~" and substitute "and graffiti eradication".

(3) On page 6, lines 25 and 26, strike "~~[graffiti eradication]~~" and substitute "and graffiti eradication".

(4) On page 7, lines 18 and 19, strike "~~[graffiti eradication]~~" and substitute "and graffiti eradication".

Amendment No. 2 was adopted.

CSHB 2151, 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 947 ON SECOND READING
(Chisum - House Sponsor)

SB 947, A bill to be entitled An Act relating to delivery of certain unclaimed money to a rural scholarship fund.

SB 947 was considered in lieu of **HB 2277**.

SB 947 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 2277 - LAID ON THE TABLE SUBJECT TO CALL

Representative Chisum moved to lay **HB 2277** on the table subject to call.

The motion prevailed.

CSHB 4077 ON SECOND READING
(by McClendon)

CSHB 4077, A bill to be entitled An Act relating to the creation of an east San Antonio economic development district to be known as the Eastside Improvement District No. 1; providing authority to impose an assessment and issue bonds.

Amendment No. 1

Representative McClendon offered the following amendment to **CSHB 4077**:

Amend **CSHB 4077** (house committee printing) as follows:

(1) On page 13, line 24, strike "board" and substitute "city".

(2) On page 16, line 26, strike "The" and substitute "Subject to the city's approval, the".

Amendment No. 1 was adopted.

Amendment No. 2

Representative McClendon offered the following amendment to **CSHB 4077**:

Amend **CSHB 4077** on page 17, line 6, immediately after the period, by adding:

This subsection does not diminish or disturb the rights and obligations of an electric utility or a telephone or telegraph corporation under Sections 181.042 and 181.082, Utilities Code.

Amendment No. 2 was adopted.

Amendment No. 3

Representative McClendon offered the following amendment to **CSHB 4077**:

Amend **CSHB 4077** on page 17, line 6, immediately after the period, by adding:

This subsection does not diminish or disturb the rights and obligations of an electric utility or a telephone or telegraph corporation under Sections 181.042 and 181.082, Utilities Code.

Amendment No. 3 was adopted.

Amendment No. 4

Representative McClendon offered the following amendment to **CSHB 4077**:

Amend **CSHB 4077** (house committee printing) as follows:

(1) On page 13, line 24, strike "board" and substitute "city".

(2) On page 16, line 26, strike "The" and substitute "Subject to the city's approval, the".

Amendment No. 4 was adopted.

CSHB 4077, 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 1311 - HOUSE DISCHARGES CONFEREES
HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1311, A bill to be entitled An Act relating to requiring certain municipalities to disannex land owned by a navigation district.

Representative Bonnen moved to discharge the conferees and concur in the senate amendments to **HB 1311**.

A record vote was requested.

The motion to discharge conferees and concur in senate amendments prevailed by (Record 1079): 129 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent — Anderson; Bailey; Burnam; Chavez; Cook, B.; Crabb; Delisi; Deshotel; Flores; Giddings; Hill; Jones; Krusee; McClendon; Moreno; Mowery; Peña; Pitts; Talton; Thompson.

STATEMENT OF VOTE

When Record No. 1079 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

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

Amend **HB 1311** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in proposed Section 43.083, Local Government Code, immediately following proposed Subsection (a) (page 1, between lines 21 and 22), insert the following:

(b) A municipality that disannexes land under Subsection (a) and that, on the effective date of this section, provides utility services to customers on that land shall continue to provide the services at the same rate until the first anniversary of the effective date of this section.

(2) In SECTION 1 of the bill, in proposed Subsection (b), Section 43.083, Local Government Code (page 1, line 22), strike "(b)" and substitute "(c)".

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **HB 1311**, in SECTION 1 of the bill, in proposed Subsection (a), Section 43.083, Local Government Code (Senate committee printing page 1, line 15), by striking "that borders the Gulf of Mexico" and substituting ", that is in a county that borders the Gulf of Mexico and that is adjacent to a county with a population of one million or more,".

**HB 1312 - HOUSE DISCHARGES CONFEREES
HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1312, A bill to be entitled An Act relating to the annexation by certain municipalities of land owned by a navigation district.

Representative Bonnen moved to discharge the conferees and concur in the senate amendments to **HB 1312**.

