

HOUSE JOURNAL

EIGHTIETH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-SEVENTH DAY — WEDNESDAY, MAY 16, 2007

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

The roll of the house was called and a quorum was announced present (Record 1441).

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

Absent, Excused — Geren; Kuempel.

The invocation was offered by Troy Allen, pastor, First Baptist Church, Florence, as follows:

Father, we pause today to thank you for the opportunity to stand among the leaders of this great state and thank you for allowing us to live in this great nation. I ask you Lord to allow us to set our politics aside momentarily and focus on you.

I ask that you reveal yourself to us today. Help us to understand your ways and plans for this great state. Fill these men and women with your wisdom and discernment. Help them to see what your desire is for our state. Lead them as they lead us. Father, I ask that you help them to conduct themselves in a way that honors you. I ask that you remind them of your son, Jesus. Help them to follow in

his footsteps as servant leaders. Father, lead them as they act on behalf of our state. Help them to know and do your will. I pray that you bless these leaders. I lift them to you and commit them to you today.

I also lift Governor Perry to you today. I pray that you give him wisdom to lead this state according to your will and purpose. I pray that you fill him with spiritual wisdom and knowledge as he leads this state. I pray that you give him and all of these men the courage to follow you.

Father, our state is in need of healing. Heal us. We have great needs. Help us to realize that only you can meet those needs. We submit ourselves to you today. Above all, thank you for your son, Jesus Christ, who died to take away the sins of the world. Bless us and lead us today. In Jesus' name we pray. Amen.

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

LEAVES OF ABSENCE GRANTED

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

Geren on motion of Hamilton.

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

Kuempel on motion of Hancock.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Gattis and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

CAPITOL PHYSICIAN

The chair recognized Representative D. Howard who presented Drs. John and Judith Egerton of Austin as the "Doctors for the Day."

The house welcomed Drs. Egerton and thanked them for their participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

HR 2156 - ADOPTED (by Creighton)

Representative Creighton moved to suspend all necessary rules to take up and consider at this time **HR 2156**.

The motion prevailed.

The following resolution was laid before the house:

HR 2156, Honoring the Lady Bears golfers of Montgomery High School for their outstanding performances at the UIL Class 4A State Championships.

HR 2156 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Creighton who introduced the Lady Bears golf team from Montgomery High School.

HR 2131 - ADOPTED (by Hughes)

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 2131**.

The motion prevailed.

The following resolution was laid before the house:

HR 2131, Honoring James Luther "Jim" Ware of Marshall for his service in the U.S. Marine Corps during World War II.

HR 2131 was read and was adopted.

On motion of Representative B. Brown, the names of all the members of the house were added to **HR 2131** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Hughes who introduced James Luther "Jim" Ware and his wife.

HR 2056 - ADOPTED (by Gallego)

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 2056**.

The motion prevailed.

The following resolution was laid before the house:

HR 2056, Honoring Dora G. Alcala of Del Rio for her distinguished career in public service.

HR 2056 was read and was adopted.

On motion of Representatives Gallego and Harper-Brown, the names of all the members of the house were added to **HR 2056** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Gallego who introduced Dora G. Alcala, her daughter, and representatives of the Texas State University System.

HR 1988 - ADOPTED (by Pierson)

Representative Burnam moved to suspend all necessary rules to take up and consider at this time **HR 1988**.

The motion prevailed.

The following resolution was laid before the house:

HR 1988, Congratulating Matthew Brown on his new position as assistant principal at Miller Elementary School in Arlington ISD.

HR 1988 was adopted.

**HR 2173 - ADOPTED
(by Pierson)**

Representative Burnam moved to suspend all necessary rules to take up and consider at this time **HR 2173**.

The motion prevailed.

The following resolution was laid before the house:

HR 2173, In memory of Patricia Ann Best of Houston.

HR 2173 was unanimously adopted by a rising vote.

**HR 1969 - READ
(by Callegari)**

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

HR 1969, In memory of Howard Ernest Beckendorff of Katy.

HR 1969 - MOTION TO ADD NAMES

On motion of Representative Crabb, the names of all the members of the house were added to **HR 1969** as signers thereof.

**HB 246 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 246, A bill to be entitled An Act relating to reports on cases of acquired immune deficiency syndrome and human immunodeficiency virus infection.

Representative Alonzo moved to concur in the senate amendments to **HB 246**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1442):
144 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Geren; Kuempel.

Absent — Martinez Fischer; Moreno.

Senate Committee Substitute

CSHB 246, A bill to be entitled An Act relating to reports on cases of acquired immune deficiency syndrome and human immunodeficiency virus infection.

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

SECTION 1. Section 81.043, Health and Safety Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(b) Except as provided by Subsection (c), a [A] health authority shall report reportable diseases to the department's central office at least as frequently as the interval set by board rule.

(c) A health authority each week shall report to the department's central office all cases reported to the authority during the previous week of:

(1) acquired immune deficiency syndrome; and

(2) human immunodeficiency virus infection.

(d) A health authority must include in a report filed under Subsection (c) all information required by the department for purposes of this section or other law, including:

(1) an infected person's city and county of residence, age, gender, race, ethnicity, and national origin; and

(2) the method by which the disease was transmitted.

SECTION 2. Section 81.044, Health and Safety Code, is amended by adding Subsection (d) to read as follows:

(d) For a case of acquired immune deficiency syndrome or human immunodeficiency virus infection, the department shall require the reports to contain:

(1) the information described by Subsection (b); and

(2) the patient's ethnicity, national origin, and city and county of residence.

SECTION 3. Section 81.052, Health and Safety Code, is amended by amending Subsection (b) and adding Subsections (b-1), (b-2), and (b-3) to read as follows:

(b) The department shall:

(1) quarterly compile the information submitted under Section 81.043(c) and make the compiled data available to the public within six months of the last day of each quarter;

(2) annually [~~regularly~~] analyze and determine trends in incidence and prevalence of AIDS and HIV infection by region, city, county, age, gender, race, ethnicity, national origin, transmission category, and other factors as appropriate; and

(3) annually prepare a report on the analysis conducted under Subdivision (2) and make the report available to the public.

(b-1) The department may not include any information that would allow the identification of an individual in an analysis conducted under Subsection (b) or in a report prepared under that subsection.

(b-2) Not later than January 1, 2009, the department shall prepare and submit to both houses of the legislature a report that:

(1) addresses emerging technologies and advancements in AIDS and HIV infection surveillance and epidemiology, including the use of the technologies and advancements to improve the testing for and reporting of AIDS and HIV infection; and

(2) makes recommendations regarding this state's use of the emerging technologies and advancements to enhance surveillance, treatment, and prevention of AIDS and HIV infection.

(b-3) Subsection (b-2) and this subsection expire September 1, 2009.

SECTION 4. (a) Not later than January 1, 2008, the executive commissioner of the Health and Human Services Commission shall adopt the rules and procedures necessary to comply with Chapter 81, Health and Safety Code, as amended by this Act.

(b) Notwithstanding Sections 81.043, 81.044, and 81.052, Health and Safety Code, as amended by this Act, a health authority and the Department of State Health Services are not required to comply with the changes in law made to these sections before January 1, 2008.

SECTION 5. This Act takes effect September 1, 2007.

**HB 88 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 88, A bill to be entitled An Act relating to the evacuation and sheltering of service animals and household pets in a disaster.

Representative Branch moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 88**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 88**: Branch, chair; Anderson, Aycock, Corte, and Cohen.

**HB 564 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 564, A bill to be entitled An Act relating to the administration and operation of certain trusts and other property interests held for the benefit of another.

Representative Hartnett moved to concur in the senate amendments to **HB 564**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1443): 143 Yeas, 0 Nays, 3 Present, not voting.

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

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

Absent, Excused — Geren; Kuempel.

Absent — Elkins; Merritt.

Senate Committee Substitute

CSHB 564, A bill to be entitled An Act relating to the administration and operation of certain trusts and other property interests held for the benefit of another.

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

SECTION 1. Section 187.005(b), Finance Code, is amended to read as follows:

(b) Unless another law specifies governing law [~~and except as provided in Subsection (e)~~], if a trust or its subject matter bears a reasonable relation to this state and also to another state or a foreign country, a trust institution and its affected client may agree that the law of this state or of the other state or country governs their rights and duties, including the law of a state or a foreign country where the affected client resides or where the trust institution has its principal office.

SECTION 2. Section 111.0035, Property Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The terms of a trust prevail over any provision of this subtitle, except that the terms of a trust may not limit:

(1) the requirements imposed under Section 112.031;

(2) [~~the duties and liabilities of and restrictions placed on a corporate trustee under Section 113.052 or 113.053;~~

~~(3)]~~ the applicability of Section 114.007 to an exculpation term of a trust;

(3) ~~(4)~~ the periods of limitation for commencing a judicial proceeding regarding a trust;

(4) ~~(5)~~ a trustee's duty:

(A) with regard to an irrevocable trust, to respond to a demand for accounting made under Section 113.151 if the demand is from a beneficiary who, at the time of the demand:

(i) is entitled or permitted to receive distributions from the trust; or

(ii) would receive a distribution from the trust if the trust terminated at the time of the demand; and

(B) to act in good faith and in accordance with the purposes of the trust; ~~and~~

~~[(C) under Section 113.060 to a beneficiary described by Paragraph (A) that is 25 years of age or older;] or~~

(5) ~~(6)~~ the power of a court, in the interest of justice, to take action or exercise jurisdiction, including the power to:

(A) modify or terminate a trust or take other action under Section 112.054;

(B) remove a trustee under Section 113.082;

(C) exercise jurisdiction under Section 115.001;

(D) require, dispense with, modify, or terminate a trustee's bond; or

(E) adjust or deny a trustee's compensation if the trustee commits a breach of trust.

(c) The terms of a trust may not limit any common-law duty to keep a beneficiary of an irrevocable trust who is 25 years of age or older informed at any time during which the beneficiary:

(1) is entitled or permitted to receive distributions from the trust; or

(2) would receive a distribution from the trust if the trust were terminated.

SECTION 3. Sections 111.004(10) and (18), Property Code, are amended to read as follows:

(10) "Person" means:

(A) an individual;

(B) [7] a corporation;

(C) a limited liability company;

(D) [7] a partnership;

(E) a joint venture;

(F) [7] an association;

(G) [7] a joint-stock company;

(H) [7] a business trust;

(I) [7] an unincorporated organization;

(J) [~~7~~] two or more persons having a joint or common interest, including an individual or a corporation acting as a personal representative or in any other fiduciary capacity;

(K) a government;

(L) a governmental subdivision, agency, or instrumentality;

(M) a public corporation; or

(N) any other legal or commercial entity.

(18) "Trustee" means the person holding the property in trust, including an original, additional, or successor trustee, whether or not the person is appointed or confirmed by a court.

SECTION 4. Section 112.035(d), Property Code, is amended to read as follows:

(d) If the settlor is also a beneficiary of the trust, a provision restraining the voluntary or involuntary transfer of the settlor's [~~his~~] beneficial interest does not prevent the settlor's [~~his~~] creditors from satisfying claims from the settlor's [~~his~~] interest in the trust estate. A settlor is not considered a beneficiary of a trust solely because a trustee who is not the settlor is authorized under the trust instrument to pay or reimburse the settlor for, or pay directly to the taxing authorities, any tax on trust income or principal that is payable by the settlor under the law imposing the tax.

SECTION 5. Subchapter C, Chapter 112, Property Code, is amended by adding Section 112.059 to read as follows:

Sec. 112.059. TERMINATION OF UNECONOMIC TRUST. (a) After notice to beneficiaries who are distributees or permissible distributees of trust income or principal or who would be distributees or permissible distributees if the interests of the distributees or the trust were to terminate and no powers of appointment were exercised, the trustee of a trust consisting of trust property having a total value of less than \$50,000 may terminate the trust if the trustee concludes after considering the purpose of the trust and the nature of the trust assets that the value of the trust property is insufficient to justify the continued cost of administration.

(b) On termination of a trust under this section, the trustee shall distribute the trust property in a manner consistent with the purposes of the trust.

(c) A trustee may not exercise a power described by Subsection (a) if the trustee's possession of the power would cause the assets of the trust to be included in the trustee's estate for federal estate tax purposes.

(d) This section does not apply to an easement for conservation or preservation.

SECTION 6. Sections 113.058(b) and (d), Property Code, are amended to read as follows:

(b) Unless ~~[a court orders otherwise or]~~ the instrument creating the trust provides otherwise, a noncorporate trustee must give bond:

(1) payable to the trust estate of the trust, the registry of the court, or each person interested in the trust, as their interests may appear; and

(2) conditioned on the faithful performance of the trustee's duties.

(d) Any interested person may bring an action to increase or decrease the amount of a bond, require a bond, or ~~[to]~~ substitute or add sureties. Notwithstanding Subsection (b), for cause shown, a court may require a bond even if the instrument creating the trust provides otherwise.

SECTION 7. Section 113.085(a), Property Code, is amended to read as follows:

(a) Cotrustees ~~[that are unable to reach a unanimous decision]~~ may act by majority decision.

SECTION 8. Section 114.005(a), Property Code, is amended to read as follows:

(a) A beneficiary who has full legal capacity and is acting on full information may relieve a trustee from any duty, responsibility, restriction, or liability as to the beneficiary that would otherwise be imposed on the trustee by this subtitle, including liability for past violations~~[-except as to the duties, restrictions, and liabilities imposed on corporate trustees by Section 113.052 or 113.053 of this subtitle].~~

SECTION 9. Section 114.081, Property Code, is amended to read as follows:

Sec. 114.081. PROTECTION OF PERSON DEALING WITH ~~[PAYMENT OF MONEY TO]~~ TRUSTEE. (a) A person who deals with a trustee ~~[actually and]~~ in good faith and for fair value actually received by the trust is not liable to the trustee or the beneficiaries of the trust if the trustee has exceeded the trustee's authority in dealing with the person ~~[pays to a trustee money that the trustee is authorized to receive is not responsible for the proper application of the money according to the trust].~~

(b) A person other than a beneficiary is not required to inquire into the extent of the trustee's powers or the propriety of the exercise of those powers if the person:

(1) deals with the trustee in good faith; and

(2) obtains:

(A) a certification of trust described by Section 114.086; or

(B) a copy of the trust instrument.

(c) A person who in good faith delivers money or other assets to a trustee is not required to ensure the proper application of the money or other assets.

(d) A person other than a beneficiary who in good faith assists a former trustee, or who in good faith and for value deals with a former trustee, without knowledge that the trusteeship has terminated, is protected from liability as if the former trustee were still a trustee.

(e) Comparable protective provisions of other laws relating to commercial transactions or transfer of securities by fiduciaries prevail over the protection provided by this section [A right or title derived from the trustee in consideration of the monetary payment under Subsection (a) of this section may not be impeached or questioned because of the trustee's misapplication of the money].

SECTION 10. Chapter 114, Property Code, is amended by adding Section 114.086 to read as follows:

Sec. 114.086. CERTIFICATION OF TRUST. (a) As an alternative to providing a copy of the trust instrument to a person other than a beneficiary, the trustee may provide to the person a certification of trust containing the following information:

(1) a statement that the trust exists and the date the trust instrument was executed;

(2) the identity of the settlor;

(3) the identity and mailing address of the currently acting trustee;

(4) one or more powers of the trustee or a statement that the trust powers include at least all the powers granted a trustee by Subchapter A, Chapter 113;

(5) the revocability or irrevocability of the trust and the identity of any person holding a power to revoke the trust;

(6) the authority of cotrustees to sign or otherwise authenticate and whether all or less than all of the cotrustees are required in order to exercise powers of the trustee; and

(7) the manner in which title to trust property should be taken.

(b) A certification of trust may be signed or otherwise authenticated by any trustee.

