

HOUSE JOURNAL

EIGHTIETH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-FIRST DAY — TUESDAY, APRIL 24, 2007

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

The roll of the house was called and a quorum was announced present (Record 620).

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

The invocation was offered by Reverend Jimmy Drennan, St. Paul Catholic Church, San Antonio, as follows:

Loving and Faithful God, we turn to you on this morning and begin by acknowledging how wonderful and generous you are. We thank you for the gift of life and the boundless resources you provide our world. As we gather this day to contemplate the choices we will make, we choose to first pray for the needs of others. We pray for an end to the violence and war that plague our world. We pray for the soldiers from all countries who have been summoned to fight for peace and justice. We pray for those who have given their lives in combat and for all victims of war. May we soon find lasting peace.

Faithful God, we still pray for the victims of the Virginia Tech shooting, for those who died, those who are healing, and those who are struggling to put their lives back in order. Give courage and strength to each of them and assist us all in the healing so needed in our country.

Lord and God, we now direct our prayers to the elected officials of our state—these representatives who gather this day to make choices for the needs of all people in our state. Inspire them not to focus on a few but on the whole. Give them limitless sight and age-old wisdom to realize we must step back and view the whole tapestry of our state, our needs and hopes, our strength and weakness, our young and old, our native born and our immigrant, to appreciate and serve the needs of everyone.

Give them understanding to realize the choices they make this day and everyday may provide the opportunity for a child to be born, a family to obtain a home, a high school graduate to attend college, a single mother to earn a living wage, an elderly Texan to die with dignity. Give them the ability to understand the value and weight of each choice they make—so profound they may approach every choice as if it were the first choice, the last choice, and the only choice they will ever make in their legislative career.

Your blessings we ask upon their work, the blessings of the God who created us, the God who redeemed us, and the God who sanctifies us, both now and forever and ever. Amen.

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

LEAVE OF ABSENCE GRANTED

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

Moreno on motion of Escobar.

CAPITOL PHYSICIAN

The chair recognized Representative Kolkhorst who presented Dr. Henry Boehm of Brenham as the "Doctor for the Day."

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

(Speaker in the chair)

MESSAGE FROM THE SENATE

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

HR 1615 - ADOPTED (by Martinez Fischer)

Representative Martinez Fischer moved to suspend all necessary rules to take up and consider at this time **HR 1615**.

The motion prevailed.

The following resolution was laid before the house:

HR 1615, Recognizing Father Jimmy David Drennan for his service as Pastor of the Day on April 24, 2007.

HR 1615 was read and was adopted.

(D. Howard in the chair)

LEAVE OF ABSENCE GRANTED

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

Branch on motion of Straus.

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. 25).

HR 369 - ADOPTED (by Berman)

Representative Berman moved to suspend all necessary rules to take up and consider at this time **HR 369**.

The motion prevailed.

The following resolution was laid before the house:

HR 369, Congratulating The University of Texas at Tyler baseball team on winning a Jostens/National Association of Division III Athletic Administrators Community Service Award.

HR 369 was read and was adopted.

On motion of Representatives Merritt and Hopson, the names of all the members of the house were added to **HR 369** as signers thereof.

(Hardcastle in the chair)

INTRODUCTION OF GUESTS

The chair recognized Representative Berman who introduced players of The University of Texas at Tyler baseball team.

HR 1607 - ADOPTED (by Hodge)

Representative Hodge moved to suspend all necessary rules to take up and consider at this time **HR 1607**.

The motion prevailed.

The following resolution was laid before the house:

HR 1607, Honoring boxer Angelica "Angel" Martinez of Dallas.

HR 1607 was read and was adopted.

On motion of Representative McClendon, the names of all the members of the house were added to **HR 1607** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Hodge who introduced Angelica "Angel" Martinez, her mother Enriqueta Martinez, and Lindsay Throp.

HR 1654 - ADOPTED (by Patrick)

Representative Patrick moved to suspend all necessary rules to take up and consider at this time **HR 1654**.

The motion prevailed.

The following resolution was laid before the house:

HR 1654, Welcoming graduate students and faculty from The University of Texas at Arlington to the State Capitol.

HR 1654 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Patrick who introduced faculty from The University of Texas at Arlington.

REGULAR ORDER OF BUSINESS SUSPENDED

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

HR 15 - READ (by Callegari)

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

HR 15, In memory of Walter Max Mischer of Houston.

HR 15 - MOTION TO ADD NAMES

On motion of Representative Gallego, the names of all the members of the house were added to **HR 15** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Callegari who introduced family members of Walter Max Mischer.

HCR 168 - ADOPTED (by Strama)

Representative Strama moved to suspend all necessary rules to take up and consider at this time **HCR 168**.

The motion prevailed.

The following resolution was laid before the house:

HCR 168, Extending appreciation to the professionals of the juvenile probation system on Texas Juvenile Probation Day at the State Capitol.

HCR 168 was adopted.

POSTPONED BUSINESS

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

CSHB 1443 ON SECOND READING

(by J. Davis)

CSHB 1443, A bill to be entitled An Act relating to restrictions on the interchange of transplant immunosuppressant drugs.

CSHB 1443 was read second time on April 18 and was postponed until 2 p.m. April 23.