A record vote was requested.

The motion to discharge conferees and concur in senate amendments prevailed by (Record 1080): 147 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent — Moreno; Mowery.

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

Amend **HB 1312**, in SECTION 1 of the bill, in proposed Section 43.082, Local Government Code (Senate committee printing page 1, line 15), by striking "that borders the Gulf of Mexico" and substituting "that is in a county that borders the Gulf of Mexico and that is adjacent to a county with a population of one million or more.".

COMMITTEES GRANTED PERMISSION TO MEET

Pursuant to House Rule 4, Section 9, Representative Bonnen requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings, and that

for purposes of this motion, those house committees and subcommittees that are scheduled to meet upon adjournment today be considered to be scheduled to meet upon final recess today.

Permission to meet was granted.

FIVE DAY POSTING RULE SUSPENDED

Representative Puente moved to suspend the five day posting rule to allow the Committee on Natural Resources to consider **HB 4138** at 8 a.m. tomorrow in E2.012.

The motion prevailed.

Representative Madden moved to suspend the five day posting rule to allow the Committee on Corrections to consider **SB 838** at 7:15 a.m. Friday, May 11 in E2.016.

The motion prevailed.

RESOLUTIONS ADOPTED

Representative Harless moved to suspend all necessary rules in order to take up and consider at this time **HCR 238, HR 1810, HR 1923, and HR 1955.**

The motion prevailed.

The following resolutions were laid before the house:

HCR 238 (by Homer), Congratulating Aivee Tabangcora, Stephanie Smothermon, Jamie DiBello, and Stephanie Clifford of Paris High School for winning first place at the 2007 Texas Problem Solving State Bowl.

HR 1810 (by Guillen), Honoring Judge Alicia Pena Perez of Freer on her retirement as a municipal court judge.

HR 1923 (by Harless), Congratulating Principal Pat Huff on his retirement from Klein High School.

HR 1955 (by Harless), Congratulating the drama department of Klein High School for winning five Tommy Tune Awards for its production of the musical Oklahoma!

The resolutions were adopted.

HCR 240 - ADOPTED (by Homer)

Representative Harless moved to suspend all necessary rules to take up and consider at this time **HCR 240.**

The motion prevailed.

The following resolution was laid before the house:

HCR 240, In memory of Robert Kim Brown of Austin.

HCR 240 was unanimously adopted by a rising vote.

**HCR 241 - ADOPTED
(by Homer)**

Representative Harless moved to suspend all necessary rules to take up and consider at this time **HCR 241**.

The motion prevailed.

The following resolution was laid before the house:

HCR 241, In memory of Heidi Lynn Fender of Mount Pleasant.

HCR 241 was unanimously adopted by a rising vote.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, during bill referral today, 3W.9, for a formal meeting, to consider a calendar.

PROVIDING FOR RECESS

Representative Escobar moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 9 a.m. tomorrow in memory of Minnie Rangel Henderson of Kingsville.

The motion prevailed.

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

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

(S. King in the chair)

RECESS

In accordance with a previous motion, the house, at 9:46 p.m., recessed until 9 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

- SB 49** to Ways and Means.
- SB 78** to Criminal Jurisprudence.
- SB 101** to Higher Education.
- SB 130** to Criminal Jurisprudence.
- SB 407** to Local Government Ways and Means.
- SB 610** to Natural Resources.
- SB 623** to Public Health.
- SB 662** to Natural Resources.
- SB 700** to Economic Development.
- SB 971** to Public Health.
- SB 1071** to Natural Resources.
- SB 1095** to Public Health.
- SB 1138** to Higher Education.
- SB 1144** to Appropriations.
- SB 1173** to Ways and Means.
- SB 1183** to Urban Affairs.
- SB 1229** to Licensing and Administrative Procedures.
- SB 1243** to Urban Affairs.
- SB 1288** to Civil Practices.
- SB 1296** to Ways and Means.
- SB 1299** to State Affairs.
- SB 1326** to Natural Resources.
- SB 1341** to Natural Resources.
- SB 1391** to Insurance.
- SB 1414** to Judiciary.
- SB 1428** to Corrections.
- SB 1498** to County Affairs.
- SB 1588** to Land and Resource Management.
- SB 1589** to County Affairs.
- SB 1613** to Natural Resources.
- SB 1616** to Criminal Jurisprudence.
- SB 1637** to Insurance.
- SB 1649** to Human Services.