(c) A certification of trust must state that the trust has not been revoked, modified, or amended in any manner that would cause the representations contained in the certification to be incorrect.

(d) A certification of trust:

(1) is not required to contain the dispositive terms of a trust; and

(2) may contain information in addition to the information required by Subsection (a).

(e) A recipient of a certification of trust may require the trustee to furnish copies of the excerpts from the original trust instrument and later amendments to the trust instrument that designate the trustee and confer on the trustee the power to act in the pending transaction.

(f) A person who acts in reliance on a certification of trust without knowledge that the representations contained in the certification are incorrect is not liable to any person for the action and may assume without inquiry the existence of the facts contained in the certification.

(g) If a person has actual knowledge that the trustee is acting outside the scope of the trust, and the actual knowledge was acquired by the person before the person entered into the transaction with the trustee or made a binding commitment to enter into the transaction, the transaction is not enforceable against the trust.

(h) A person who in good faith enters into a transaction relying on a certification of trust may enforce the transaction against the trust property as if the representations contained in the certification are correct. This section does not create an implication that a person is liable for acting in reliance on a certification of trust that fails to contain all the information required by Subsection (a). A person's failure to demand a certification of trust does not:

(1) affect the protection provided to the person by Section 114.081; or

(2) create an inference as to whether the person has acted in good faith.

(i) A person making a demand for the trust instrument in addition to a certification of trust or excerpts as described by Subsection (e) is liable for damages if the court determines that the person did not act in good faith in making the demand.

(j) This section does not limit the right of a person to obtain a copy of the trust instrument in a judicial proceeding concerning the trust.

(k) This section does not limit the rights of a beneficiary of the trust against the trustee.

SECTION 11. Section 115.001, Property Code, is amended by amending Subsections (a) and (d) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (d) of this section, a district court has original and exclusive jurisdiction over all proceedings by or against a trustee and all proceedings concerning trusts, including proceedings to:

(1) construe a trust instrument;

(2) determine the law applicable to a trust instrument;

(3) appoint or remove a trustee;

(4) determine the powers, responsibilities, duties, and liability of a trustee;

(5) ascertain beneficiaries;

(6) make determinations of fact affecting the administration, distribution, or duration of a trust;

(7) determine a question arising in the administration or distribution of a trust;

(8) relieve a trustee from any or all of the duties, limitations, and restrictions otherwise existing under the terms of the trust instrument or of this subtitle;

(9) require an accounting by a trustee, review trustee fees, and settle interim or final accounts; and

(10) surcharge a trustee.

(a-1) The list of proceedings described by Subsection (a) over which a district court has exclusive and original jurisdiction is not exhaustive. A district court has exclusive and original jurisdiction over a proceeding by or against a trustee or a proceeding concerning a trust under Subsection (a) whether or not the proceeding is listed in Subsection (a).

(d) ~~The jurisdiction of the district court [over proceedings concerning trusts]~~ is exclusive except for jurisdiction conferred by law on:

- (1) a statutory probate court;
- (2) [7] a court that creates a trust under Section 867, Texas Probate Code;
- (3) ~~[5 or]~~ a court that creates a trust under Section 142.005;
- (4) a justice court under Chapter 27, Government Code; or
- (5) a small claims court under Chapter 28, Government Code.

SECTION 12. Sections 116.002(9) and (13), Property Code, are amended to read as follows:

(9) "Person" has the meaning assigned by Section 111.004 ~~[means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality; public corporation, or any other legal or commercial entity].~~

(13) "Trustee" has the meaning assigned by Section 111.004 ~~[includes an original, additional, or successor trustee, whether or not appointed or confirmed by a court].~~

SECTION 13. Sections 116.172(c) and (e), Property Code, are amended to read as follows:

(c) If no part of a payment is characterized as interest, a dividend, or an equivalent payment, and all or part of the payment is required to be made, a trustee shall allocate to income the part of the payment that does not exceed an amount equal to:

(1) four percent of the fair market value of the future payment asset on the date specified in Subsection (d); less

(2) the total amount that the trustee has allocated to income for all previous payments received from the future payment asset during the same accounting period in which the payment is received ~~[made]~~.

(e) For each accounting period ~~[year]~~ [a future] payment ~~[asset]~~ is received ~~[made]~~, the amount determined under Subsection (c)(1) ~~[€]~~ must be prorated on a daily basis unless the determination of the fair market value of a future payment asset is made under Subsection (d)(2) and is for an accounting period of 365 days or more.

SECTION 14. Section 116.174(a), Property Code, is amended to read as follows:

(a) To the extent that a trustee accounts for receipts from an interest in minerals or other natural resources pursuant to this section, the trustee shall allocate them as follows:

(1) If received as ~~[nominal]~~ delay rental or ~~[nominal]~~ annual rent on a lease, a receipt must be allocated to income.

(2) If received from a production payment, a receipt must be allocated to income if and to the extent that the agreement creating the production payment provides a factor for interest or its equivalent. The balance must be allocated to principal.

(3) If [~~an amount~~] received as a royalty, shut-in-well payment, take-or-pay payment, or bonus, [~~or delay rental is more than nominal,~~] the trustee shall allocate the receipt equitably.

(4) If an amount is received from a working interest or any other interest not provided for in Subdivision (1), (2), or (3), the trustee must allocate the receipt equitably.

SECTION 15. Section 123.003(a), Property Code, is amended to read as follows:

(a) Any party initiating a proceeding involving a charitable trust shall give notice of the proceeding to the attorney general by sending to the attorney general, by registered or certified mail, a true copy of the petition or other instrument initiating the proceeding involving a charitable trust within 30 days of the filing of such petition or other instrument, but no less than 25 days prior to a hearing in such a proceeding. This subsection does not apply to a proceeding that[~~is~~

[~~(4)~~] is initiated by an application that exclusively seeks the admission of a will to probate, regardless of whether the application seeks the appointment of a personal representative, if the application:

(1) is uncontested; and [~~or~~]

(2) is not subject to [~~a proceeding under~~] Section 83, Texas Probate Code.

SECTION 16. Section 141.002, Property Code, is amended by amending Subdivision (2) and adding Subdivision (12-a) to read as follows:

(2) "Benefit plan" means a [~~an employer's plan for the benefit of an employee or partner or an individual~~] retirement plan, including an interest described by Sections 111.004(19)-(23) [~~account~~].

(12-a) "Qualified minor's trust" means a trust to which a gift is considered a present interest under Section 2503(c), Internal Revenue Code of 1986.

SECTION 17. Section 141.004(a), Property Code, is amended to read as follows:

(a) A person having the right to designate the recipient of property transferable on the occurrence of a future event may revocably nominate a custodian to receive the property for a minor beneficiary on the occurrence of that event by naming the custodian followed in substance by the words: "as custodian for (name of minor) under the Texas Uniform Transfers to Minors Act." The nomination may name one or more persons as substitute custodians to whom the property must be transferred, in the order named, if the first nominated custodian dies before the transfer or is unable, declines, or is ineligible to serve. The nomination may be made in a will, a trust, a deed, an instrument exercising a power of appointment, or in a writing designating a beneficiary of contractual

rights, including the right to receive payments from a benefit plan, that is registered with or delivered to the payor, issuer, or other obligor of the contractual rights.

SECTION 18. Sections 141.008(a) and (c), Property Code, are amended to read as follows:

(a) Subject to Subsections (b) and (c), a person who is not subject to Section 141.006 or 141.007 and who holds property, including a benefit plan of a minor who does not have a guardian, or who owes a liquidated debt to a minor who does not have a guardian may make an irrevocable transfer to a custodian for the benefit of the minor under Section 141.010.

(c) If a custodian has not been nominated under Section 141.004, or all persons nominated as custodian die before the transfer or are unable, decline, or are ineligible to serve, a transfer under this section may be made to an adult member of the minor's family or to a trust company unless the property exceeds \$15,000 ~~[\$10,000]~~ in value.

SECTION 19. Section 141.015, Property Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) A custodian may, without a court order, transfer all or part of the custodial property to a qualified minor's trust. A transfer of property under this subsection terminates the custodianship to the extent of the property transferred.

SECTION 20. Section 142.005, Property Code, is amended by amending Subsections (a), (b), and (g) and adding Subsections (k) through (o) to read as follows:

(a) Any [In a suit in which a minor who has no legal guardian or an incapacitated person is represented by a next friend or an appointed guardian ad litem, any] court of record with jurisdiction to hear a [the] suit involving a beneficiary may, on application [by the next friend or the guardian ad litem] and on a finding that the creation of a trust would be in the best interests of the beneficiary [minor or incapacitated person], enter a decree in the record directing the clerk to deliver any funds accruing to the beneficiary [minor or incapacitated person] under the judgment to a financial institution, except as provided by Subsections (m) and (n) [trust company or a state or national bank having trust powers in this state].

(b) The decree shall provide for the creation of a trust for the management of the funds for the benefit of the beneficiary [minor or incapacitated person] and for terms, conditions, and limitations of the trust, as determined by the court, that are not in conflict with the following mandatory provisions:

(1) The beneficiary shall be [the minor or incapacitated person is] the sole beneficiary of the trust.[;]

(2) The [the] trustee may disburse amounts of the trust's principal, income, or both as the trustee in the trustee's [his] sole discretion determines to be reasonably necessary for the health, education, support, or maintenance of the beneficiary. The trustee may conclusively presume that medicine or treatments approved by a licensed physician are appropriate for the health of the beneficiary.[;]

(3) The ~~the~~ income of the trust not disbursed under Subdivision (2) shall be ~~is~~ added to the principal of the trust.~~;~~

(4) If ~~if~~ the beneficiary is a minor, the trust shall terminate ~~terminates~~ on the death of the beneficiary, on the beneficiary's attaining an age stated in the trust, or on the 25th birthday of the beneficiary, whichever occurs first, or if the beneficiary is an incapacitated person, the trust shall terminate ~~terminates~~ on the death of the beneficiary or when the beneficiary regains capacity.~~;~~

(5) A ~~the~~ trustee that is a financial institution shall serve ~~serves~~ without bond.~~;~~~~and~~

(6) The ~~the~~ trustee shall receive ~~receives~~ reasonable compensation paid from trust's income, principal, or both on application to and approval of the court.

(7) The first page of the trust instrument shall contain the following notice:

NOTICE: THE BENEFICIARY AND CERTAIN PERSONS INTERESTED IN THE WELFARE OF THE BENEFICIARY MAY HAVE REMEDIES UNDER SECTION 114.008 OR 142.005, PROPERTY CODE.

(g) Notwithstanding any other provision of this chapter, if the court finds that it would be in the best interests of the beneficiary ~~minor or incapacitated person~~ for whom a trust is established ~~created~~ under this section, the court may omit or modify any terms required by Subsection (b) if the court determines that the omission or modification is necessary or appropriate to allow the beneficiary to be eligible to receive public benefits or assistance under a state or federal program. This section does not require a distribution from a trust if the distribution is discretionary under the terms of the trust ~~may contain provisions determined by the court to be necessary to establish a special needs trust as specified under 42 U.S.C. Section 1396p(d)(4)(A)~~.

(k) In addition to ordering other appropriate remedies and grounds, the court may appoint a guardian ad litem to investigate and report to the court whether the trustee should be removed for failing or refusing to make distributions for the health, education, support, or maintenance of the beneficiary required under the terms of the trust if the court is petitioned by:

- (1) a parent of the beneficiary;
- (2) a next friend of the beneficiary;
- (3) a guardian of the beneficiary;
- (4) a conservator of the beneficiary;
- (5) a guardian ad litem for the beneficiary; or
- (6) an attorney ad litem for the beneficiary.

(l) A person listed in Subsection (k) shall be reimbursed from the trust for reasonable attorney's fees, not to exceed \$1,000, incurred in bringing the petition.

(m) If the value of the trust's principal is \$50,000 or less, the court may appoint a person other than a financial institution to serve as trustee of the trust only if the court finds the appointment is in the beneficiary's best interests.

(n) If the value of the trust's principal is more than \$50,000, the court may appoint a person other than a financial institution to serve as trustee of the trust only if the court finds that:

- (1) no financial institution is willing to serve as trustee; and
- (2) the appointment is in the beneficiary's best interests.

(o) In this section:

(1) "Beneficiary" means:

(A) a minor or incapacitated person who:

(i) has no legal guardian; and

(ii) is represented by a next friend or an appointed guardian ad

litem; or

(B) a person with a physical disability.

(2) "Financial institution" means a financial institution, as defined by Section 201.101, Finance Code, that has trust powers, exists, and does business under the laws of this or another state or the United States.

SECTION 21. Section 187.005(c), Finance Code, and Section 113.060, Property Code, are repealed.

SECTION 22. The enactment of Section 113.060, Property Code, by Chapter 148, Acts of the 79th Legislature, Regular Session, 2005, was not intended to repeal any common-law duty to keep a beneficiary of a trust informed, and the repeal by this Act of Section 113.060, Property Code, does not repeal any common-law duty to keep a beneficiary informed. The common-law duty to keep a beneficiary informed that existed immediately before January 1, 2006, is continued in effect.

SECTION 23. Except as otherwise provided by the terms of a trust, the changes in law made by this Act apply to a trust existing or created on or after the effective date of this Act.

SECTION 24. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2007.

(b) Section 111.0035, Property Code, as amended by this Act, and the repeal by this Act of Section 113.060, Property Code, take 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, Section 111.0035, Property Code, as amended by this Act, and the repeal by this Act of Section 113.060, Property Code, take effect September 1, 2007.

HB 2188 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2188, A bill to be entitled An Act relating to the exception of certain ad valorem tax appraisal information from required disclosure under the public information law.

Representative Paxton moved to concur in the senate amendments to **HB 2188**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1444): 143 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Geren; Kuempel.

Absent — Elkins; Merritt; Olivo.

STATEMENT OF VOTE

When Record No. 1444 was taken, I was in the house but away from my desk. I would have voted yes.

Olivo

Senate Committee Substitute

CSHB 2188, A bill to be entitled An Act relating to the exception of certain ad valorem tax appraisal information from required disclosure under the public information law.

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

SECTION 1. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.148 to read as follows:

Sec. 552.148. EXCEPTION: RECORDS OF COMPTROLLER OR APPRAISAL DISTRICT RECEIVED FROM PRIVATE ENTITY. (a) Information relating to real property sales prices, descriptions, characteristics, and other related information received from a private entity by the comptroller or the chief appraiser of an appraisal district under Chapter 6, Tax Code, is excepted from the requirements of Section 552.021.

(b) Notwithstanding Subsection (a), the property owner or the owner's agent may, on request, obtain from the chief appraiser of the applicable appraisal district a copy of each item of information described by Section 41.461(a)(2), Tax Code, and a copy of each item of information that the chief appraiser took into consideration but does not plan to introduce at the hearing on the protest. In addition, the property owner or agent may, on request, obtain from the chief appraiser comparable sales data from a reasonable number of sales that is relevant to any matter to be determined by the appraisal review board at the hearing on the property owner's protest. Information obtained under this subsection:

(1) remains confidential in the possession of the property owner or agent; and

(2) may not be disclosed or used for any purpose except as evidence or argument at the hearing on the protest.

(c) Notwithstanding Subsection (a) or Section 403.304, Government Code, so as to assist a property owner, a school district, or an appraisal district in a protest filed under Section 403.303, Government Code, the property owner, district, or an agent of the property owner or district may, on request, obtain from the comptroller any information, including confidential information, obtained by the comptroller in connection with the comptroller's finding that is being protested. Confidential information obtained by a property owner, a school district, an appraisal district, or an agent of the owner or district under this subsection:

(1) remains confidential in the possession of the owner, district, or agent; and

(2) may not be disclosed to a person who is not authorized to receive or inspect the information.