Representative J. Davis moved to postpone consideration of **CSHB 1443** until 9 a.m. Friday, April 27.

The motion prevailed.

HB 1556 ON SECOND READING

(by Pickett)

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

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

Representative Pickett moved to postpone consideration of **HB 1556** until 10 a.m. Tuesday, May 8.

The motion prevailed.

CSSB 370 ON SECOND READING

(Eissler - House Sponsor)

CSSB 370, A bill to be entitled An Act relating to a school district employee's immunity from liability and responsibility for certain materials.

CSSB 370 was considered in lieu of **CSHB 974**.

CSSB 370 was read second time and 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.)

CSHB 974 - LAID ON THE TABLE SUBJECT TO CALL

Representative Eissler moved to lay **CSHB 974** on the table subject to call.

The motion prevailed.

**MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

(Isett in the chair)

**HB 218 ON THIRD READING
(by B. Brown, Berman, Bohac, Riddle, et al.)**

HB 218, A bill to be entitled An Act relating to requiring a voter to present proof of identification.

(Speaker in the chair)

A record vote was requested.

HB 218 was passed by (Record 621): 76 Yeas, 69 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Branch; Moreno.

Absent — Creighton.

PAIRED VOTES

Flores (present), who would vote no, with Branch (absent), who would vote yes.

STATEMENT OF VOTE

When Record No. 621 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

SB 740 ON THIRD READING (Driver, Latham, et al. - House Sponsors)

SB 740, A bill to be entitled An Act relating to personnel records of commissioned officers of the Department of Public Safety of the State of Texas.

A record vote was requested.

SB 740 was passed by (Record 622): 144 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Moreno.

Absent — Garcia; Howard, C.; Pierson.

STATEMENT OF VOTE

When Record No. 622 was taken, I was in the house but away from my desk. I would have voted yes.

Garcia

SB 657 ON THIRD READING
(Puente - House Sponsor)

SB 657, A bill to be entitled An Act relating to the threshold amount at which certain water districts are required to solicit competitive bids before awarding certain contracts and to the ability of such districts to enter those contracts.

A record vote was requested.

SB 657 was passed by (Record 623): 145 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; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Moreno.

Absent — Hodge; Pierson.

LEAVE OF ABSENCE GRANTED

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

Menendez on motion of Pickett.

GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING

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

HB 2136 ON THIRD READING
(by Hancock, et al.)

HB 2136, A bill to be entitled An Act relating to public disclosure of student referrals for services made by counselors in public schools.

A record vote was requested.

HB 2136 was passed by (Record 624): 73 Yeas, 62 Nays, 3 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Delisi; Deshotel; Driver; Eissler; Elkins; Flores; Flynn; Gattis; Haggerty; Hamilton; Hancock; Hardcastle; Hartnett; Heflin; Hilderbran; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; Kolkhorst; Krusee; Latham; Laubenberg; Macias; Madden; McCall; McClendon; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Parker; Patrick; Paxton; Pickett; Pitts; Riddle; Ritter; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Dunnam; Dutton; Eiland; England; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Harless; Hernandez; Herrero; Hochberg; Hodge; Hopson; Howard, D.; Jones; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McReynolds; Miles; Naishtat; Oliveira; Olivo; Ortiz; Peña; Phillips; Pierson; Puente; Quintanilla; Raymond; Rodriguez; Strama; Straus; Thompson; Turner; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C); Harper-Brown; Homer.

Absent, Excused — Branch; Menendez; Moreno.

Absent — Bailey; Davis, J.; Dukes; Hill; King, S.; Kuempel; Noriega; Rose; Vaught.

STATEMENTS OF VOTE

When Record No. 624 was taken, I was in the house but away from my desk. I would have voted no.

Dukes

I was shown voting yes on Record No. 624. I intended to vote no.

Flores

I was shown voting present, not voting on Record No. 624. I intended to vote no.

Homer

When Record No. 624 was taken, my vote failed to register. I would have voted no.

S. King

When Record No. 624 was taken, I was temporarily out of the house chamber. I would have voted yes.

Kuempel

I was shown voting yes on Record No. 624. I intended to vote no.

McClendon

When Record No. 624 was taken, I was in the house but away from my desk. I would have voted no.

Rose

POSTPONED BUSINESS

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

CSSB 277 ON SECOND READING (Harper-Brown - House Sponsor)

CSSB 277, A bill to be entitled An Act relating to the use in an advertisement of a name or picture of a member of the United States armed forces or the state military forces; providing a criminal penalty.

CSSB 277 was considered in lieu of **CSHB 331**.

CSSB 277 was read second time and 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.)

CSHB 331 - LAID ON THE TABLE SUBJECT TO CALL

Representative Harper-Brown moved to lay **CSHB 331** on the table subject to call.

The motion prevailed.

MAJOR STATE CALENDAR HOUSE BILLS SECOND READING

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

CSHB 3140 ON SECOND READING (by Flynn, B. Cook, Truitt, Kolkhorst, McClendon, et al.)

CSHB 3140, A bill to be entitled An Act relating to the review and functions of the Veterans' Land Board.