SB 1701 to Judiciary.
SB 1733 to Urban Affairs.
SB 1777 to Pensions and Investments.
SB 1778 to Pensions and Investments.
SB 1802 to Higher Education.
SB 1833 to Natural Resources.
SB 1847 to Pensions and Investments.
SB 1854 to State Affairs.
SB 1884 to Insurance.
SB 1889 to Ways and Means.
SB 1901 to Criminal Jurisprudence.
SB 1924 to Environmental Regulation.
SB 1950 to Natural Resources.
SB 1951 to Judiciary.
SB 1957 to Natural Resources.
SB 1960 to Natural Resources.
SB 1976 to Juvenile Justice and Family Issues.
SB 1978 to Natural Resources.
SB 1982 to Natural Resources.
SB 1990 to Natural Resources.
SB 1991 to Natural Resources.
SB 1999 to Natural Resources.
SB 2008 to County Affairs.
SB 2025 to Judiciary.
SB 2026 to Natural Resources.
SB 2031 to Appropriations.
SCR 71 to Rules and Resolutions.
SCR 72 to Rules and Resolutions.

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

SB 1436 to Natural Resources.

SIGNED BY THE SPEAKER

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

Senate List No. 36**SB 1209, SB 1389****MESSAGES FROM THE SENATE**

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

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, May 8, 2007 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 246 Alonzo SPONSOR: Zaffirini
Relating to reports on cases of acquired immune deficiency syndrome and human immunodeficiency virus infection.
(Committee Substitute)

HB 630 King, Phil SPONSOR: Estes
Relating to notice to a surface owner by an oil or gas well operator of the issuance of a permit for certain oil and gas operations.

HB 1922 Kolkhorst SPONSOR: Shapiro
Relating to eligibility of school districts for state assistance with payment of existing debt.
(Amended)

HB 2004 Giddings SPONSOR: Lucio
Relating to requiring that a doctor who reviews a workers' compensation case be certified in a professional specialty appropriate to the care received by the injured employee.
(Committee Substitute/Amended)

HB 2018 Brown, Betty SPONSOR: Deuell
Relating to eligibility for a municipal setting designation related to potential impacts to groundwater quality of solid waste activities.

HB 2261 Callegari SPONSOR: Jackson,
Mike

Relating to the regulation of certain service contracts.
(Committee Substitute)

HCR 236 Talton SPONSOR: Whitmire

Honoring fallen police officers on Peace Officers' Memorial Day and during National Police Week.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Tuesday, May 8, 2007 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 732 Krusee SPONSOR: Ogden
Relating to recording requirements for certain documents.

HB 1396 Dukes SPONSOR: Zaffirini
Relating to the Office for the Elimination of Health Disparities and the health disparities task force.
(Committee Substitute)

HCR 213 Davis, John SPONSOR: Fraser
Honoring 104-year-old Myrtle Perry McDaniel of Menard.

SB 610 Duncan
Relating to the boundaries, powers, and governance of the Salt Fork Water Quality District.

SB 700 Lucio
Relating to state agency rules affecting small businesses.

SB 822 Wentworth
Relating to the creation of the atmosphere modification research program and center and the administration of the weather modification and control program.

SB 1095 Uresti
Relating to a study on increasing the number of medical residency programs, medical residents, and physicians practicing medical specialties in this state.

SB 1229 Gallegos
Relating to certain shipments by package stores and wine only package stores to customers.

SB 1483 Lucio
Relating to eviction suits in justice courts.

SB 1637 Williams

Relating to a small employer health benefit plan premium assistance program.

SB 1687 Watson

Relating to emission reduction strategies for greenhouse gases.

SB 1738 West, Royce

Relating to the power of a licensing authority to revoke, suspend, or deny a license on the basis of certain criminal proceedings.

SB 1866 Zaffirini

Relating to an exemption from cost limits specified for certain medical assistance waiver programs administered by the Department of Aging and Disability Services.