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

HB 416 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 416, A bill to be entitled An Act relating to providing for restroom access for persons with certain medical conditions; providing a criminal penalty.

Representative Strama moved to concur in the senate amendments to **HB 416**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1445): 105 Yeas, 37 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bailey; Berman; Bohac; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Castro; Chavez; Chisum; Cohen; Coleman; Cook, R.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland;

Eissler; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Heflin; Hernandez; Herrero; Hill; Hochberg; Hodge; Homer; Hopson; Howard, D.; Isett; Jackson; Jones; Keffer; King, S.; King, T.; Krusee; Latham; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Miles; Moreno; Mowery; Murphy; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Solomons; Strama; Straus; Swinford; Talton; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Zerwas.

Nays — Anderson; Aycock; Bonnen; Callegari; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Flynn; Gattis; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; Howard, C.; Hughes; King, P.; Kolkhorst; Laubenberg; Macias; Miller; Morrison; O'Day; Patrick; Paxton; Phillips; Riddle; Smith, W.; Smithee; Taylor; Van Arsdale; Zedler.

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

Absent, Excused — Geren; Kuempel.

Absent — Elkins; Hartnett; McReynolds; Merritt.

STATEMENT OF VOTE

When Record No. 1445 was taken, I was in the house but away from my desk. I would have voted yes.

McReynolds

Senate Committee Substitute

CSHB 416, A bill to be entitled An Act relating to providing for restroom access for persons with certain medical conditions; providing a criminal penalty.

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

SECTION 1. This Act may be cited as the Restroom Access Act.

SECTION 2. Subchapter D, Chapter 341, Health and Safety Code, is amended by adding Section 341.069 to read as follows:

Sec. 341.069. ACCESS TO RESTROOM FACILITIES. (a) In this section:

(1) "Customer" means an individual who is lawfully on the premises of a retail establishment.

(2) "Eligible medical condition" means Crohn's disease, ulcerative colitis, irritable bowel syndrome, or any other permanent or temporary medical condition that requires immediate access to a toilet facility.

(3) "Physician" has the meaning assigned by Section 151.002, Occupations Code.

(4) "Retail establishment" means a place of business open to the general public for the sale of goods or services.

(b) A retail establishment that has a toilet facility for its employees shall allow a customer to use the toilet facility during normal business hours if:

(1) the retail establishment does not have a public restroom that is immediately accessible to the customer;

(2) the employee toilet facility is not located in an area where providing access would create an obvious health or safety risk to the customer or an obvious security risk to the retail establishment;

(3) the customer requesting use of the employee toilet facility provides the retail establishment with evidence of the customer's eligible medical condition including:

(A) a copy of a statement signed by a physician, a registered nurse, a physician's assistant, or a person acting under the delegation and supervision of a licensed physician in conformance with Subchapter A, Chapter 157, Occupations Code, that indicates the customer suffers from an eligible medical condition or uses an ostomy device; or

(B) an identification card that is issued by a nationally recognized health organization or a local health department and that indicates the customer suffers from an eligible medical condition or uses an ostomy device; and

(4) three or more employees of the retail establishment are working and physically present on the premises of the retail establishment at the time the customer requests to use the employee toilet facility.

(c) A customer who uses a toilet facility as authorized by this section shall leave the toilet facility in the same condition as it was before the customer used the toilet facility.

(d) In providing access to an employee toilet facility under this section, the retail establishment or employee does not owe the customer to whom access is provided a greater degree of care than is owed to a licensee on the premises.

(e) An employee of a retail establishment who refuses to provide a customer with access to an employee toilet facility as required by this section commits an offense. An offense under this section is a misdemeanor punishable by a fine of not more than \$100.

(f) A retail establishment is not required to make any physical changes to an employee toilet facility under this section.

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

HB 1210 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1210, A bill to be entitled An Act relating to the extension of the deadline for filing an application for a refund of an overpayment or erroneous payment of ad valorem taxes.

Representative Jackson moved to concur in the senate amendments to **HB 1210**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1446): 145 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Geren; Kuempel.

Absent — Merritt.

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

Amend **HB 1210** in Section 1 of the bill, (committee printing, page 1, between lines 26 and 27) by inserting the following:

(h) This section does not apply to an overpayment caused by a change of exemption status or correction of a tax roll. Such an overpayment is covered by Section 26.15 or 42.43, as applicable."

HB 1044 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 1044, A bill to be entitled An Act relating to the delivery of voter registration certificates.

Representative Dutton moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1044**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1044**: Dutton, chair; Berman, Bohac, Bolton, and Hodge.

**HB 2967 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2967, A bill to be entitled An Act relating to a performance bond required of a statutory probate court judge.

Representative Hartnett moved to concur in the senate amendments to **HB 2967**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1447): 144 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Geren; Kuempel.

Absent — Christian; Phillips.

Senate Committee Substitute

CSHB 2967, A bill to be entitled An Act relating to a performance bond required of a statutory probate court judge.

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

SECTION 1. Subchapter B, Chapter 25, Government Code, is amended by adding Section 25.00231 to read as follows:

Sec. 25.00231. BOND; INSURANCE. (a) This section controls over a specific provision for a particular court or county that attempts to create a requirement for a bond or insurance that conflicts with this section.

(b) Before beginning the duties of office, a judge of a statutory probate court must execute a bond that is:

(1) payable to the county treasurer or other person performing the duties of county treasurer;

(2) in the amount of \$500,000;

(3) conditioned on the faithful performance of the duties of the office;

and

(4) approved by the commissioners court.

(c) In lieu of the bond required by Subsection (b), a county may elect to obtain insurance in the amount required by Subsection (b) against losses caused by the statutory probate court judge's gross negligence in performing the duties of office.

(d) The commissioners court of a county shall pay the premium for the bond or insurance required by this section out of the general funds of the county.

SECTION 2. Sections 25.0173(e) and 25.1034(f), Government Code, are repealed.

SECTION 3. A judge of a statutory probate court who is serving on the effective date of this Act shall comply with the requirements of Section 25.00231, Government Code, as added by this Act, not later than November 1, 2007.

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

POSTPONED BUSINESS

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

SB 12 ON THIRD READING

(Bonnen and Giddings - House Sponsors)

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

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

SB 12 - REMARKS

REPRESENTATIVE FARRAR: Mr. Bonnen, are you aware that on Monday when you had the second reading on the bill I was excused, I had a doctor's appointment, so I wasn't here?

REPRESENTATIVE BONNEN: I was not aware of that.

FARRAR: Well, I'm making you aware of that now, so I wasn't a part of any sort of deal. I just wanted to clarify that.

BONNEN: That's perfectly fine.

FARRAR: Second of all, the amendment that I'm offering is actually a piece of legislation that was in your committee and it received no hearing.

BONNEN: Ms. Farrar, are you aware of the fact that yesterday morning my committee heard Senator Gallegos' bill, which he requested that I hold those bills and hear his bill while he worked out an agreement with the senate, and are you aware that the amendment that I took when you were absent was Senator Gallegos' bill? And so we have done a lot on this issue.

FARRAR: That is not the same as this amendment.

BONNEN: And I didn't say this was, Ms. Farrar.

FARRAR: This amendment—all it does is it requires—

BONNEN: Ms. Farrar, I'm getting ready to postpone this bill.

FARRAR: Why do you believe that is a political issue?

BONNEN: I'm glad you asked that; I'll tell you why I believe that. Have you heard the *Houston Chronicle* naming all the republican members in the Houston area the "Toxic 20" when they voted against amendments on the clean air bills that are actually reducing significant amounts of pollution in this state? Do you know this state has the most successful pollution reduction program in the nation?

FARRAR: No, I don't agree with that.

BONNEN: You can disagree with it, but it's not something you can because it's a fact. It's not something you or I believe in, it's a reality. You said these aren't political, but the *Houston Chronicle*, throughout the campaign season—prior to that they labeled everyone the "Toxic 20" for not voting for certain amendments. Then throughout the political season they editorialized against these candidates and they referred to those votes. I'm not going to put the house through that kind of game.

FARRAR: So you're not allowing us to vote on an amendment because you believe it would expose certain members to political retribution of some sort? Is that what you're saying?

BONNEN: No, I think it's gamesmanship, Ms. Farrar. I think the reality of it is I want to do real business and I want to do respectful things that are respectful to the membership of this house, and I don't believe that offering an amendment for the use of the *Houston Chronicle* in political season as it has done in the past, Ms. Farrar, is not my fault.

FARRAR: So you think that the press—so you think it's respectful to the press? You think it's disrespectful to the press to divide up other members of the legislature? Is that what it is? So basically you're just trying to protect people from having the public know where they stand on certain issues?

BONNEN: The public knows where people stand, and Ms. Farrar, what's unfortunate is your amendment is absolutely, completely, and totally unobtainable.

FARRAR: That is your opinion.

BONNEN: No, it's not opinion. Are you aware that not a single state in the nation, not a single state in the nation comes anywhere near—and I have a chart if you'd like to see it?

FARRAR: Are you aware in the amendment that New Jersey and California have what I'm trying to adopt here?

BONNEN: Would you let me finish, Ms. Farrar? None of those come anywhere near reaching a one point million risk factor.

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

A record vote was requested.

The motion to postpone prevailed by (Record 1448): 95 Yeas, 38 Nays, 2 Present, not voting.

Yeas — Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, F.; Callegari; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eiland; Eissler; Elkins; England; Farabee; Flores; Flynn; Frost; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Hughes; Isett; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Latham; Laubenberg; Macias; Madden; McCall; McClendon; McReynolds; Merritt; Miles; Miller; Morrison; Mowery; Murphy; O'Day; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Riddle; Ritter; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Vo; West; Woolley(C); Zedler; Zerwas.

Nays — Allen; Alonzo; Bailey; Bolton; Burnam; Castro; Cohen; Davis, Y.; Deshotel; Dukes; Dunnam; Escobar; Farias; Farrar; Garcia; Gonzales; Gonzalez Toureilles; Hernandez; Herrero; Howard, D.; Leibowitz; Lucio; Martinez; Martinez Fischer; Moreno; Naishtat; Noriega; Olivo; Ortiz; Pierson; Puente; Raymond; Rodriguez; Rose; Strama; Vaught; Veasey; Villarreal.

Present, not voting — Mr. Speaker; Mallory Caraway.

Absent, Excused — Geren; Kuempel.

Absent — Brown, B.; Coleman; Dutton; Gallego; Gattis; Giddings; Hill; Jackson; Jones; Menendez; Thompson; Turner; Van Arsdale.

STATEMENTS OF VOTE

When Record No. 1448 was taken, I was in the house but away from my desk. I would have voted yes.

Gallego

I was shown voting yes on Record No. 1448. I intended to vote no.

Miles

**CSSB 1655 ON SECOND READING
(Hartnett - House Sponsor)**

CSSB 1655, A bill to be entitled An Act relating to the establishment of the capital writs committee and the office of capital writs.

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

Representative Hartnett moved to postpone consideration of **CSSB 1655** until 9:30 a.m. tomorrow.

The motion prevailed.

**SB 1266 ON THIRD 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 read third time on May 9, postponed until May 14, and was again postponed until 10 a.m. today.

Amendment No. 1

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

Amend **SB 1266** (second reading engrossment) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 222.104(e) is amended as follows:

(e) The department may use any available funds for the purpose of making a pass-through toll payment under this section except funds derived from the issuance of bonds under Section 201.943.

(g-1) Notwithstanding Subsection (g), as added by Chapter 994, Acts of the 79th Legislature, Regular Session, 2005, or any other provision of this section, in any state fiscal year that begins on or after September 1, 2007, the commission shall enter into one or more agreements with public or private entities that provide for the payment of pass-through tolls to the public and private entities as reimbursement for the design, development, financing, construction, maintenance, or operation of toll and nontoll facilities in a total amount that is not less than the yearly average of the total amount of such agreements in effect before September 1, 2007. This subsection expires September 1, 2009.

SECTION 2. 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 development or redevelopment of property;
- (3) facilitate the movement of traffic; and
- (4) enhance a local entity's ability to sponsor a project authorized under

Section 222.104.

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;

(2) 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

(3) 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 intends to enter into an agreement with the department under Section 222.104.

(c) If the governing body determines an area to be unproductive and underdeveloped and that it meets the criteria under section 222.105, 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) The governing body must abide by all current and future laws in the application of this chapter.

(e) Not later than the thirtieth 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 and the intent to create the zone 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 a "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 promotion of the transportation project will cultivate development or redevelopment of the zone.

(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) Moneys deposited to the local tax increment account may be used to fund projects authorized under Section 222.104, including to repay amounts owned under any agreement entered into pursuant to Section 222.104.

(j) A transportation reinvestment zone terminates on December 31 of the year in which the municipality fulfills any contractual requirement which included the pledge of moneys deposited to the local tax increment account or the repayment of money owed under the agreement under Sec. 222.104 for which the zone was created.

(k) A transportation reinvestment zone terminates if the municipality does not use the zone for its intended purpose within ten years.

(l) 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 intends to enter into a pass-through toll agreement with the department under Section 222.104.

(c) The commissioners court of the county, after determining that an area is unproductive and underdeveloped and meets the criteria under section 222.105, 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) The governing body must abide by all applicable laws in the application of this chapter.

(e) Not later than the thirtieth 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 and the intent to create a zone must be published in a newspaper having general circulation in the county.

(f) 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.

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

(h) 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. All abatements granted by the commissioners court must be of equal rate to all property owners. 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.

(i) To assist the county in developing a project authorized 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.

(j) In any ad valorem tax year, a road utility district formed as provided by Subsection (i) 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 (h). Notwithstanding Section 441.192(a), an election is not required to approve the imposition of the taxes.

(k) A road utility district formed as provided by Subsection (i) may enter into an agreement with the county to assume the obligation, if any, of the county to fund a project under Sections 222.104 or to repay funds owed to the department under Section 222.104. Any amount paid for this purpose is considered to be an operating expense of the district. Any taxes collected by the district that are not paid for this purpose may be used for any district purpose.

(l) A tax abatement agreement entered into under Subsection (h), or an order or resolution on the abatement of taxes under that subsection, terminates on December 31 of the year in which the county fulfills any contractual requirement which included the pledge of moneys collected under this subsection or within ten years of the abatement is not used for its intended purpose.

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

Amendment No. 1 was adopted.

A record vote was requested.

SB 1266, as amended, was passed by (Record 1449): 141 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Geren; Kuempel.

Absent — Burnam; Corte; Hilderbran; Howard, C.; Swinford.

STATEMENT OF VOTE

When Record No. 1449 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

SB 1781 ON SECOND READING (Darby - House Sponsor)

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

SB 1781 was read second time on May 15, an amendment was offered and disposed of, and **SB 1781** was postponed until 10 a.m. today.

Amendment No. 2

Representative Darby offered the following amendment to **SB 1781**:

Amend **SB 1781** (house committee printing) as follows:

(1) In SECTION 1 of the bill, in amended Subdivision (8), Subsection (a), Section 16.033, Civil Practice and Remedies Code (page 2, lines 7 and 8), strike "or include".

(2) In SECTION 1 of the bill, in added Subsection (c), Section 16.033, Civil Practice and Remedies Code (page 2, line 13), between "containing a" and "defect,", insert "ministerial".

(3) In SECTION 1 of the bill, in added Subsection (c), Section 16.033, Civil Practice and Remedies Code (page 2, lines 14 and 15), strike "or failing to contain a certificate of acknowledgment and".

Amendment No. 2 was adopted.

A record vote was requested.

SB 1781, as amended, was passed to third reading by (Record 1450): 131 Yeas, 9 Nays, 2 Present, not voting.

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

Nays — Alonzo; Anchia; Castro; Davis, Y.; Farrar; Herrero; Leibowitz; Olivo; Vaught.

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

Absent, Excused — Geren; Kuempel.