CSHB 3140 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 3249 ON SECOND READING
(by Truitt, B. Cook, McClendon, Kolkhorst, and Flynn)

HB 3249, A bill to be entitled An Act relating to the powers and duties of, and the entities reviewed by, the Sunset Advisory Commission.

Amendment No. 1

Representative Truitt offered the following amendment to **HB 3249**:

Amend **HB 3249** by adding the following ARTICLE, appropriately numbered, and renumbering the subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . ENTITY GIVEN 2009 SUNSET DATE

SECTION ____ .01. PARKS AND WILDLIFE DEPARTMENT. Section 11.0111, Parks and Wildlife Code, is amended to read as follows:

Sec. 11.0111. SUNSET PROVISION. The Parks and Wildlife Department is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished September 1, 2009 [~~2013~~].

Amendment No. 1 was adopted.

HB 3249, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING

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

CSHB 2605 ON SECOND READING
(by Hochberg, Woolley, and Hernandez)

CSHB 2605, A bill to be entitled An Act relating to the existence of a common nuisance on premises for which certain alcoholic beverage permits or licenses are held or sought.

CSHB 2605 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1439 ON SECOND READING
(by Chisum)

CSHB 1439, A bill to be entitled An Act relating to authorizing the Texas Department of Public Safety to establish a driver record monitoring pilot program and enter into contracts for the periodic reporting of certain information in the department's driver's license files; providing penalties.

CSHB 1439 - POINT OF ORDER

Representative Dunnam raised a point of order against further consideration of **CSHB 1439** under Rule 4, Section 18(c) of the House Rules on the grounds that the committee minutes are incorrect.

The point of order was withdrawn.

Representative Chisum moved to postpone consideration of **CSHB 1439** until the end of today's calendar.

The motion prevailed.

HB 461 ON SECOND READING

(by Miller, Kolkhorst, Hughes, Anderson, R. Cook, et al.)

HB 461, A bill to be entitled An Act relating to prohibiting mandatory participation in an animal identification system.

Representative Miller moved to postpone consideration of **HB 461** until the end of today's calendar.

The motion prevailed.

HB 1355 ON SECOND READING

(by Gattis, Anchia, Naishtat, Delisi, Rose, et al.)

HB 1355, A bill to be entitled An Act relating to dog attacks on persons; creating an offense.

Amendment No. 1

Representative Gattis offered the following amendment to **HB 1355**:

Amend **HB 1355** (House Committee Report) on page 3, by striking lines 22 through 25 and substituting the following:

(e) It is a defense to prosecution under Section 822.005(a) that the person attacked by the dog was at the time of the attack engaged in conduct prohibited by Chapters 19, 20, 21, 22, 28, 29, and 30, Penal Code.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Gattis offered the following amendment to **HB 1355**:

Amend **HB 1355** (House Committee Report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 822, Health and Safety Code, is amended by adding Section 822.0011 to read as follows:

Sec. 822.0011. APPLICATION TO CERTAIN PROPERTY. For purposes of this subchapter, a person's property includes property the person is entitled to possess or occupy under a lease or other agreement.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Miles offered the following amendment to **HB 1355**:

Amend **HB 1355** (House Committee Report) on page 1, line 5, following the period, by inserting "This Act is also dedicated to the memory of Mrs. Fannie Pearl Pharms, Ms. Cheryl Marie Floyd, and all other victims of unprovoked dog attacks."

Amendment No. 3 was adopted.

Amendment No. 4

Representative Gattis offered the following amendment to **HB 1355**:

Amend **HB 1355** (House Committee Report) on page 3, line 2, between "veterinarian," and "a peace", by inserting "a veterinary clinic employee,".

Amendment No. 4 was adopted.

HB 1355 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE GOOLSBY: Mr. Gattis, I've had over 100 calls and letters concerning this bill, and most of them have been on the first bite. They use the term, "their Pekinese," or "their little puppy." Are those bites, the first bites, are they considered those will be under a \$10,000 fine?

REPRESENTATIVE GATTIS: No, sir. This bill is very narrowly crafted to consider only those most egregious of dog attacks that we think of, those which seriously maim or kill somebody. And so let's say you're riding your bicycle down the street and a dog comes out and bites you on the heel. Even if it drew blood, from that scenario, it would not really fall under this bill. What we're talking about is that type of injury that talks about ripping of flesh, tearing of muscle, would cause somebody to possibly, potentially face death, and would have to go to the hospital because of that. That's the type of injuries that we are talking about. It's defined well in the bill, or death itself. And so we didn't want to criminalize every dog bite, we want to take care of these most serious things that are happening across our state, and I appreciate your question.

GOOLSBY: Okay, so Mr. Gattis, it's obvious I have a lot of small dog lovers, and I'm one of them, in my district. So I can go back and tell them that your answer is no, that they will not be prosecuted for a \$10,000 fine?

GATTIS: This does not affect those, a puppy nip or somebody or something along those lines, a small bite, this is not going to make them subject to anything. What we're talking about, and where this most often comes into play, is we're talking about a dog along the lines of a pit bull, or a rottweiler, or something like that, attacking somebody to where they're in fear of their life scenario or situation.

REMARKS ORDERED PRINTED

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

The motion prevailed.

HB 1355, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Laubenberg recorded voting no.)