SB 1978 Janek

Relating to the powers and duties of the Fort Bend County Levee Improvement District No. 19; providing authority to impose a tax and issue bonds.

SB 1991 Hegar

Relating to the powers and duties of the Fort Bend County Municipal Utility District No. 58; providing authority to impose a tax and issue bonds.

SCR 73 Ellis

Congratulating Professor Eric Bittner of the University of Houston on his selection as a 2007 Guggenheim Fellow.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, May 8, 2007 - 4

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 49 Zaffirini

Relating to exempting books purchased by university and college students from the sales tax for a limited period.

SB 1071 Janek

Relating to the creation of Cade Ranch Water Control and Improvement District No. 1 of Galveston County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

SB 1498 Zaffirini

Relating to the eligibility of certain counties to adopt a civil service system.

SB 1575

Wentworth

Relating to the issuance of obligations by political subdivisions to pay unfunded liabilities for certain retirement benefits of officers and employees of the political subdivisions.

SB 1924

Gallegos

Relating to the establishment of an air pollutant watch list and associated reports for the purpose of controlling the emissions of air contaminants under the Texas Clean Air Act.

SB 1999

Jackson, Mike

Relating to the creation of the NASA Area Management District; providing authority to impose an assessment, impose a sales and use tax, and issue bonds.

SB 2037

Ogden

Relating to the ability of the attorney general to offer assistance to a prosecuting attorney.

SCR 60

Averitt

Urging Congress to maintain the states as the sole regulators of the business of insurance and to oppose the establishment of a federal insurance regulatory system.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 7

Civil Practices - **HB 3029**

Corrections - **SB 166**

County Affairs - **HB 4093, HB 4123**

Criminal Jurisprudence - **HB 172, HB 403, HB 436, HB 502, HB 655, HB 1234, HB 2795, HB 3416, HB 3489, HB 3682, HB 3858, SB 877**

Culture, Recreation, and Tourism - **HB 300, HB 1653, HB 2951, HB 3266, HB 3541, HB 3661, HB 3844, HB 3847, HB 4126, HCR 12, HCR 109, HCR 201, SB 182, SB 913, SB 1659**

Elections - **SB 129, SB 1086**

Environmental Regulation - **HB 3547, HB 3859**

Higher Education - **HB 1431**

Human Services - **HB 3766, SB 199, SB 450, SB 759, SB 802, SB 813, SB 1318, SB 1766**

Insurance - **SB 419**

Judiciary - **HB 3198, HB 3198, SB 1244**

Licensing and Administrative Procedures - **HB 829**

Local Government Ways and Means - **HB 2286**

Natural Resources - **HB 2299, HB 3982, HB 4010, HB 4018, HB 4024, HB 4044, HB 4055, HB 4064, HB 4100, HB 4112, HB 4122**

Pensions and Investments - **HB 3609, SB 1039, SB 1626**

Public Education - **HB 2236**

Public Health - **SB 156, SB 204, SB 993, SB 1896**

Regulated Industries - **HB 2344**

Transportation - **HB 2181, HB 3181**

Urban Affairs - **HB 2995, HB 3873, HB 3878, HB 4134, SB 772**

Ways and Means - **SB 242, SB 377, SB 1087, SB 1615, SB 1617, SB 1886**

ENGROSSED

May 7 - **HB 916, HB 1737, HB 1977, HB 2248, HB 2504, HB 2542, HB 2543, HB 2617, HB 2694, HB 2724, HB 2859, HB 2882, HB 2883, HB 3123, HB 3173, HB 3232, HB 3259, HB 3426, HB 3464, HB 3692**

SENT TO THE GOVERNOR

May 7 - **HB 11, HB 189, HB 310, HB 314, HB 320, HB 407, HB 570, HB 709, HB 733, HB 863, HB 886, HB 973, HB 1003, HB 1006, HB 1059, HB 1164, HB 1237, HB 1295, HB 1390, HB 1840, HB 1892, HB 2007, HB 2024, HB 2105, HB 2252, HB 2296, HCR 9, HCR 10, HCR 123, HCR 160, HCR 168, HCR 171, HCR 174, HCR 175, HCR 178, HCR 179, HCR 182, HCR 183, HCR 185, HCR 188, HCR 195, HCR 230**