Absent — Bolton; Gattis; Orr; Pierson; Rose; Van Arsdale.

STATEMENT OF VOTE

When Record No. 1450 was taken, I was in the house but away from my desk. I would have voted yes.

Orr

CSSB 772 ON SECOND READING
(Menendez - House Sponsor)

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

CSSB 772 was read second time on May 15, amendments were offered and disposed of, and **CSSB 772** was postponed until 10:30 a.m. today.

CSSB 772, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Aycock recorded voting no.)

SB 528 ON SECOND READING
(Peña - House Sponsor)

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

SB 528 was read second time on May 14, postponed until May 15, and was again postponed until 11 a.m. today.

Representative Peña moved to postpone consideration of **SB 528** until 10 a.m. tomorrow.

The motion prevailed.

GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING

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

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

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

A record vote was requested.

SB 247 was passed by (Record 1451): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; 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; 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; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory

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

Present, not voting — Mr. Speaker.

Absent, Excused — Geren; Kuempel.

Absent — Riddle.

SB 450 ON THIRD READING
(Turner - House Sponsor)

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

A record vote was requested.

SB 450 was passed by (Record 1452): 142 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; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Hopson; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley(C); Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Geren; Kuempel.

Absent — Farabee; Gattis; Homer; Howard, C.; Van Arsdale.

STATEMENTS OF VOTE

When Record No. 1452 was taken, I was in the house but away from my desk. I would have voted yes.

Farabee

When Record No. 1452 was taken, I was temporarily out of the house chamber. I would have voted yes.

Homer

SB 1828 ON THIRD READING
(Hamilton - House Sponsor)

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

Amendment No. 1

Representative Ritter offered the following amendment to **SB 1828**:

Amend **SB 1828** by striking page 1, lines 13-16 and substituting the following:

(b) A person may retain information accessed under this section only for providing proof of compliance with this code or a rule of the commission. Information retained must be printed to hard copy with a time and date confirmation from the transaction scan device at the end of each business day. After printing, the transaction scan device must clear the scanned information from the device or any memory in the device. The commission by rule may set further requirements for the retention of information under this section. Information retained under this section may not be retained for longer than the time required to prove compliance with this code or a rule of the commission.

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

Amendment No. 2

Representative Goolsby offered the following amendment to **SB 1828**:

Amend **SB 1828** on page 2 as follows:

1. On line 14 between the word "permit" and the period insert:
, except as provided by rules adopted by the commission under Section 5.31

2. After line 14 insert a new subsection (g) to read as follows:

(g) In this section "transaction scan device" includes an electronic age verification system authorized by commission rule operated in conjunction with a point of sale terminal that scans the purchaser's drivers license or identification certificate upon enrollment, associates the purchaser's personal identifying information, as defined by Section 48.002(1)(C), Business and Commerce Code, with the purchaser's license or identification certificate information and is capable of allowing a seller to verify a purchaser's age solely by accessing the data and information.

Amendment No. 2 was adopted.

A record vote was requested.

SB 1828, as amended, was passed by (Record 1453): 144 Yeas, 0 Nays, 2 Present, not voting. (The vote was reconsidered later today, and **SB 1828**, as amended, was passed by Record 1479.)

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

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

Absent, Excused — Geren; Kuempel.

Absent — Solomons; Villarreal.

SB 1670 ON THIRD READING (Crownover - House Sponsor)

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

A record vote was requested.

SB 1670 was passed by (Record 1454): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; 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; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips;

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

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

Absent, Excused — Geren; Kuempel.

Absent — Burnam; Davis, Y.; Jones.

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

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

(P. King in the chair)

Amendment No. 1

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

Amend **SB 1119** on third reading by striking the effective date of the bill and substituting:

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

Amendment No. 1 was withdrawn.

Amendment No. 2

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

SECTION 4. Section 707.003, Transportation Code, as added by this Act, applies only to a contract entered into on or after the effective date of this Act.

SECTION 5. ~~(a) Except as provided by Subsection (b) of this section.~~ This Act takes effect September 1, 2007.

~~(b) This Act takes effect only if **SB 125**, Acts of the 80th legislature, Regular Session, 2007, is enacted and becomes law.~~

(Geren and Kuempel now present)

A record vote was requested.

Amendment No. 2 failed of adoption (not receiving the necessary two-thirds vote) by (Record 1455): 78 Yeas, 62 Nays, 2 Present, not voting.

Yeas — Alonzo; Anderson; Aycock; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Christian; Coleman; Cook, B.; Cook, R.; Darby; Davis, J.; Davis, Y.; Dukes; Dunnam; Dutton; Eiland; Farrar; Flores; Frost; Gallego; Gattis; Geren; Gonzalez Toureilles; Haggerty; Hardcastle; Harless; Heflin; Hernandez; Herrero; Hilderbran; Hodge; Howard, C.; Hughes; Isett; King, S.; King, T.; Kolkhorst; Latham; Leibowitz; Macias; Martinez; Martinez Fischer; McClendon; McReynolds; Miles; Miller; Mowery; Naishtat;

Noriega; Olivo; Orr; Otto; Patrick; Paxton; Phillips; Pitts; Quintanilla; Ritter; Rodriguez; Rose; Smith, W.; Smithee; Straus; Talton; Taylor; Turner; Van Arsdale; Vaught; Veasey; Vo; West; Zedler.

Nays — Allen; Anchia; Bailey; Berman; Branch; Chavez; Corte; Crabb; Creighton; Crownover; Delisi; Deshotel; Driver; Eissler; Elkins; England; Escobar; Farabee; Farias; Flynn; Garcia; Giddings; Gonzales; Goolsby; Guillen; Hamilton; Harper-Brown; Hartnett; Hill; Hochberg; Homer; Hopson; Howard, D.; Jackson; Krusee; Kuempel; Lucio; Madden; Mallory Caraway; McCall; Menendez; Moreno; Murphy; O'Day; Oliveira; Ortiz; Parker; Peña; Pickett; Pierson; Puente; Raymond; Riddle; Smith, T.; Solomons; Strama; Swinford; Thompson; Truitt; Villarreal; Woolley; Zerwas.

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

Absent — Chisum; Cohen; Hancock; Jones; Keffer; Laubenberg; Merritt; Morrison.

A record vote was requested.

SB 1119 was passed by (Record 1456): 136 Yeas, 12 Nays, 2 Present, not voting.

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

Nays — Aycock; Darby; Hardcastle; Harless; Harper-Brown; Hill; Madden; McCall; Noriega; Parker; Patrick; Phillips.

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

STATEMENT OF VOTE

I was shown voting no on Record No. 1456. I intended to vote yes.

Parker

REMARKS ORDERED PRINTED

Representative Miles moved to print remarks between Representative Bonnen and Representative Farrar on **SB 12**.

The motion prevailed.

RULES SUSPENDED

Representative Bailey moved to suspend all necessary rules to allow the Committee on Urban Affairs to consider pending business during lunch recess today at Desk 79.

The motion prevailed.

Representative Madden moved to suspend all necessary rules to allow the Committee on Corrections to consider **SB 230**, **SB 1347**, and **SB 1741** during lunch recess today at Desk 50.

The motion prevailed.

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

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Government Reform, upon lunch recess today, Desk 109, for a formal meeting, to consider pending business.

Judiciary, upon lunch recess today, Desk 70, for a formal meeting, to consider pending bills.

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

Law Enforcement, upon lunch recess today, Desk 56, for a formal meeting, to consider **SB 503**, **SB 745**, **SB 1083**, and pending business.

Financial Institutions, upon lunch recess today, Desk 7, for a formal meeting, to consider **SB 62**, **SB 607**, and **SB 1484**.

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

Insurance, upon lunch recess today, Desk 24, for a formal meeting, to consider **SB 568** and pending business.

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

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

Local and Consent Calendars, upon lunch recess today, 3W.9, for a formal meeting.

Corrections, upon lunch recess today, Desk 50, for a formal meeting, to consider **SB 230**, **SB 1347**, and **SB 1741**.

Juvenile Justice and Family Issues, upon lunch recess today, Desk 115, for a formal meeting, to consider **SB 617** and **SB 1976**.

SB 765 - VOTE RECONSIDERED

Representative Puente moved to reconsider the vote by which **SB 765**, as amended, was passed to third reading yesterday.

The motion to reconsider prevailed.

SB 765 ON SECOND READING (Frost - House Sponsor)

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

Amendment No. 1 - Vote Reconsidered

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

The motion to reconsider prevailed.

Amendment No. 1 was withdrawn.

Amendment No. 2

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

Amend **SB 765** (house committee printing) by adding the following appropriately numbered SECTIONS to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 351.102(c), Tax Code, is amended to read as follows:

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

SECTION _____. Section 2303.003(8), Government Code, is amended to read as follows:

(8) "Qualified hotel project" means a hotel that is constructed on land owned by a municipality or proposed to be constructed by a municipality or a nonprofit municipally sponsored local government corporation created under the Texas Transportation Corporation Act, Chapter 431, Transportation Code, and that is within 1,000 feet of a convention center owned by a municipality having a population of 1.1 million [~~1,500,000~~] or more, including shops, parking facilities, and any other facilities ancillary to the hotel.

Amendment No. 2 was adopted.

SB 765, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

SB 920 - RECOMMENDED

Representative Swinford moved to recommit **SB 920** to the Committee on State Affairs.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

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

RECESS

At 12:16 p.m., the chair announced that the house would stand recessed until 2 p.m. today.

AFTERNOON SESSION

The house met at 2 p.m. and was called to order by Representative Hill.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 40).

HR 1958 - ADOPTED (by Frost)

Representative Hamilton moved to suspend all necessary rules to take up and consider at this time **HR 1958**.

The motion prevailed.

The following resolution was laid before the house:

HR 1958, In memory of U.S. Army Air Corps Second Lieutenant Ernest Paul Kirkland of Cass County.

HR 1958 was unanimously adopted by a rising vote.

HR 1963 - ADOPTED (by Frost)

Representative Hamilton moved to suspend all necessary rules to take up and consider at this time **HR 1963**.

The motion prevailed.

The following resolution was laid before the house:

HR 1963, In memory of Flora Eugenia Davis of Texarkana.

HR 1963 was unanimously adopted by a rising vote.

HR 2066 - ADOPTED
(by Frost)

Representative Hamilton moved to suspend all necessary rules to take up and consider at this time **HR 2066**.

The motion prevailed.

The following resolution was laid before the house:

HR 2066, Congratulating the baseball team of Liberty-Eylau High School in Texarkana on winning the 2006 UIL Class 3A Championship.

HR 2066 was adopted.

HR 2067 - ADOPTED
(by Frost)

Representative Hamilton moved to suspend all necessary rules to take up and consider at this time **HR 2067**.

The motion prevailed.

The following resolution was laid before the house:

HR 2067, Congratulating Pansy Baird on her retirement as treasurer of Bowie County.

HR 2067 was adopted.

SB 136 ON THIRD READING
(Branch - House Sponsor)

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

A record vote was requested.

SB 136 was passed by (Record 1457): 137 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; 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; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill(C); Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Isett; Jackson; Jones; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Puente;

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

Present, not voting — Mr. Speaker.

Absent — Chisum; Christian; Dutton; Farrar; Gattis; Howard, C.; Keffer; Phillips; Pitts; Van Arsdale; Vo; West.

SB 548 ON THIRD READING
(Hamilton - House Sponsor)

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

Representative Hamilton moved to postpone consideration of **SB 548** until 3 p.m. today.

The motion prevailed.

SB 199 ON THIRD READING
(Rose - House Sponsor)

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

Representative Hamilton moved to postpone consideration of **SB 199** until 3 p.m. today.

The motion prevailed.

SB 129 ON THIRD READING
(Naishtat, Hill, Creighton, T. Smith, and Leibowitz - House Sponsors)

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

SB 129 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BURNAM: Mr. Naishtat, you know I think that it's very important legislation, and I would like for you to do some clarification on your intent on this bill. Is it your intent that this is to clarify definitions and to fully authorize the Ethics Commission to move forward and to do the work that they're supposed to do based on this legislation?

REPRESENTATIVE NAISHTAT: Yes, it is.

BURNAM: And do you believe that this legislation should enable the Ethics Commission to make decisions based on sound recognition of the common use of language?

NAISHTAT: Yes, I do.

A record vote was requested.

SB 129 was passed by (Record 1458): 141 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent — Chisum; Dutton; Farrar; Gallego; Giddings; Gonzales; Hochberg; Keffer.

STATEMENT OF VOTE

When Record No. 1458 was taken, my vote failed to register. I would have voted yes.

Gallego

REMARKS ORDERED PRINTED

Representative Burnam moved to print remarks between Representative Naishtat and Representative Burnam.

The motion prevailed.

SB 322 ON THIRD READING (Flynn - House Sponsor)

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

A record vote was requested.

SB 322 was passed by (Record 1459): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales;

Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill(C); Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; 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.

Absent — Chisum; Dutton; Farrar; Keffer; Ortiz.

STATEMENT OF VOTE

When Record No. 1459 was taken, I was in the house but away from my desk. I would have voted yes.

Ortiz

SB 1536 ON THIRD READING (Delisi - House Sponsor)

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

A record vote was requested.

SB 1536 was passed by (Record 1460): 139 Yeas, 3 Nays, 1 Present, not voting.

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

Nays — Crabb; Miller; Riddle.

Present, not voting — Mr. Speaker.

Absent — Chisum; Davis, Y.; Dutton; Keffer; Moreno; Murphy; Smith, W.

SB 1037 ON THIRD READING
(Darby - House Sponsor)

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

A record vote was requested.

SB 1037 was passed by (Record 1461): 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; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill(C); Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent — Flores; Goolsby; Howard, C.; Oliveira.

SB 1097 ON THIRD READING
(Noriega - House Sponsor)

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

Amendment No. 1

Representative Macias offered the following amendment to **SB 1097**:

Amend **SB 1097** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering the other SECTIONS of the bill accordingly:

SECTION _____. Section 30.05(b), Penal Code, is amended by adding Subdivision (8) to read as follows:

(8) "Residential land" means real property improved by a dwelling and zoned for or otherwise authorized for single-family or multifamily use.

SECTION _____. Section 30.05, Penal Code, is amended by amending Subsection (c) and adding Subsections (d-1) and (k) to read as follows:

(c) It is a defense to prosecution under this section that the actor at the time of the offense was:

(1) a fire fighter or emergency medical services personnel, as ~~[that term is]~~ defined by Section 773.003, Health and Safety Code, acting in the lawful discharge of an official duty under exigent circumstances;

(2) an employee or agent of an electric utility, as defined by Section 31.002, Utilities Code, or an employee or agent of a gas utility, as defined by Section 101.003 or 121.001, Utilities Code, who was performing a duty within the scope of employment or agency; or

(3) a person who was:

(A) employed by or acting as agent for an entity that had, or that the person reasonably believed had, effective consent or authorization provided by law to enter the property; and

(B) performing a duty within the scope of that employment or agency.

(d-1) An offense under Subsection (k) is a Class C misdemeanor unless it is committed in a building or habitation or unless the actor carries a deadly weapon on or about the actor's person during the commission of the offense, in which event it is a Class A misdemeanor.

(k) A person commits an offense if without express consent or if without authorization provided by any law, whether in writing or other form, the person:

(1) enters or remains on residential land of another; and

(2) had notice that the entry was forbidden or received notice to depart but failed to do so.

Amendment No. 1 was adopted.

A record vote was requested.

SB 1097, as amended, was passed by (Record 1462): 144 Yeas, 1 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; 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(C); 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; Moreno; Morrison; Mowery; 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; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Latham.

Present, not voting — Mr. Speaker.

Absent — Eiland; Flores; Paxton; Thompson.