HR 1625 - ADOPTED

(by Flores)

Representative Flores moved to suspend all necessary rules to take up and consider at this time **HR 1625**.

The motion prevailed.

The following resolution was laid before the house:

HR 1625, Recognizing April 24, 2007, as Texas Charity Day at the State Capitol.

HR 1625 was adopted.

HB 4062 ON SECOND READING

(by Miller)

HB 4062, A bill to be entitled An Act relating to certain administrative duties and responsibilities of the Department of Agriculture.

Amendment No. 1

Representative Miller offered the following amendment to **HB 4062**:

Amend **HB 4062** (House committee printing) on page 1, line 7, by striking "shall" and substituting "may".

Amendment No. 1 was adopted.

HB 4062, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1196 ON SECOND READING

(by Kolkhorst, Parker, et al.)

CSHB 1196, A bill to be entitled An Act relating to restrictions on the use of certain public subsidies.

Amendment No. 1

Representative Kolkhorst offered the following amendment to **CSHB 1196**:

Amend **CSHB 1196** as follows:

(1) On page 1, line 22, strike "bonds".

(2) On page 3, line 22, between "business" and the period, insert ", or by a person with whom the business contracts".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Anchia offered the following amendment to **CSHB 1196**:

Amend **CSHB 1196** on page 2, line 24, by striking "Section 1324a" and substituting "Section 1324a(f)".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Herrero offered the following amendment to **CSHB 1196**:

Amend **CSHB 1196** as follows:

(1) On page 2, strike line 4, and substitute the following:

(4) "Undocumented worker" means an individual who, at the

(2) On page 2, line 12, strike "UNAUTHORIZED ALIENS" and substitute "UNDOCUMENTED WORKERS".

(3) On page 2, line 19, strike "unauthorized alien" and substitute "undocumented worker".

Amendment No. 3 was adopted.

Amendment No. 4

Representative Homer offered the following amendment to **CSHB 1196**:

Amend **CSHB 1196** on page 3, line 18, by striking "may" and substituting "shall".

Amendment No. 4 was adopted.

CSHB 1196, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Alonzo recorded voting no.)

CSHB 1005 ON SECOND READING
(by Giddings)

CSHB 1005, A bill to be entitled An Act relating to the timely submission of a claim for payment by a workers' compensation health care provider.

CSHB 1005 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1472 ON SECOND READING
(by Miller, Orr, R. Cook, et al.)

CSHB 1472, A bill to be entitled An Act relating to the annexation of land for which property taxes are imposed based on the land's value for agricultural or wildlife management purposes.

Amendment No. 1

Representative Miller offered the following amendment to **CSHB 1472**:

Amend **CSHB 1472** as follows:

(1) On page 2, line 6, strike "adjacent" and substitute "adjacent or contiguous".

(2) On page 2, line 7, strike "adjacent" and substitute "adjacent or contiguous".

(3) On page 2, between lines 8 and 9, insert the following:

(d) A provision of a development agreement described by Subsection (b)(1) that restricts or otherwise limits the annexation of all or part of the area that is the subject of the agreement is void if the landowner files any type of subdivision plat or related development document for the area with a governmental entity that has jurisdiction over the area, regardless of how the area is appraised for ad valorem tax purposes.

(e) A development agreement described by Subsection (b)(1) is not a permit for purposes of Chapter 245.

Amendment No. 1 was adopted.

Amendment No. 2

Representative McReynolds offered the following amendment to **CSHB 1472**:

Amend **CSHB 1472** on page 1 as follows:

(1) On line 9, between "USE" and the period, insert "OR AS TIMBER LAND".

(2) On line 15, between "Code" and the period, insert ", or as timber land under Subchapter E of that chapter".

(3) Strike line 24 and substitute "with the use of the area for agriculture, wildlife management, or timber; and".

Amendment No. 2 was adopted.

CSHB 1472, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

LEAVE OF ABSENCE GRANTED

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

Farrar on motion of Hernandez.

POINT OF ORDER

Representative Thompson raised a point of order against further consideration of the calendar under Rule 6, Section 16 of the House Rules.

The speaker overruled the point of order, and submitted the following statement:

On April 24, 2007, Representative Thompson raised a point of order against further consideration of the house calendar under Rule 6, Section 16, House Rules, on the grounds that **HB 3170** was improperly placed on the calendar and

that its placement rendered the entire calendar ineligible for consideration by the house. Ms. Thompson argued that **HB 3170** should not have appeared on the Daily House Calendar or the Supplemental House Calendar because the bill had been recommitted to committee. The chair overruled the point of order, and enters its rationale into the journal at the request of Ms. Thompson.

A review of the House Journal indicates **HB 3170** appeared on the house calendar on April 24, 2007, and was recommitted to Local Government Ways and Means on the same day. In instances such as these where a bill is set on a calendar and then is recommitted after the calendar for the day is printed and distributed and eligible for consideration by the house, the chair has observed the longstanding practice of simply notifying the members that the bill is ineligible for consideration because it has been recommitted to committee. The chair, with the assistance of the chief clerk, notifies the members of this fact before the bill is even laid before the house.

In this instance, **HB 3170** was treated in the same matter procedurally as other bills that have appeared on the calendar but that have also been recommitted to committee in that such bills are, at the time they are to be reached for consideration, not laid before the house. According to the journal, Ms. Thompson raised her point of order against the calendar shortly after **HB 1472** passed to engrossment, before **HB 3170** was reached on the calendar, and before the chair could inform the members that **HB 3170** had been recommitted to committee. If **HB 3170** had actually been laid out and considered by the house, such consideration would have been in direct violation of the House Rules, and a point of order against further consideration of **HB 3170** and all bills considered after **HB 3170** might have been sustainable. (See 75 H.J. Reg. 3810, 1997, where a point of order raised by Representative Wohlgemuth which emanated from a defect in the committee process was sustained and precluded consideration of the remainder of the calendar from the point at which the point of order was raised). Ms. Thompson's point of order was not timely because it was raised before **HB 3170** was even eligible to be laid before the house for consideration and before the chair could notify the house of such (i.e. that the bill was ineligible).

Accordingly, the point of order was overruled.

HB 3170 - RECOMMITTED

Representative Swinford moved to recommit **HB 3170** to the Committee on Local Government Ways and Means.

The motion prevailed.

HB 401 ON SECOND READING

(by B. Brown, et al.)

HB 401, A bill to be entitled An Act relating to the use of text messages and other electronic media to commit certain sexual offenses against minors or certain students.

HB 401 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 26).

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Elections, upon lunch recess today, Desk 21, for a formal meeting, to consider **HB 1462** and pending business.

Civil Practices, upon lunch recess today, Desk 26, for a formal meeting.

County Affairs, upon lunch recess today, Desk 105, for a formal meeting, to consider pending business.

RECESS

At 12:08 p.m., the speaker announced that the house would stand recessed until 1:15 p.m. today.

AFTERNOON SESSION

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

SB 362 ON SECOND READING (Gattis - House Sponsor)

SB 362, A bill to be entitled An Act relating to civil remedies and qui tam provisions under the Medicaid fraud prevention act.

SB 362 was considered in lieu of **HB 2732**.

SB 362 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2732 - LAID ON THE TABLE SUBJECT TO CALL

Representative Gattis moved to lay **HB 2732** on the table subject to call.

The motion prevailed.

CSHB 2735 ON SECOND READING (by Berman)

CSHB 2735, A bill to be entitled An Act relating to lobbying expenditures that are made jointly.

CSHB 2735 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero and Leibowitz recorded voting no.)

CSHB 3352 ON SECOND READING
(by Woolley)

CSHB 3352, A bill to be entitled An Act relating to municipal civil service for firefighters and police officers in certain municipalities.

CSHB 3352 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 3310 ON SECOND READING
(by Jackson)

HB 3310, A bill to be entitled An Act relating to fraud investigations and criminal offenses involving the Medicaid program; providing criminal penalties.

Representative Jackson moved to postpone consideration of **HB 3310** until 9 a.m. Thursday, May 3.

The motion prevailed.

CSHB 1735 ON SECOND READING
(by Truitt, Anchia, and Gonzales)

CSHB 1735, A bill to be entitled An Act relating to ethics training for legislators.

Representative Truitt moved to postpone consideration of **CSHB 1735** until the end of today's calendar.

The motion prevailed.

CSHB 2559 ON SECOND READING
(by Otto)

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

Amendment No. 1

Representative Otto offered the following amendment to **CSHB 2559**:

Amend **CSHB 2559** as follows:

On page 1, lines 7 and 8, between "by" and "Subsection", insert "other law, including".

Amendment No. 1 was adopted.

CSHB 2559, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1170 ON SECOND READING
(by Flynn and Farabee)

CSHB 1170, A bill to be entitled An Act relating to the regulation and limitation of liability of persons engaged in certain liquefied petroleum gas-related activities, including requirements concerning consumer safety notification.

CSHB 1170 - POINT OF ORDER

Representative Thompson raised a point of order against further consideration of **CSHB 1170** under Rule 4, Section 18(a)(4) of the House Rules on the grounds that the committee minutes are incomplete.

The point of order was withdrawn.

Representative Flynn moved to postpone consideration of **CSHB 1170** until the end of today's calendar.

The motion prevailed.

HB 2983 ON SECOND READING
(by Creighton)

HB 2983, A bill to be entitled An Act relating to a petition for the creation of a fresh water supply district.

HB 2983 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2984 ON SECOND READING
(by Creighton)

HB 2984, A bill to be entitled An Act relating to the qualification of supervisors of a fresh water supply district.

HB 2984 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2818 ON SECOND READING
(by Ritter, Hamilton, Deshotel, Otto, and McReynolds)

CSHB 2818, A bill to be entitled An Act relating to the delay of retail electric competition in the areas of the state covered by the Southeastern Electric Reliability Council.

(Berman in the chair)

Amendment No. 1

Representative Ritter offered the following amendment to **CSHB 2818**:

Amend **CSHB 2818** (House Committee Printing) as follows:

(1) On page 1, between lines 13 and 14, insert the following:

(b) Notwithstanding any other provision of this chapter, an area included in the Southeastern Electric Reliability Council must remain in the Southeastern Electric Reliability Council.

(2) On page 1, line 14, strike "(b)" and substitute "(c)".

Amendment No. 1 was adopted.