STATEMENT OF VOTE

When Record No. 1462 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

SB 204 ON THIRD READING (Delisi - House Sponsor)

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

A record vote was requested.

SB 204 was passed by (Record 1463): 148 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; Harcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill(C); Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent — Keffer.

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

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

Amendment No. 1

Representative Thompson offered the following amendment to **SB 222**:

Amend **SB 222** on page 2, between lines 16 and 17, insert the following:

(c) Notwithstanding Section 20.12 of this chapter, a violation of this section is not a false, misleading, or deceptive act or practice under Subchapter E, Chapter 17.

Amendment No. 1 was adopted.

A record vote was requested.

SB 222, as amended, was passed by (Record 1464): 146 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent — Flores; Macias; Straus.

STATEMENT OF VOTE

When Record No. 1464 was taken, I was in the house but away from my desk. I would have voted yes.

Macias

SB 759 ON THIRD READING
(Parker - House Sponsor)

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

Amendment No. 1

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

Amend **SB 759** on third reading in SECTION 2 of the bill, by striking amended Subsection (d), Section 263.501, Family Code, as amended by Floor Amendment No. 1 by Parker, and substituting the following:

(d) The following are entitled to not less than 10 days' notice of a placement review hearing and are entitled to present evidence and be heard at the hearing:

- (1) the department;
- (2) the foster parent, preadoptive parent, relative of the child providing care, or director of the group home or institution in which the child is residing;
- (3) each parent of the child;
- (4) each possessory conservator or guardian of the child;
- (5) the child's attorney ad litem and volunteer advocate, if the appointments were not dismissed in the final order; ~~and~~
- (6) the licensed administrator of the child-placing agency responsible for placing the child for adoption;
- (7) the following individuals, if the individual has filed with the department a written request to receive notice:
 - (A) an adult sibling of the child;
 - (B) a grandparent of the child;
 - (C) an aunt who is a sister of a parent of the child; or
 - (D) an uncle who is a brother of a parent of the child; and
- (8) any other person or agency named by the court as having an interest in the child's welfare.

Amendment No. 1 was adopted.

A record vote was requested.

SB 759, as amended, was passed by (Record 1465): 146 Yeas, 0 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker.

Absent — Cohen; Crownover; Guillen.

STATEMENT OF VOTE

When Record No. 1465 was taken, my vote failed to register. I would have voted yes.

Guillen

SB 1627 ON THIRD READING (Martinez - House Sponsor)

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

A record vote was requested.

SB 1627 was passed by (Record 1466): 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; 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(C); Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent — Flores; Van Arsdale.

SB 1956 ON THIRD READING
(Corte - House Sponsor)

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

A record vote was requested.

SB 1956 was passed by (Record 1467): 147 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent — Burnam; Flores.

SB 940 ON THIRD READING
(Straus - House Sponsor)

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

A record vote was requested.

SB 940 was passed by (Record 1468): 149 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(C); Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

SB 1519 ON THIRD READING
(Hartnett - House Sponsor)

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

A record vote was requested.

SB 1519 was passed by (Record 1469): 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 Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill(C); 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; Miller; Moreno; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent — Hardcastle; Miles.

STATEMENT OF VOTE

When Record No. 1469 was taken, I was in the house but away from my desk. I would have voted yes.

Miles

SB 765 ON THIRD READING
(Frost - House Sponsor)

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

A record vote was requested.

SB 765 was passed by (Record 1470): 140 Yeas, 5 Nays, 2 Present, not voting.

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

Present, not voting — Mr. Speaker; Patrick.

Absent — Deshotel; Smith, W.; Straus.

STATEMENT OF VOTE

When Record No. 1470 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

SB 1520 ON THIRD READING
(Paxton - House Sponsor)

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

A record vote was requested.

SB 1520 was passed by (Record 1471): 146 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent — Coleman; Gattis; Hardcastle.

(Taylor in the chair)

SB 924 ON THIRD READING
(Solomons - House Sponsor)

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

A record vote was requested.

SB 924 was passed by (Record 1472): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; 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; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez;

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

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

Absent — Brown, B.; Flores; Hill; Mallory Caraway.

SB 153 ON THIRD READING
(Phillips - House Sponsor)

SB 153, A bill to be entitled An Act relating to the creation of an offense involving the supervision of a vehicle operator holding an instruction permit.

A record vote was requested.

SB 153 was passed by (Record 1473): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycocock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; 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; 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; Moreno; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent — Hill; Hughes; Smith, T.

SB 166 ON THIRD READING
(Madden - House Sponsor)

SB 166, A bill to be entitled An Act relating to a prison diversion progressive sanctions program.

A record vote was requested.

SB 166 was passed by (Record 1474): 143 Yeas, 1 Nays, 2 Present, not voting.

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

Nays — Harper-Brown.

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

Absent — Burnam; Cook, B.; Gattis; Hardcastle.

SB 618 ON THIRD READING

(Hartnett and Alonzo - House Sponsors)

SB 618, A bill to be entitled An Act relating to the jurisdiction of and representation in the county, justice, and small claims courts in civil matters.

A record vote was requested.

SB 618 was passed by (Record 1475): 143 Yeas, 3 Nays, 2 Present, not voting.

Yeas — 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; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose;

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

Nays — Herrero; Leibowitz; Vaught.

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

Absent — Allen; Hill.

STATEMENT OF VOTE

When Record No. 1475 was taken, I was temporarily out of the house chamber. I would have voted yes.

Allen

SB 1424 ON THIRD READING

(T. Smith, Patrick, Pierson, and Zedler - House Sponsors)

SB 1424, A bill to be entitled An Act relating to the municipalities authorized to use the other events trust fund to attract certain sporting events.

A record vote was requested.

SB 1424 was passed by (Record 1476): 143 Yeas, 1 Nays, 2 Present, not voting.

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

Nays — Crabb.

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

Absent — Harper-Brown; Hughes; King, P.; Pitts.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1476. I intended to vote no.

Flynn

**MAJOR STATE CALENDAR
SENATE BILLS
SECOND READING**

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

CSSB 914 ON SECOND READING

(Truitt, B. Cook, McClendon, Kolkhorst, and Flynn - House Sponsors)

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

Amendment No. 1

Representative McCall offered the following amendment to **CSSB 914**:

Amend **CSSB 914** (House committee printing) by inserting the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 1102.114, Occupations Code, is amended to read as follows:

Sec. 1102.114. ISSUANCE OF LICENSE. The commission shall issue the appropriate license to an applicant who:

- (1) meets the required qualifications; ~~and~~
- (2) pays the fee required by Section 1102.352(a); and
- (3) offers proof that the applicant carries liability insurance with a minimum limit of \$100,000 per occurrence to protect the public against a violation of Subchapter G.

SECTION _____. Section 1102.203(a), Occupations Code, is amended to read as follows:

(a) A person may renew an unexpired license by paying the required renewal fee to the commission before the expiration date of the license and providing proof of liability insurance as required by Section 1102.114(3).

Amendment No. 1 was adopted.

Amendment No. 2

Representative Solomons offered the following amendment to **CSSB 914**:

Amend **CSSB 914** (House committee printing) by inserting the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 1101.455, Occupations Code, is amended by adding Subsection (k) to read as follows:

(k) An online course offered under this section may not be completed in less than 24 hours.

Amendment No. 2 was adopted.

CSSB 914, 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.)

**GENERAL STATE CALENDAR
SENATE BILLS
SECOND READING**

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

**SB 1541 ON SECOND READING
(Elkins - House Sponsor)**

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

SB 1541 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 1709 ON SECOND READING
(Turner - House Sponsor)**

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

SB 1709 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 1217 ON SECOND READING
(Hamilton - House Sponsor)**

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

Amendment No. 1

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

Amend **SB 1217** (house committee printing) as follows:

(1) In existing SECTION 5 of the bill (page 4, line 9), strike "The changes in law" and substitute "Except as otherwise provided by this Act, the changes in law".

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

SECTION _____. Section 28.04(d), Alcoholic Beverage Code, is amended to read as follows:

(d) This section does not apply to a change in corporate control:

(1) brought about by the death of a shareholder if the shareholder's ~~his~~ surviving spouse or descendants are the shareholder's ~~his~~ successors in interest; or

(2) brought about when legal or beneficial ownership of over 50 percent of the stock of the corporation has been transferred:

(A) to a person who possesses the qualifications required of other applicants for permits and is currently an officer of the corporation and has been an officer of the corporation ever since the date the original permit was issued; or

(B) if the permittee ~~pays a fee of \$500 and~~ notifies the commission, on completed forms and attachments prescribed by the commission, of the proposed transfer ~~at least 10 days~~ prior to the date the transfer is to become effective and the commission does not find that circumstances exist that would be grounds for the denial of a renewal of the permit under Section 11.46 ~~of this code~~ and provided the ownership of the corporation immediately after the transfer satisfies the requirements of this code.

SECTION _____. The change in law made by this Act to Section 28.04, Alcoholic Beverage Code, applies to renewal of a mixed beverage permit that expires on or after the effective date of this Act, regardless of when legal or beneficial ownership of the corporation holding the permit changed.

Amendment No. 1 was adopted.

SB 1217, 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.)

(Woolley in the chair)

SB 1332 ON SECOND READING (Chavez - House Sponsor)

SB 1332, A bill to be entitled An Act relating to the establishment of debt management policies and guidelines by the Bond Review Board, including the approval by the board of certain interest rate management agreements.

Representative Chavez moved to postpone consideration of **SB 1332** until 1 p.m. Friday, May 18.

The motion prevailed.

SB 1169 ON SECOND READING (Elkins - House Sponsor)

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

Amendment No. 1

Representative Zedler offered the following amendment to **SB 1169**:

Amend **SB 1169**, house committee printing, by inserting the following new SECTIONS in the bill, appropriately numbered, and renumbering the SECTIONS of the bill accordingly:

SECTION ____ .1. Section 410.032, Labor Code, is amended to read as follows:

Sec. 410.032. PAYMENT OF BENEFITS UNDER INTERLOCUTORY ORDER. (a) The ~~[As designated by the commissioner, division staff, other than the]~~ benefit review officer who presides ~~[presided or will preside]~~ at the benefit review conference~~;~~ shall:

(1) consider a written or verbal request for an interlocutory order for the payment of benefits; and

(2) ~~[shall issue an interlocutory order]~~ if the benefit review officer determines that issuance of an interlocutory order is ~~[determined to be]~~ appropriate, issue the interlocutory order not later than the third day after the date of receipt of the request under Subdivision (1).

(b) The interlocutory order may address accrued benefits, future benefits, or both accrued benefits and future benefits.

SECTION ____ . Section 410.032, Labor Code, as amended by this Act, applies only to a request for an interlocutory order made in conjunction with a workers' compensation benefit review conference that is conducted by a benefit review officer on or after the effective date of this Act. A request made before that date is governed by the law in effect on the date the request is made, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted.

SB 1169, 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: Herrero and Leibowitz recorded voting no.)

SB 955 ON SECOND READING (Turner - House Sponsor)

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

SB 955 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

SB 125 ON SECOND READING (Murphy, Bailey, Delisi, and Elkins - House Sponsors)

SB 125, A bill to be entitled An Act relating to a civil or administrative penalty imposed by a local authority to enforce compliance with a traffic-control signal and use of the money collected to help fund trauma facilities and emergency medical services.

SB 125 - RECOMMENDED

Representative Murphy moved to recommit **SB 125** to the Committee on Urban Affairs.

The motion prevailed.

**SB 255 ON SECOND READING
(Phillips - House Sponsor)**

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

Amendment No. 1

On behalf of Representative Pickett, Representative Phillips offered the following amendment to **SB 255**:

Amend **SB 255** (house committee printing) as follows:

(1) In SECTION 1 of the bill, in added Subsection (a), Section 201.805, Transportation Code (page 2, line 10), strike "and".

(2) In SECTION 1 of the bill, in added Subsection (a), Section 201.805, Transportation Code, between "expenditures" and the period (page 2, line 12), insert the following:

;

(12) the dollar amount of any pass-through toll agreements;

(13) the percentage of highway construction projects completed on time; and

(14) the percentage of highway construction projects that cost:

(A) more than the contract amount; and

(B) less than the contract amount

(3) In SECTION 1 of the bill, immediately following added Subsection (b), Section 201.805, Transportation Code (page 2, between lines 15 and 16), insert the following:

(c) The department shall annually publish in appropriate media and on the department's Internet website in a format that allows the information to be read into a commercially available electronic database the following information for each fiscal year:

(1) the amount of money in the Texas mobility fund itemized by the source of the money; and

(2) the amount of money received by the department:

(A) itemized by the source of the money; and

(B) compared to the amount of money appropriated by the legislature to the department in the General Appropriations Act.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Dunnam offered the following amendment to **SB 255**:

Amend **SB 255** (house committee printing) as follows:

(1) In SECTION 1 of the bill, in added Subsection (a), Section 201.805, Transportation Code (page 2, line 10), strike "and".

(2) In SECTION 1 of the bill, in added Subsection (a), Section 201.805, Transportation Code, between "expenditures" and the period (page 2, line 12), insert the following:

; and

(12) a description of real property acquired by the department through the exercise of eminent domain, including the acreage of the property and the location of the property

Amendment No. 2 was adopted.

Amendment No. 3

Representative Dunnam offered the following amendment to **SB 255**:

Amend **SB 255** (house committee printing) in SECTION 1 of the bill, immediately following added Subsection (b), Section 201.805, Transportation Code (page 2, between lines 15 and 16), by inserting the following:

(c) The department shall annually publish in appropriate media and on the department's Internet website in a format that allows the information to be read into a commercially available electronic database a list of each contract the department has with:

(1) a person required to register as a lobbyist under Chapter 305, Government Code;

(2) a public relations firm; or

(3) a government consultant.

Amendment No. 3 was adopted.

SB 255, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

SB 295 ON SECOND READING (Latham - House Sponsor)

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

SB 295 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.)

POSTPONED BUSINESS

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

SB 199 ON THIRD READING
(Rose - House Sponsor)

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

SB 199 was read third time earlier today and was postponed until this time.

A record vote was requested.

SB 199 was passed by (Record 1477): 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; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley(C); Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent — Flores; Harless.

GENERAL STATE CALENDAR
(consideration continued)

SB 324 ON SECOND READING
(Chisum - House Sponsor)

SB 324, A bill to be entitled An Act relating to contingent payment clauses in certain construction contracts.

Amendment No. 1

Representative Solomons offered the following amendment to **SB 324**:

Amend **SB 324** by striking proposed Section 35.521(h), Business & Commerce Code (House committee printing, page 4, lines 20-23), and substituting the following:

(h) A contingent payor or its surety may not enforce a contingent payment clause if the contingent payor is in a sham relationship with the obligor, as described by the sham relationships in Section 53.026, Property Code.

Amendment No. 1 was adopted.

SB 324, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

SB 545 ON SECOND READING
(Jackson and Krusee - House Sponsors)

SB 545, A bill to be entitled An Act relating to the enforcement of commercial motor vehicle safety standards by certain peace officers.

Amendment No. 1

Representative Frost offered the following amendment to **SB 545**:

Amend **SB 545** (House Committee Report) in SECTION 1 of the bill as follows:

(1) In amended Subdivision (3), Subsection (b), Section 644.101, Transportation Code (page 1, line 19), strike "or" and substitute "[~~or~~]".

(2) In amended Subdivision (4), Subsection (b), Section 644.101, Transportation Code (page 1, line 20), between "(4)" and "a", insert the following:

a municipality with a population of at least 34,000 that is located in a county that borders two or more states; or

(5)

Amendment No. 1 was adopted.