(Speaker in the chair)

Amendment No. 2

Representative Ritter offered the following amendment to **CSHB 2818**:

Amend **CSHB 2818** by adding the following SECTION, appropriately numbered, and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 36.209(a), Utilities Code, is amended to read as follows:

(a) This section applies only to an electric utility that operates solely outside of ERCOT in areas of this state included in the Southeastern Electric Reliability Council, the Southwest Power Pool, or the Western Electricity Coordinating Council and that owns or operates transmission facilities.

Amendment No. 2 was adopted.

CSHB 2818, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

SB 339 ON SECOND READING (Bailey - House Sponsor)

SB 339, A bill to be entitled An Act relating to entrance examination procedures for certain police officers under municipal civil service.

SB 339 was considered in lieu of **HB 2269**.

SB 339 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2269 - LAID ON THE TABLE SUBJECT TO CALL

Representative Bailey moved to lay **HB 2269** on the table subject to call.

The motion prevailed.

HB 3410 ON SECOND READING (by Gattis, et al.)

HB 3410, A bill to be entitled An Act relating to alternative procedures for plat revision of residential areas by a county.

Amendment No. 1

Representative Gattis offered the following amendment to **HB 3410**:

Amend **HB 3410** by striking page 1, line 22, through page 2, line 3, and substituting:

(1) the changes do not affect applicable county regulations, including zoning regulations if the county has authority to adopt zoning regulations; and

(2) the changes do not attempt to amend or remove any covenants or restrictions.

Amendment No. 1 was adopted.

HB 3410, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1804 ON SECOND READING
(by Gattis, Coleman, et al.)

HB 1804, A bill to be entitled An Act relating to the prosecution of the offense of improper photography or visual recording.

Amendment No. 1

Representative Coleman offered the following amendment to **HB 1804**:

Amend **HB 1804** by striking page 1, lines 5 through 17, and substituting the following:

SECTION 1. Section 21.15, Penal Code, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

(b) A person commits an offense if the person:

(1) photographs or by videotape or other electronic means ~~visually~~ records, broadcasts, or transmits a visual image of another at a location that is not a bathroom or private dressing room:

(A) without the other person's consent; and

(B) with intent to arouse or gratify the sexual desire of any person;

(2) photographs or by videotape or other electronic means records, broadcasts, or transmits a visual image of another at a location that is a bathroom or private dressing room:

(A) without the other person's consent; and

(B) with intent to:

(i) invade the privacy of the other person; or

(ii) arouse or gratify the sexual desire of any person; or

(3) ~~(2)~~ knowing the character and content of the photograph, ~~or~~ recording, broadcast, or transmission, promotes a photograph, ~~or visual~~ recording, broadcast, or transmission described by Subdivision (1) or (2).

(e) For purposes of Subsection (b)(2), a sign or signs posted indicating that the person is being photographed or that a visual image of the person is being recorded, broadcast, or transmitted is not sufficient to establish the person's consent under that subdivision.

Amendment No. 1 was adopted.

HB 1804, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 530 ON SECOND READING

(by Madden, Rodriguez, Peña, Hodge, and Woolley)

CSHB 530, A bill to be entitled An Act relating to the operation and funding of drug court programs.

Amendment No. 1

Representative Phillips offered the following amendment to **CSHB 530**:

Amend **CSHB 530** (house committee printing) on page 2, line 14, by striking "the court shall enter an order" and substituting "the court may enter an order".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Hochberg offered the following amendment to **CSHB 530**:

Amend **CSHB 530** (house committee printing) as follows:

(1) On page 5, line 2, strike "by adding Subsection (c)".

(2) On page 5, between lines 2 and 3, insert:

Sec. 469.003. OVERSIGHT. (a) The lieutenant governor and the speaker of the house of representatives may assign to appropriate legislative committees duties relating to the oversight of drug court programs established under this chapter [~~Section 469.002~~].

(b) A legislative committee or the governor may request the state auditor to perform a management, operations, or financial or accounting audit of a drug court program established under this chapter [~~Section 469.002~~].

(3) On page 5, line 3, strike "~~Section 469.002~~" and substitute "this chapter".

(4) On page 5, line 12, strike "~~Section 469.002~~" and substitute "this chapter [~~Section 469.002~~]".

(5) Add appropriately numbered SECTIONS to the bill to read as follows and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 469.007, Health and Safety Code, is amended to read as follows:

Sec. 469.007. USE OF OTHER DRUG AND ALCOHOL AWARENESS PROGRAMS. In addition to using a drug court program established under this chapter [~~Section 469.002~~], the commissioners court of a county or a court may use other drug awareness or drug and alcohol driving awareness programs to treat persons convicted of drug or alcohol related offenses.

SECTION _____. Chapter 469, Health and Safety Code, is amended by adding Sections 469.005, 469.008, and 469.009 to read as follows:

Sec. 469.005. DRUG COURT PROGRAMS EXCLUSIVELY FOR CERTAIN INTOXICATION OFFENSES. (a) The commissioners court of a county may establish under this chapter a drug court program exclusively for persons arrested for, charged with, or convicted of an offense involving the operation of a motor vehicle while intoxicated.