Amendment No. 2

Representative Thompson offered the following amendment to **SB 545**:

Amend **SB 545** by adding an appropriately numbered section to read as follows and renumber the subsequent sections appropriately:

SECTION 1. Section 45.051(f), Code of Criminal Procedure, as amended by Chapters 281 and 357, Acts of the 79th Legislature, Regular Session, 2005, is reenacted and amended to read as follows:

(f) This article does not apply to:

(1) an offense to which Section 542.404 [~~or 729.004(b)~~], Transportation Code, applies; or

(2) a violation of a state law or local ordinance relating to motor vehicle control, other than a parking violations, committed by a person who:

(A) holds a commercial driver's license; or

(B) held a commercial driver's license when the offense was committed.

Amendment No. 2 was adopted.

SB 545, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Aycock recorded voting no.)

**SB 932 ON SECOND READING
(Bonnen - House Sponsor)**

SB 932, A bill to be entitled An Act relating to the required contents of a voter registration certificate.

Representative Bonnen moved to postpone consideration of **SB 932** until 4 p.m. today.

The motion prevailed.

**SB 24 ON SECOND READING
(S. King - House Sponsor)**

SB 24, A bill to be entitled An Act relating to certain health care services provided through telemedicine or telehealth under the state Medicaid program.

SB 24 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**CSSB 218 ON SECOND READING
(Hartnett - House Sponsor)**

CSSB 218, A bill to be entitled An Act relating to licensing and inspection requirements of the Department of Family and Protective Services for certain facilities.

CSSB 218 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Aycock recorded voting no.)

**SB 329 ON SECOND READING
(Harper-Brown - House Sponsor)**

SB 329, A bill to be entitled An Act relating to an object or material placed on or attached to a window of a commercial motor vehicle.

SB 329 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 361 ON SECOND READING
(J. Davis - House Sponsor)**

SB 361, A bill to be entitled An Act relating to the deadline for submitting a federal postcard application to the early voting clerk.

Amendment No. 1

Representative Burnam offered the following amendment to **SB 361**:

Amend **SB 361** (House Committee Printing) as follows:

(1) In SECTION 1 of the bill, in amended Section 101.004(e), Election Code, strike Subdivision (1) (page 1, 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) In SECTION 1 of the bill, in amended Section 101.004(i), Election Code (page 2, line 11 through page 3, line 2), strike the text 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.

Representative Berman moved to table Amendment No. 1.

A record vote was requested.

The motion to table was lost by (Record 1478): 72 Yeas, 74 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Crownover; Darby; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hill; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Merritt; Miller; Morrison; Mowery; Murphy; Orr; Otto; Parker; Patrick; Paxton; Pitts; Riddle; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley(C); Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Corte; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Miles; Moreno; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Phillips; Pickett; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker.

Absent — Creighton; O'Day; Peña.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1478. I intended to vote yes.

Corte

I was shown voting no on Record No. 1478. I intended to vote yes.

Hilderbran

Representative J. Davis moved to postpone consideration of **SB 361** until 4:30 p.m. today.

The motion prevailed.

**CSSB 387 ON SECOND READING
(Harper-Brown - House Sponsor)**

CSSB 387, A bill to be entitled An Act relating to loose material transported by vehicle.

CSSB 387 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ZERWAS: Is it your understanding that what we typically call a pickup truck is still included within the group of vehicles that is described in this bill?

REPRESENTATIVE HARPER-BROWN: Yes, I believe that a pickup truck is included, except that it's not if it's a farm truck or carrying agricultural materials, it's not, and also, if nothing blows from that truck, or spills over the top, then it is exempted from this. So as long—you can have cans, you can have bags of trash back there, you can have any type of material, as long as it does not blow from the truck, or spill over the top of the load-carrying compartment, then it's not included in this.

ZERWAS: So it would not be the expectation of this legislature that it would be appropriate for law enforcement to pull over any pickup truck that's going down the road that doesn't have anything coming out the back of the truck, but they pull them over, find that there are loose contents back there, and then issue a citation for that?

HARPER-BROWN: That's not the intent of this bill.

ZERWAS: That's not the intent of that. Thank you very much.

REMARKS ORDERED PRINTED

Representative Zerwas moved to print remarks between Representative Harper-Brown and Representative Zerwas.

The motion prevailed.

CSSB 387 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

LEAVE OF ABSENCE GRANTED

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

Kolkhorst on motion of Geren.

POSTPONED BUSINESS

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

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

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

SB 548 was read third time earlier today and was postponed until this time.

Representative Hamilton moved to postpone consideration of **SB 548** until 5 p.m. today.

The motion prevailed.

**SB 932 ON SECOND READING
(Bonnen - House Sponsor)**

SB 932, A bill to be entitled An Act relating to the required contents of a voter registration certificate.

SB 932 was read second time earlier today and was postponed until this time.

SB 932 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**GENERAL STATE CALENDAR
(consideration continued)****SB 723 ON SECOND READING
(Rose and Pierson - House Sponsors)**

SB 723, A bill to be entitled An Act relating to requiring that the Department of Family and Protective Services maintain and report certain information in connection with the placement of children.

Amendment No. 1

Representative Giddings offered the following amendment to **SB 723**:

Amend **SB 723** by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS as appropriate:

SECTION _____. Article 5.04, Code of Criminal Procedure, is amended by adding Subsection (a-1) to read as follows:

(a-1) A peace officer who investigates a family violence allegation or who responds to a disturbance call that may involve family violence shall determine whether the address of the persons involved in the allegation or call matches the address of a current licensed foster home or verified agency foster home listed in the Texas Crime Information Center.

SECTION _____. Article 5.05, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (a-1) to read as follows:

(a-1) In addition to the written report required under Subsection (a), a peace officer who investigates a family violence incident or who responds to a disturbance call that may involve family violence shall make a report to the Department of Family and Protective Services if the location of the incident or call, or the known address of a person involved in the incident or call, matches the address of a current licensed foster home or a verified agency foster home as listed in the Texas Crime Information Center. The report under this subsection may be made orally or electronically and must:

(1) include the information required by Subsection (a); and

(2) be filed with the Department of Family and Protective Services within 24 hours of the beginning of the investigation or receipt of the disturbance call.

(b) Each local law enforcement agency shall establish a departmental code for identifying and retrieving family violence reports as outlined in Subsection (a) of this section. A district or county attorney or an assistant district or county attorney exercising authority in the county where the law enforcement agency maintains records under this section is entitled to access to the records. The Department of Family and Protective Services is entitled to access the records relating to any person who is 14 years of age or older and who resides in a licensed foster home or a verified agency foster home.

SECTION _____. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Sections 42.0448 and 42.0449 to read as follows:

Sec. 42.0448. NOTIFICATION OF FAMILY VIOLENCE CALLS. The department shall notify a child-placing agency of each family violence report the department receives under Article 5.05, Code of Criminal Procedure, that:

(1) occurred at an agency foster home verified by the child-placing agency; or

(2) involves a person who resides at an agency foster home verified by the child-placing agency.

Sec. 42.0449. REQUIRED ACTIONS AFTER NOTICE OF FAMILY VIOLENCE CALL. The executive commissioner shall adopt rules specifying the actions that the department, an independent foster home, and a child-placing agency shall take after receiving notice of a family violence report under Article 5.05, Code of Criminal Procedure, or Section 42.0448 to ensure the health, safety, and welfare of each child residing in the licensed foster home or verified agency foster home.

SECTION _____. Section 42.045, Human Resources Code, is amended by adding Subsection (d) to read as follows:

(d) An independent foster home and a child-placing agency shall notify the department of any change of address for a licensed foster home or a verified agency foster home. The independent foster home and child-placing agency shall notify the department of the address change within the earlier of two business days or 72 hours of the date the foster home changes its address.

SECTION _____. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.0451 to read as follows:

Sec. 42.0451. DATABASE OF FOSTER HOMES; INFORMATION PROVIDED TO DEPARTMENT OF PUBLIC SAFETY. (a) The department shall maintain a database of licensed foster homes and verified agency foster homes including the current address for each licensed or verified home as reported to the department. The database must be updated on a regular basis.

(b) The department shall make the database available to the Department of Public Safety for the purposes of Subsection (c).

(c) The Department of Public Safety shall include the information provided under Subsection (b) in the Texas Crime Information Center database and establish a procedure by which a peace officer or employee of a law enforcement agency who provides the department with a street address is automatically provided information as to whether the address is licensed as a foster home or verified as an agency foster home under this chapter.

(d) Information provided to the Department of Public Safety under this section is confidential and not subject to disclosure under Chapter 552, Government Code.

SECTION _____. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.0561 to read as follows:

Sec. 42.0561. INFORMATION RELATING TO FAMILY VIOLENCE REPORTS. Before the department may issue a license or registration for a foster home or a child-placing agency may issue a verification certificate for an agency foster home, the department or child-placing agency must obtain information relating to each family violence report at the applicant's residence to which a law enforcement agency responded during the 12 months preceding the date of the application. The applicant shall provide the information on a form prescribed by the department.

SECTION _____. The Department of Family and Protective Services shall establish the database and a method for exchanging information required by Section 42.0451, Human Resources Code, as added by this Act, not later than September 1, 2008.

SECTION _____. Section 42.0561, Human Resources Code, as added by this Act, applies to an application for a license, registration, or certificate made on or after the effective date of this Act. An application made before the effective date of this Act is governed by the law in effect on the date the application was made, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted.

SB 723, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

SB 867 ON SECOND READING
(Peña, Naishtat, and J. Davis - House Sponsors)

SB 867, A bill to be entitled An Act relating to procedures regarding criminal defendants who are or may be persons with mental illness or mental retardation.

SB 867 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSSB 968 ON SECOND READING
(Chisum - House Sponsor)

CSSB 968, A bill to be entitled An Act relating to financing tools for certain obligations for public improvements.

CSSB 968 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

SB 1215 ON SECOND READING
(Miles - House Sponsor)

SB 1215, A bill to be entitled An Act relating to the quantity of beer or malt liquor a distributor or wholesaler may withdraw from a retailer.

SB 1215 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSSB 1154 ON SECOND READING
(Phillips - House Sponsor)

CSSB 1154, A bill to be entitled An Act relating to regulation of metal recycling entities; providing penalties.

Amendment No. 1

Representative Kuempel offered the following amendment to **CSSB 1154**:

Amend **CSSB 1154** (house committee printing) in SECTION 2 of the bill, by striking added Subdivision (7), Section 1956.001, Occupations Code (page 2, lines 12 through 24), and substituting the following:

(7) "Metal recycling entity" means a business that is operated from a fixed location and is predominantly engaged in:

(A) performing the manufacturing process by which scrap, used, or obsolete ferrous or nonferrous metal is converted into raw material products consisting of prepared grades and having an existing or potential economic value, by a method that in part requires the use of powered tools and equipment, including processes that involve processing, sorting, cutting, classifying, cleaning, baling, wrapping, shredding, shearing, or changing the physical form of that metal;

(B) the use of raw material products described under Paragraph (A) in the manufacture of producer or consumer goods; or

(C) purchasing or otherwise acquiring scrap, used, or obsolete ferrous or nonferrous metals for the eventual use of the metal for the purposes described by Paragraph (A) or (B).

Amendment No. 1 was adopted.

Amendment No. 2

Representative Phillips offered the following amendment to **CSSB 1154**:

Amend **CSSB 1154**, in SECTION 2 of the bill, in proposed Paragraph (L), Subdivision (10), Section 1956.001, Occupations Code (page 4, line 4), by striking "electric light poles" and substituting "utility structure".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Kuempel offered the following amendment to **CSSB 1154**:

Amend **CSSB 1154** (house committee printing) in SECTION 2 of the bill, by striking added Subdivision (10), Section 1956.001, Occupations Code (page 3, line 14, through page 3, line 15), and substituting the following:

(10) "Regulated Metal" means:

Amendment No. 3 was adopted.

CSSB 1154, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

SB 943 ON SECOND READING (Truitt - House Sponsor)

SB 943, A bill to be entitled An Act relating to the licensing and regulation of wholesale distributors of prescription drugs; providing penalties.

Amendment No. 1

Representative Truitt offered the following amendment to **SB 943**:

Amend **SB 943** (House Committee Report) as follows:

(1) In SECTION 10 of the bill, in amended Subsection (a), Section 431.412, Health and Safety Code (page 15, line 12), between "prescription drug" and "that", insert "for human consumption".

(2) In SECTION 11 of the bill, in amended Subsection (a), Section 431.413, Health and Safety Code (page 16, lines 3 through 5), strike "or from the manufacturer's third-party logistics provider, co-licensed product partner, or exclusive distributor,".

(3) In SECTION 11 of the bill, in amended Subsection (c), Section 431.413, Health and Safety Code (page 16, line 26), strike "fifth" and substitute "second".

(4) Strike SECTION 13 of the bill amending Section 431.415, Health and Safety Code (page 17, line 27, through page 18, line 20).

(5) In SECTION 16 of the bill (page 21, line 23), strike "December 1, 2007." and substitute "May 1, 2008."

(6) Renumber SECTIONS of the bill appropriately.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Truitt offered the following amendment to **SB 943**:

Amend **SB 943** (House Committee Report) as follows:

(1) In SECTION 1 of the bill, strike added Paragraph (C), Subdivision (5), Section 431.401, Health and Safety Code (page 3, lines 20 through 25), and substitute the following:

(C) [~~a manufacturer to~~] an authorized distributor of record to a pharmacy warehouse to the pharmacy warehouse's intracompany pharmacy [~~one other authorized distributor of record to a pharmacy or practitioner to a patient~~]; [~~or~~]

(2) In SECTION 1 of the bill, at the end of added Paragraph (D), Subdivision (5), Section 431.401, Health and Safety Code (page 4, line 3), strike "or".

(3) In SECTION 1 of the bill, at the end of added Paragraph (E), Subdivision (5), Section 431.401, Health and Safety Code (page 4, line 6), between "prescriber" and the period, insert the following:
; or

(F) an authorized distributor of record to one other authorized distributor of record to a licensed practitioner for office use

(4) In SECTION 1 of the bill, strike added Paragraph (H), Subdivision (11), Section 431.401, Health and Safety Code (page 5, line 22, through page 6, line 3), and substitute the following:

(H) the sale, purchase, or trade of a drug, or the offer to sell, purchase, or trade a drug, for emergency medical reasons, including a transfer of a prescription drug by a retail pharmacy to another retail pharmacy to alleviate a temporary shortage;

Amendment No. 2 was adopted.

Amendment No. 3

Representative Truitt offered the following amendment to **SB 943**:

Amend **SB 943** (House Committee Report) as follows:

(1) In SECTION 2 of the bill, in amended Section 431.4031, Health and Safety Code (page 7, line 4), strike "431.4045" and substitute "431.4045(2)".

(2) In SECTION 4 of the bill, in added Subdivision (1), Section 431.4045, Health and Safety Code (page 10, line 22), between "431.404" and the underlined semicolon, insert the following:

or determines that an inspection is unnecessary after thoroughly evaluating the information in the application, the compliance history of the applicant and the applicant's principals, and the risk of counterfeiting in the applicant's product

(3) In SECTION 5 of the bill, in amended Section 431.405, Health and Safety Code (page 11, line 1), strike "To" and substitute the following:

(a) The department may not issue a wholesale distributor license to an applicant without considering the minimum federal information and related qualification requirements published in federal regulations at 21 C.F.R. Part 205, including:

(1) factors in reviewing the qualifications of persons who engage in wholesale distribution, 21 C.F.R. Section 205.6;

(2) appropriate education and experience for personnel employed in wholesale distribution, 21 C.F.R. Section 205.7; and

(3) the storage and handling of prescription drugs and the establishment and maintenance of prescription drug distribution records, 21 C.F.R. Section 205.50.

(b) In addition to meeting the minimum federal requirements as provided by Subsection (a), to ~~to~~

(4) In SECTION 5 of the bill, in amended Subdivision (6), Section 431.405, Health and Safety Code (page 11, line 20), between "in a circumstance" and "in which", insert ", as the department determines reasonable,".

Amendment No. 3 was adopted.

Amendment No. 4

Representative Truitt offered the following amendment to **SB 943**:

Amend **SB 943** (House Committee Report) as follows:

(1) Strike SECTION 8 of the bill adding Sections 431.4101 and 431.4102, Health and Safety Code (page 12, line 22, through page 13, line 5).

(2) In the recital to SECTION 9 of the bill (page 13, lines 7 and 8), strike "adding Subsections (a-1), (a-2), and (e)" and substitute "adding Subsections (a-1) and (a-2)".

(3) In SECTION 9 of the bill (page 14, line 20, through page 15, line 5), strike added Subsection (e), Section 431.411, Health and Safety Code.

(4) Renumber SECTIONS of the bill appropriately.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Truitt offered the following amendment to **SB 943**:

Amend **SB 943** (House Committee Report) by striking SECTION 14 of the bill adding Sections 431.416 and 431.417, Health and Safety Code (page 18, line 21, through page 21, line 16), and substituting the following appropriately numbered SECTIONS:

SECTION _____. Section 431.021, Health and Safety Code, is amended to read as follows:

Sec. 431.021. PROHIBITED ACTS. The following acts and the causing of the following acts within this state are unlawful and prohibited:

(a) the introduction or delivery for introduction into commerce of any food, drug, device, or cosmetic that is adulterated or misbranded;

(b) the adulteration or misbranding of any food, drug, device, or cosmetic in commerce;

(c) the receipt in commerce of any food, drug, device, or cosmetic that is adulterated or misbranded, and the delivery or proffered delivery thereof for pay or otherwise;

(d) the distribution in commerce of a consumer commodity, if such commodity is contained in a package, or if there is affixed to that commodity a label that does not conform to the provisions of this chapter and of rules adopted under the authority of this chapter; provided, however, that this prohibition shall not apply to persons engaged in business as wholesale or retail distributors of consumer commodities except to the extent that such persons:

(1) are engaged in the packaging or labeling of such commodities; or

(2) prescribe or specify by any means the manner in which such commodities are packaged or labeled;

(e) the introduction or delivery for introduction into commerce of any article in violation of Section 431.084, 431.114, or 431.115;

(f) the dissemination of any false advertisement;

(g) the refusal to permit entry or inspection, or to permit the taking of a sample or to permit access to or copying of any record as authorized by Sections 431.042-431.044; or the failure to establish or maintain any record or make any report required under Section 512(j), (l), or (m) of the federal Act, or the refusal to permit access to or verification or copying of any such required record;

(h) the manufacture within this state of any food, drug, device, or cosmetic that is adulterated or misbranded;

(i) the giving of a guaranty or undertaking referred to in Section 431.059, which guaranty or undertaking is false, except by a person who relied on a guaranty or undertaking to the same effect signed by, and containing the name and address of the person residing in this state from whom the person received in good faith the food, drug, device, or cosmetic; or the giving of a guaranty or undertaking referred to in Section 431.059, which guaranty or undertaking is false;

(j) the use, removal, or disposal of a detained or embargoed article in violation of Section 431.048;

(k) the alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to a food, drug, device, or cosmetic, if such act is done while such article is held for sale after shipment in commerce and results in such article being adulterated or misbranded;

(l)(1) forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification device authorized or required by rules adopted under this chapter or the regulations promulgated under the provisions of the federal Act;

(2) making, selling, disposing of, or keeping in possession, control, or custody, or concealing any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing on any drug or container or labeling thereof so as to render such drug a counterfeit drug;

(3) the doing of any act that causes a drug to be a counterfeit drug, or the sale or dispensing, or the holding for sale or dispensing, of a counterfeit drug;

(m) the using by any person to the person's own advantage, or revealing, other than to the commissioner, an authorized agent, a health authority or to the courts when relevant in any judicial proceeding under this chapter, of any information acquired under the authority of this chapter concerning any method or process that as a trade secret is entitled to protection;

(n) the using, on the labeling of any drug or device or in any advertising relating to such drug or device, of any representation or suggestion that approval of an application with respect to such drug or device is in effect under Section 431.114 or Section 505, 515, or 520(g) of the federal Act, as the case may be, or that such drug or device complies with the provisions of such sections;

(o) the using, in labeling, advertising or other sales promotion of any reference to any report or analysis furnished in compliance with Sections 431.042-431.044 or Section 704 of the federal Act;

(p) in the case of a prescription drug distributed or offered for sale in this state, the failure of the manufacturer, packer, or distributor of the drug to maintain for transmittal, or to transmit, to any practitioner licensed by applicable law to administer such drug who makes written request for information as to such drug, true and correct copies of all printed matter that is required to be included in any package in which that drug is distributed or sold, or such other printed matter as is approved under the federal Act. Nothing in this subsection shall be construed to exempt any person from any labeling requirement imposed by or under other provisions of this chapter;

(q)(1) placing or causing to be placed on any drug or device or container of any drug or device, with intent to defraud, the trade name or other identifying mark, or imprint of another or any likeness of any of the foregoing;

(2) selling, dispensing, disposing of or causing to be sold, dispensed, or disposed of, or concealing or keeping in possession, control, or custody, with intent to sell, dispense, or dispose of, any drug, device, or any container of any

drug or device, with knowledge that the trade name or other identifying mark or imprint of another or any likeness of any of the foregoing has been placed thereon in a manner prohibited by Subdivision (1) of this subsection; or

(3) making, selling, disposing of, causing to be made, sold, or disposed of, keeping in possession, control, or custody, or concealing with intent to defraud any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing on any drug or container or labeling of any drug or container so as to render such drug a counterfeit drug;

(r) dispensing or causing to be dispensed a different drug in place of the drug ordered or prescribed without the express permission in each case of the person ordering or prescribing;

(s) the failure to register in accordance with Section 510 of the federal Act, the failure to provide any information required by Section 510(j) or (k) of the federal Act, or the failure to provide a notice required by Section 510(j)(2) of the federal Act;

(t)(1) the failure or refusal to:

(A) comply with any requirement prescribed under Section 518 or 520(g) of the federal Act; or

(B) furnish any notification or other material or information required by or under Section 519 or 520(g) of the federal Act;

(2) with respect to any device, the submission of any report that is required by or under this chapter that is false or misleading in any material respect;

(u) the movement of a device in violation of an order under Section 304(g) of the federal Act or the removal or alteration of any mark or label required by the order to identify the device as detained;

(v) the failure to provide the notice required by Section 412(b) or 412(c), the failure to make the reports required by Section 412(d)(1)(B), or the failure to meet the requirements prescribed under Section 412(d)(2) of the federal Act;

(w) except as provided under Subchapter M of this chapter and Section 562.1085, Occupations Code, the acceptance by a person of an unused prescription or drug, in whole or in part, for the purpose of resale, after the prescription or drug has been originally dispensed, or sold;

(x) engaging in the wholesale distribution of drugs or operating as a distributor or manufacturer of devices in this state without obtaining a license issued by the department under Subchapter I, L, or N, as applicable;

(y) engaging in the manufacture of food in this state or operating as a warehouse operator in this state without having a license as required by Section 431.222 or operating as a food wholesaler in this state without having a license under Section 431.222 or being registered under Section 431.2211, as appropriate;

(z) unless approved by the United States Food and Drug Administration pursuant to the federal Act, the sale, delivery, holding, or offering for sale of a self-testing kit designed to indicate whether a person has a human immunodeficiency virus infection, acquired immune deficiency syndrome, or a related disorder or condition;

(aa) making a false statement or false representation in an application for a license or in a statement, report, or other instrument to be filed with or requested by the department under this chapter;

(bb) failing to comply with a requirement or request to provide information or failing to submit an application, statement, report, or other instrument required by the department;

(cc) performing, causing the performance of, or aiding and abetting the performance of an act described by Subdivision (x);

(dd) purchasing or otherwise receiving a prescription drug from a pharmacy in violation of Section 431.411(a);

(ee) selling, distributing, or transferring a prescription drug to a person who is not authorized under state or federal law to receive the prescription drug in violation of Section 431.411(b);

(ff) failing to deliver prescription drugs to specified premises as required by Section 431.411(c);

(gg) failing to maintain or provide pedigrees as required by Section 431.412 or 431.413;

(hh) failing to obtain, pass, or authenticate a pedigree as required by Section 431.412 or 431.413; [✗]

(ii) the introduction or delivery for introduction into commerce of a drug or prescription device at a flea market;

(jj) the receipt of a prescription drug that is adulterated, misbranded, stolen, obtained by fraud or deceit, counterfeit, or suspected of being counterfeit, and the delivery or proffered delivery of such a drug for payment or otherwise; or

(kk) the alteration, mutilation, destruction, obliteration, or removal of all or any part of the labeling of a prescription drug or the commission of any other act with respect to a prescription drug that results in the prescription drug being misbranded.

SECTION _____. Subchapter B, Chapter 431, Health and Safety Code, is amended by adding Section 431.0211 to read as follows:

Sec. 431.0211. EXCEPTION. Any provision of Section 431.021 that relates to a prescription drug does not apply to a prescription drug manufacturer, or an agent of a prescription drug manufacturer, who is obtaining or attempting to obtain a prescription drug for the sole purpose of testing the prescription drug for authenticity.

Amendment No. 5 was adopted.

SB 943, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

SB 1434 ON SECOND READING
(Flynn - House Sponsor)

SB 1434, A bill to be entitled An Act relating to the selection of election officers for early voting for the general election for state and county officers.

Amendment No. 1

Representative Gonzales offered the following amendment to **SB 1434**:

Amend **SB 1434** (House Committee Printing) in added Subsection (b), Section 85.009, Election Code (page 1, line 21), by striking "20th" and substituting "30th".

Amendment No. 1 was adopted.

SB 1434 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE GONZALES: Representative Flynn, in this bill, you're not requiring for there to be persons brought in from outside of the county in order to require equal representation, are you?

REPRESENTATIVE FLYNN: No, absolutely not.

GONZALES: Because we, you understand, that in some areas of this state, it really is a one-party county, and so it might be impossible to actually have equal representation, is that correct?

FLYNN: Correct. That's on both sides, it is. Correct.

GONZALES: And page 2, it talked about the highest number of votes in the county. That relates to the general election, is that correct?

FLYNN: That's correct.

REPRESENTATIVE FARIAS: Mr. Flynn, is it the intent of **SB 1434** to affect the civil servants and county clerks elections department that administer elections? I believe we had this conversation.

FLYNN: Right. No, in fact, not at all. That was the intent of Representative Gonzales and I want to be sure that that is established in the intent.

REMARKS ORDERED PRINTED

Representative Gonzales moved to print remarks between Representative Flynn and Representative Gonzales.

The motion prevailed.

Representative Farias moved to print remarks between Representative Flynn and Representative Farias.

The motion prevailed.

SB 1434, 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.)

(Speaker in the chair)

SB 1499 ON SECOND READING
(Corte - House Sponsor)

SB 1499, A bill to be entitled An Act relating to the meeting notice that a governmental body may post in certain emergency situations.

(Woolley in the chair)

Amendment No. 1

Representative West offered the following amendment to **SB 1499**:

Amend **SB 1499** by adding the following appropriately numbered section and renumber subsequent sections of the bill accordingly:

SECTION _____. Section 214.199(a), Local Government Code, is amended to read as follows:

(a) The governing body of a municipality may not adopt an ordinance or policy providing that law enforcement personnel of the municipality will not respond to any alarm signal indicated by an alarm system in the municipality unless, before adopting the ordinance or policy, the governing body of the municipality:

(1) makes reasonable efforts to notify permit holders of its intention to adopt the ordinance or policy; and

(2) conducts a public hearing at which persons interested in the response of the municipality to alarm systems are given the opportunity to be heard.

Amendment No. 1 was adopted.

SB 1499, 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.)

MESSAGE FROM THE SENATE

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

LEAVE OF ABSENCE GRANTED

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

Branch on motion of Garcia.

CSSB 1723 ON SECOND READING
(Krusee - House Sponsor)

CSSB 1723, A bill to be entitled An Act relating to the collection of surcharges assessed under the driver responsibility program.

Amendment No. 1

Representative Turner offered the following amendment to **CSSB 1723**:

Amend **SB 1723** as follows:

Amend Section 708.157 by adding the following:

(c) The department by rule may establish an indigency program for holders of a driver's license on which a surcharge has been assessed for certain offenses, as determined by the department."

Amendment No. 1 was adopted.

CSSB 1723, 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.)

POSTPONED BUSINESS

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

SB 361 ON SECOND READING

(J. Davis - House Sponsor)

SB 361, A bill to be entitled An Act relating to the deadline for submitting a federal postcard application to the early voting clerk.

SB 361 was read second time earlier today and was postponed until this time. Amendment No. 1 was pending at the time of postponement.

Amendment No. 1 was adopted.

SB 361, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

SB 548 ON THIRD READING

(Hamilton - House Sponsor)

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

SB 548 was read third time earlier today and was postponed until this time.

Representative Hamilton moved to postpone consideration of **SB 548** until 8 a.m. tomorrow.

The motion prevailed.

SB 1828 - VOTE RECONSIDERED

Representative Hamilton moved to reconsider the vote by which **SB 1828**, as amended, was passed.

The motion to reconsider prevailed.

SB 1828 ON THIRD READING

(Hamilton - House Sponsor)

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

Amendment No. 1 - Vote Reconsidered

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

The motion to reconsider prevailed.

Amendment No. 1 was withdrawn.

Amendment No. 3

Representative Ritter offered the following amendment to **SB 1828**:

Amend **SB 1828** after line 16 by inserting a new subsection (b-1) to read as follows:

(b-1) Information retained may be printed to hard copy with a time and date confirmation from the transaction scan device or transferred to an electronic encrypted data storage or electronic record. After printing or transferring data, the transaction scan device may clear the scanned information from the device of any memory in the device. The commission by rule may set further requirements for the retention of information under this subsection.

Amendment No. 3 was adopted.

A record vote was requested.

SB 1828, as amended, was passed by (Record 1479): 146 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Branch.

Absent, Excused, Committee Meeting — Kolkhorst.

Absent — King, S.

**HR 2175 - ADOPTED
(by Merritt)**

Representative O'Day moved to suspend all necessary rules to take up and consider at this time **HR 2175**.

The motion prevailed.

The following resolution was laid before the house:

HR 2175, Congratulating Mariya V. Pozharova on her graduation from The University of Texas at Austin.

HR 2175 was adopted.

**HR 2226 - ADOPTED
(by Kolkhorst)**

Representative O'Day moved to suspend all necessary rules to take up and consider at this time **HR 2226**.

The motion prevailed.

The following resolution was laid before the house:

HR 2226, In memory of U.S. Army Private First Class Larry I. Guyton.

HR 2226 was unanimously adopted by a rising vote.

FIVE DAY POSTING RULE SUSPENDED

Representative W. Smith moved to suspend the five day posting rule to allow the Committee on County Affairs to consider **SB 1380** and **SB 1972** upon final recess today in E2.016.

The motion prevailed.

COMMITTEES GRANTED PERMISSION TO MEET

Pursuant to House Rule 4, Section 9, Representative Berman 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.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

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

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

Elections, upon final recess today, Desk 21, for a formal meeting, to consider **SB 1646** and **SB 1647**.

Calendars, during bill referral today, 3W.9, for a formal meeting, to consider a calendar.

State Affairs, upon final recess today, Desk 9, for a formal meeting, to consider pending business.

Higher Education, upon final recess today, Desk 86, for a formal meeting, to consider pending bills.