(b) A county that establishes a drug court program under this chapter but does not establish a separate program under this section must employ procedures designed to ensure that a person arrested for, charged with, or convicted of a second or subsequent offense involving the operation of a motor vehicle while intoxicated participates in the county's existing drug court program.

Sec. 469.008. SUSPENSION OR DISMISSAL OF COMMUNITY SERVICE REQUIREMENT. (a) Notwithstanding Sections 13 and 16, Article 42.12, Code of Criminal Procedure, to encourage participation in a drug court program established under this chapter, the judge or magistrate administering the program may suspend any requirement that, as a condition of community supervision, a participant in the program work a specified number of hours at a community service project or projects.

(b) On successful completion of a drug court program, a judge or magistrate may excuse the participant from any condition of community supervision previously suspended under Subsection (a).

Sec. 469.009. OCCUPATIONAL DRIVER'S LICENSE. Notwithstanding Section 521.242, Transportation Code, if a participant's driver's license has been suspended as a result of an alcohol-related or drug-related enforcement contact, as defined by Section 524.001, Transportation Code, or as a result of a conviction under Section 49.04, 49.07, or 49.08, Penal Code, the judge or magistrate administering a drug court program under this chapter may order that an occupational license be issued to the participant. An order issued under this section is subject to Sections 521.248-521.252, Transportation Code, except that any reference to a petition under Section 521.242 of that code does not apply.

(6) On page 11, line 27, through page 12, line 1, strike "The change in law made by this Act in amending Section 469.001" and substitute "Except as otherwise provided by this section, the change in law made by this Act in amending Chapter 469".

Amendment No. 2 was adopted.

Amendment No. 3

Representative B. Cook offered the following amendment to **CSHB 530**:

Amend **CSHB 530** (house committee printing) on page 8 by striking the language on lines 12 through 19 and substituting the following:

(2) retain in addition to the 10 percent authorized by Subdivision (1) another 50 percent of the funds collected under this article by an officer of the county or municipality during the calendar quarter to be used exclusively for:

(A) the development and maintenance of drug court programs operated within the county or municipality, if the county or municipality has established a drug court program or establishes a drug court program before the expiration of the calendar quarter; or

(B) the development and operation of any programs within the county or municipality that are designed to prevent or provide education concerning alcohol and drug abuse, if the county or municipality has not established a drug court program and does not establish a drug court program before the expiration of the calendar quarter.

Amendment No. 3 was adopted.

CSHB 530, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

(Phillips in the chair)

CSHB 2641 ON SECOND READING
(by Solomons)

CSHB 2641, A bill to be entitled An Act relating to the selection of depositories for certain county funds, including funds held by a county or district clerk.

CSHB 2641 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2010 ON SECOND READING
(by Rose)

HB 2010, A bill to be entitled An Act relating to declaratory relief for businesses in this state for liability for sales and use taxes of other states.

Amendment No. 1

Representative Rose offered the following amendment to **HB 2010**:

Amend **HB 2010** on page 1, by striking lines 16 and 17 and substituting:

(B) a retailer registered with the comptroller under Section 151.106, Tax Code; and

Amendment No. 1 was adopted.

HB 2010, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 3132 ON SECOND READING
(by R. Cook)

CSHB 3132, A bill to be entitled An Act relating to the authority of certain counties to impose a county hotel occupancy tax.

CSHB 3132 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 4094 ON SECOND READING
(by Swinford)

HB 4094, A bill to be entitled An Act relating to the fees assessed in certain cases filed in the Midland County courts at law.

HB 4094 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

POSTPONED BUSINESS

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

CSHB 2814 ON SECOND READING
(by Eissler, Oliveira, et al.)

CSHB 2814, A bill to be entitled An Act relating to a language immersion pilot project in certain school districts.

CSHB 2814 was read second time on April 18, postponed until April 23, and was again postponed until this time.

Amendment No. 1

Representative Eissler offered the following amendment to **CSHB 2814**:

Amend **CSHB 2814** as follows:

(1) Strike all below the enacting clause and substitute the following:

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

SUBCHAPTER J. LANGUAGE IMMERSION PILOT PROJECT

Sec. 29.351. ESTABLISHMENT OF PILOT PROJECT. The commissioner shall establish a pilot project under which the agency examines language immersion programs and the effect of those programs on a student's ability to advance to high school, graduate from high school, or prepare for college coursework or postgraduation employment. The commissioner shall select to participate in the pilot project established under this subchapter:

(1) school districts; and

(2) campuses for which a charter is granted under Subchapter C,

Chapter 12.

Sec. 29.352. PILOT PROJECT ADMINISTRATION. (a) The commissioner shall establish a procedure and adopt criteria for the agency to administer the pilot project.

(b) In adopting criteria under this section, the commissioner shall require the agency to select only school districts or campuses that:

(1) demonstrate parent, teacher, and community support for a language immersion program;

(2) will commit to a language immersion program in English and a language other than English as selected by the district for a minimum of three years in elementary grades;

(3) will offer in secondary grades at least one language program in addition to the language other than English used in the language immersion program provided under Subdivision (2); and

(4) demonstrate the potential for expanding the programs provided under Subdivisions (2) and (3) across primary and secondary grades, including:

(A) incorporating the program provided under Subdivision (2) in kindergarten; and

(B) offering the program provided under Subdivision (3) for four years in high school.