FIVE DAY POSTING RULE SUSPENDED

Representative Chisum moved to suspend the five day posting rule to allow the Committee on Appropriations to consider **SB 737, SB 992, SB 1719, SB 2031, SB 2033, and SJR 65** at 8 a.m. tomorrow in E1.030.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

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

Appropriations, 8 a.m. tomorrow, E1.030, for a formal meeting, to consider **SB 737, SB 992, SB 1719, SB 2031, SB 2033, and SJR 65**.

PROVIDING FOR RECESS

Representative Hughes 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 Marvin Hackler of Golden.

The motion prevailed.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Flynn in the chair)

RECESS

In accordance with a previous motion, the house, at 5:34 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

HR 511 (By Deshotel), Amending the house rules to remove the obsolete reference to the Texas National Research Laboratory Commission from the jurisdiction of the Committee on Economic Development.

To Rules and Resolutions.

HR 1399 (By Talton), Amending the Permanent Rules of the House of Representatives to modify the system of calendars.

To Rules and Resolutions.

HR 2137 (By Morrison), Urging Congress to restore federal maintenance and dredging funds for the Victoria Barge Canal.

To Environmental Regulation.

HR 2158 (By Dukes), Honoring Linda Shaw for serving as Democratic precinct chair of Precinct 101 in House District 46.

To Rules and Resolutions.

HR 2159 (By Dukes), Honoring Bob Vitray for serving as Democratic precinct chair of Precinct 103 in House District 46.

To Rules and Resolutions.

HR 2160 (By Dukes), Honoring Kenneth League for serving as Democratic precinct chair of Precinct 105 in House District 46.

To Rules and Resolutions.

HR 2161 (By Dukes), Honoring Giles Garmon for serving as Democratic precinct chair of Precinct 106 in House District 46.

To Rules and Resolutions.

HR 2162 (By Dukes), Honoring James "Jim" Rubarth-Lay for serving as Democratic precinct chair of Precinct 124 in House District 46.

To Rules and Resolutions.

HR 2163 (By Dukes), Honoring Mae Marion for serving as Democratic precinct chair of Precinct 126 in House District 46.

To Rules and Resolutions.

HR 2164 (By Dukes), Honoring David Butts for serving as Democratic precinct chair of Precinct 130 in House District 46.

To Rules and Resolutions.

HR 2165 (By Dukes), Honoring Ruth Marie for serving as Democratic precinct chair of Precinct 133 in House District 46.

To Rules and Resolutions.

HR 2166 (By Dukes), Honoring Steve Speir for serving as Democratic precinct chair of Precinct 135 in House District 46.

To Rules and Resolutions.

HR 2167 (By Dukes), Honoring Pablo Ortiz for serving as Democratic precinct chair of Precinct 151 in House District 46.

To Rules and Resolutions.

HR 2168 (By Dukes), Honoring Jules Vieau for serving as Democratic precinct chair of Precinct 152 in House District 46.

To Rules and Resolutions.

HR 2169 (By Dukes), Honoring Tommy Craig for serving as Democratic precinct chair of Precinct 156 in House District 46.

To Rules and Resolutions.

HR 2170 (By Dukes), Honoring Mary Sue Neilson for serving as Democratic precinct chair of Precinct 161 in House District 46.

To Rules and Resolutions.

HR 2171 (By Dukes), Honoring Linda Pemberton for serving as Democratic precinct chair of Precinct 223 in House District 46.

To Rules and Resolutions.

HR 2172 (By Dukes), Honoring Patty Byars for serving as Democratic precinct chair of Precinct 227 in House District 46.

To Rules and Resolutions.

HR 2174 (By Taylor), In memory of U.S. Army Private First Class Joseph Graham Harris of Sugar Land.

To Rules and Resolutions.

HR 2176 (By S. King), Honoring Baxter Speed of Bonham Elementary School in Abilene for his community activism.

To Rules and Resolutions.

HR 2177 (By Hilderbran), In memory of Charles Lee "Chuck" Orr of Kerrville.

To Rules and Resolutions.

HR 2178 (By Zedler), Commending Lauren Stabler for her service as an aide during the 80th Legislative Session.

To Rules and Resolutions.

HR 2179 (By Zedler), Commending Joel Fisher on his service as an aide during the 80th Legislative Session.

To Rules and Resolutions.

HR 2180 (By Herrero), Honoring Danielle De La Paz of Calallen High School in Corpus Christi for her performance at the District 31-4A Track Meet.

To Rules and Resolutions.

HR 2181 (By Hughes), Congratulating Bob and Freda Madsen of Mineola on their 50th wedding anniversary.

To Rules and Resolutions.

HR 2183 (By Escobar), Congratulating U.S. Army Lieutenant Travis Atwood on his receipt of the Bronze Star Medal with Valor Device for his service during combat in Iraq.

To Rules and Resolutions.

HR 2184 (By Jackson), Honoring Ed Brady on his retirement as the president and CEO of the Metrocrest Chamber of Commerce.

To Rules and Resolutions.

HR 2185 (By Chavez), In memory of Dwight Lee "Shew" Shewmaker of El Paso.

To Rules and Resolutions.

HR 2186 (By Chavez), In memory of Church of God in Christ Presiding Bishop G. E. Patterson.

To Rules and Resolutions.

HR 2187 (By Chavez), Honoring Esteban V. Sansores for serving as Democratic chair of Precinct 124 in El Paso County.

To Rules and Resolutions.

HR 2188 (By Chavez), Honoring Santo "Super" Sanchez for serving as Democratic chair of Precinct 125 in El Paso County.

To Rules and Resolutions.

HR 2189 (By Chavez), Honoring Ayle Sarinana for serving as Democratic chair of Precinct 126 in El Paso County.

To Rules and Resolutions.

HR 2190 (By Chavez), Honoring Angie M. Garcia for serving as Democratic chair of Precinct 128 in El Paso County.

To Rules and Resolutions.

HR 2191 (By Chavez), Honoring Debbie Hastings Rios for serving as Democratic chair of Precinct 129 in El Paso County.

To Rules and Resolutions.

HR 2192 (By Chavez), Honoring Carlos Sandoval for serving as Democratic chair of Precinct 130 in El Paso County.

To Rules and Resolutions.

HR 2193 (By Chavez), Honoring Emma Acosta for serving as Democratic chair of Precinct 132 in El Paso County.

To Rules and Resolutions.

HR 2194 (By Chavez), Honoring Yolanda Ayala Alvidrez for serving as Democratic chair of Precinct 136 in El Paso County.

To Rules and Resolutions.

HR 2195 (By Chavez), Honoring Elizabeth Barron for serving as Democratic chair of Precinct 138 in El Paso County.

To Rules and Resolutions.

HR 2196 (By Chavez), Honoring Benny Casillas for serving as Democratic chair of Precinct 139 in El Paso County.

To Rules and Resolutions.

HR 2197 (By Chavez), Honoring Iliana Holguin for serving as Democratic chair of Precinct 140 in El Paso County.

To Rules and Resolutions.

HR 2198 (By Chavez), Honoring Blanca Dominguez for serving as Democratic chair of Precinct 141 in El Paso County.

To Rules and Resolutions.

HR 2199 (By Chavez), Honoring Guadalupe Ibarra for serving as Democratic chair of Precinct 147 in El Paso County.

To Rules and Resolutions.

HR 2200 (By Chavez), Honoring Irma S. Sanchez for serving as Democratic chair of Precinct 149 in El Paso County.

To Rules and Resolutions.

HR 2201 (By Chavez), Honoring Lorenza Fraire for serving as Democratic chair of Precinct 152 in El Paso County.

To Rules and Resolutions.

HR 2202 (By Chavez), Honoring Lilia Ruiz for serving as Democratic chair of Precinct 153 in El Paso County.

To Rules and Resolutions.

HR 2203 (By Chavez), Honoring Robert A. Gandara for serving as Democratic chair of Precinct 154 in El Paso County.

To Rules and Resolutions.

HR 2204 (By Chavez), Honoring Daniel Solis for serving as Democratic chair of Precinct 155 in El Paso County.

To Rules and Resolutions.

HR 2205 (By Chavez), Honoring Tina Silva for serving as Democratic chair of Precinct 156 in El Paso County.

To Rules and Resolutions.

HR 2206 (By Chavez), Honoring Mary Bowles-Grijalva for serving as Democratic chair of Precinct 157 in El Paso County.

To Rules and Resolutions.

HR 2207 (By Chavez), Honoring Rene Leon for serving as Democratic chair of Precinct 165 in El Paso County.

To Rules and Resolutions.

HR 2208 (By Harless), In memory of Kenneth Curtis Ward of Houston.

To Rules and Resolutions.

HR 2209 (By Branch), Honoring Jessica Lutrell for her service as a legislative intern in the office of State Representative Dan Branch.

To Rules and Resolutions.

HR 2210 (By Branch), Congratulating the lacrosse team of St. Mark's School of Texas in Dallas on winning the Southwest Preparatory Conference Championship.

To Rules and Resolutions.

HR 2211 (By Delisi), Recognizing May 14-18, 2007, as Texas Fraternal Week.

To Rules and Resolutions.

HR 2212 (By Anderson), In memory of Cecil Gene Shaw of Riesel.

To Rules and Resolutions.

HR 2213 (By Murphy), In memory of Harris County Constable Glen D. Cheek.

To Rules and Resolutions.

HR 2214 (By Gonzalez Toureilles), Commending Rodney Swaim on the occasion of his retirement from the McMullen County Commissioners Court.

To Rules and Resolutions.

HR 2215 (By Gonzalez Toureilles), Honoring Sergeant First Class Felipe Leal, Jr., of Kenedy for his service to his country.

To Rules and Resolutions.

HR 2216 (By Gonzalez Toureilles), Congratulating Father Seamus Joseph McGowan of Corpus Christi on being elevated to Monsignor and commending him on 50 years of service in the priesthood.

To Rules and Resolutions.

HR 2217 (By Dutton), Congratulating Monica Segundo-Grosser as a Lake Houston Science Collaborative honoree.

To Rules and Resolutions.

HR 2218 (By Dutton), Congratulating Holly Miller as a Lake Houston Science Collaborative honoree.

To Rules and Resolutions.

HR 2219 (By Dutton), Congratulating Alisa Lott as a Lake Houston Science Collaborative honoree.

To Rules and Resolutions.

HR 2220 (By Dutton), Congratulating Debbie Krenek as a Lake Houston Science Collaborative honoree.

To Rules and Resolutions.

HR 2221 (By Dutton), Congratulating Tara Brandt as a Lake Houston Science Collaborative honoree.

To Rules and Resolutions.

HR 2222 (By Dutton), Congratulating Sandra Carley as a Lake Houston Science Collaborative honoree.

To Rules and Resolutions.

HR 2223 (By Dutton), Congratulating Robert Cunningham as a Lake Houston Science Collaborative honoree.

To Rules and Resolutions.

HR 2224 (By Dutton), Congratulating Sara Brent as a Lake Houston Science Collaborative honoree.

To Rules and Resolutions.

HR 2225 (By West), Congratulating Southwest Airlines on its 30th anniversary of service at Midland International Airport.

To Rules and Resolutions.

HR 2227 (By Gattis), Commemorating Memorial Day 2007.

To Rules and Resolutions.

HR 2228 (By Vaught), Congratulating Richardson ISD on winning the H-E-B Excellence in Education Award for large districts.

To Rules and Resolutions.

HR 2229 (By Vaught), Congratulating the girls basketball team of Bishop Lynch High School in Dallas on winning the Texas Association of Private and Parochial Schools Class 6A state championship.

To Rules and Resolutions.

HR 2230 (By Vaught), Honoring the soldiers of the 71st Brigade 36th Infantry Division for their service to our state and nation.

To Rules and Resolutions.

HR 2231 (By Vaught), Congratulating Eric Godat of Woodrow Wilson High School in Dallas on pitching two consecutive no-hitters.

To Rules and Resolutions.

HR 2232 (By Dukes), In memory of U.S. Marine Reserve Corporal Steven P. Gill of Round Rock.

To Rules and Resolutions.

HR 2233 (By Dukes), In memory of U.S. Army Sergeant First Class William Brown of White Settlement.

To Rules and Resolutions.

HR 2234 (By S. King), Honoring Kay Whitton for her work with the UIL academic team at Jim Ned High School in Tuscola.

To Rules and Resolutions.

HR 2235 (By Bohac), In memory of Barbara Engbrock Boyer of Houston.

To Rules and Resolutions.

SB 1038 to Business and Industry.

SB 1308 to Financial Institutions.

SJR 57 to Appropriations.

SJR 67 to Transportation.

SIGNED BY THE SPEAKER

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

House List No. 40

HB 71, HB 75, HB 86, HB 90, HB 184, HB 210, HB 280, HB 290, HB 389, HB 391, HB 421, HB 486, HB 488, HB 505, HB 519, HB 534, HB 606, HB 682, HB 716, HB 872, HB 953, HB 989, HB 1042, HB 1127, HB 1194, HB 1244, HB 1248, HB 1298, HB 1590, HB 1694, HB 1710, HB 1739, HB 1766, HB 1850, HB 1887, HB 1972, HB 2045, HB 2278, HB 2281, HB 2282, HB 2288, HB 2322, HB 2400, HB 2411, HB 2455, HB 2492, HB 2682, HB 2685, HB 2840, HB 2870, HB 3089, HB 3166, HB 3167, HB 3564, HCR 70, HCR 125, HCR 196, HCR 235, HCR 252

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Wednesday, May 16, 2007

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 152

Isett, Carl

SPONSOR: Nelson

Honoring the Woodturners of North Texas for their service to the community and to members of the U.S. armed forces.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 15

Border and International Affairs - **SB 822**

Business and Industry - **SB 642, SB 645, SB 709, SB 929, SB 1009, SB 1437, SB 1444**

Corrections - **SB 839, SB 909, SB 1198, SB 1557**

County Affairs - **SB 191, SB 792, SB 878, SB 1180, SB 1440, SB 1969**

Criminal Jurisprudence - **SB 1448**

Economic Development - **SB 700, SB 1105, SB 1485**

Energy Resources - **SB 1013**

Human Services - **SB 758, SB 805**

Judiciary - **HB 4139, SB 1204**

Licensing and Administrative Procedures - **SB 1738**

Local Government Ways and Means - **SB 1336, SB 2015, SJR 44**

Natural Resources - **HB 4088, SB 684, SB 1271, SB 1526, SB 1942, SB 1954, SB 1955, SB 1983**

Public Education - **SB 8, SB 282, SB 881, SB 1161, SB 1943**

Public Health - **SB 922**

Transportation - **SB 248, SB 384, SB 1127, SB 1548, SB 1559**

ENROLLED

May 15 - HB 522, HB 741, HB 1260, HB 1279, HB 1396, HB 1472, HB 1852, HB 1922, HB 1987, HB 2219, HB 2618, HCR 94

SENT TO THE GOVERNOR

May 15 - HB 34, HB 35, HB 143, HB 208, HB 233, HB 365, HB 398, HB 402, HB 518, HB 522, HB 630, HB 632, HB 679, HB 732, HB 741, HB 862, HB 864, HB 944, HB 1260, HB 1279, HB 1332, HB 1380, HB 1396, HB 1416, HB 1449, HB 1472, HB 1491, HB 1560, HB 1716, HB 1768, HB 1780, HB 1781, HB 1784, HB 1852, HB 1853, HB 1922, HB 1947, HB 1962, HB 1987, HB 2005, HB 2018, HB 2090, HB 2127, HB 2130, HB 2176, HB 2219, HB 2618, HB 2708, HB 2727, HB 2839, HB 3437,

HCR 15, HCR 30, HCR 93, HCR 94

SIGNED BY THE GOVERNOR

**May 15 - HB 189, HB 314, HB 407, HB 863, HB 1059, HB 1237,
HB 1295, HB 1840, HB 2105, HB 2296**