(c) The agency shall require a school district or campus selected under this subchapter to provide annual self-evaluations of progress toward language immersion program goals.

Sec. 29.353. PILOT PROJECT IMPLEMENTATION. (a) The commissioner by rule shall require a school district or campus to limit activities of the language immersion program during the first year of the program to:

(1) planning activities, including:

(A) hiring and training teachers and other professional development activities as determined by the commissioner; and

(B) acquiring adequate instructional and technological materials in each program language, including software; and

(2) expanding or improving existing language immersion programs.

(b) The commissioner by rule shall develop procedures to assign a technical assistance team that includes university faculty with expertise in language learning to assist participating school districts and campuses in program development, implementation, and assessment.

Sec. 29.354. SCHOOL DISTRICT OR CAMPUS SELECTION. (a) The agency shall select school districts and campuses to participate in the pilot project using the criteria provided by Section 29.352(b) and based on the readiness of the district or campus to incorporate language immersion programs into classrooms as demonstrated by the past performance of the district or campus relating to language instruction.

(b) In selecting participants, the agency shall consider geographic diversity.

(c) The agency shall select not more than 10 school districts and not more than 30 campuses to participate in the pilot project.

(d) A school district or campus that applies for the expansion of an existing language immersion program is eligible for a grant under this subchapter.

Sec. 29.355. PILOT PROJECT FUNDING. (a) To implement the pilot project, the agency may use only undedicated and unobligated money from the general revenue fund for purposes of the pilot project.

(b) The agency may not spend an amount more than \$5 million per year for the language immersion pilot project under this subchapter. The spending limitation imposed by this subsection does not apply to an expenditure made by the commissioner under Section 29.356(c).

(c) To supplement the funding for the pilot project, the agency may use any gift, grant, or donation given for the pilot project. The agency may solicit and accept a gift, grant, or donation of any kind from any source, including from a foundation, private entity, governmental entity, or institution of higher education, for the implementation of the pilot project.

(d) Funds for the pilot project may not be used for the construction of a building or other facility.

(e) The agency shall use funds under this subchapter for:

(1) teacher training in implementing the language immersion programs;

(2) hiring technical support staff for school districts or campuses participating in the pilot project; and

(3) purchasing technology-based instructional materials and resources.

Sec. 29.356. PILOT PROJECT GRANTS. (a) From amounts appropriated to the agency, including foundation school program funds, the commissioner shall award grants to school districts and campuses that participate in the program. A grant under this section must be in an amount sufficient to pay the costs to the district or campus of participating in the program, as determined by the commissioner. A determination of the commissioner under this subsection is final and may not be appealed.

(b) During the 2007-2008 school year, the commissioner may award grants to school districts and campuses under this section only for the purpose of planning activities described by Section 29.355(e) in an amount not to exceed five percent of the total amount required to fully implement the pilot program for the 2008-2009 school year.

(c) To expand language learning opportunities for all public school students and school district or campus employees, including students and employees in school districts or campuses not participating in the pilot project, the commissioner shall enter into a contract to license language-learning software using language immersion methods. Expenditures under this subsection must be sufficient to support language learning opportunities for a maximum of one million public school students and employees for a maximum of three years. The commissioner shall make the software available online to public school students and employees across the state not later than January 1, 2008. The commissioner may not spend more than \$4 million each year to comply with this subsection.

Sec. 29.357. COMMUNITY EDUCATIONAL PIPELINE PROGRESS TEAM. (a) Each participating school district or campus shall establish a community educational pipeline progress team to assist in developing and implementing the language immersion pilot project.

(b) The board of trustees of a participating school district or of a school district in which a participating campus is located shall appoint individuals to the team. The team may be composed of:

(1) educators;

- (2) district-level administrators;
- (3) community leaders;
- (4) parents of students who attend a participating campus; and
- (5) any other individual the board finds appropriate.

(c) The team shall develop an academic improvement plan that describes the manner in which the pilot project should be implemented in the participating school district or campus. In developing the academic improvement plan, the team shall consider:

(1) the educational problems in the district or at the campus that could be mitigated through the implementation of the pilot project; and

(2) the technological and nontechnological resources that are necessary to ensure successful implementation of the pilot project.

(d) The team shall recommend to the board of trustees the manner in which the pilot project funds should be used to implement the academic improvement plan developed under Subsection (c). Annually, the team may recommend to the board any necessary changes in the academic improvement plan. The agency must approve the academic improvement plan or any changes to the plan before disbursing pilot project funds to the board.

(e) The board of trustees of each district participating in the pilot project shall provide an annual progress report to the agency not later than August 1 of each year that the district or campus is participating in the pilot project. The report must state in detail the type of plan used in the district or at the campus and the effect of the pilot project on the district or campus, including:

(1) any effect on the academic progress of students who are participating in a pilot project, as measured by performance on assessment instruments, including assessment instruments administered under Section 39.023;

(2) if applicable, a comparison of student progress at a campus or in a classroom in a school district or campus that is participating in the pilot project as compared to student progress at a campus or in a classroom in that same district or campus that is not participating in the pilot project;

(3) any elements of the pilot project that contribute to improved student performance on assessment instruments administered under Section 39.023 or any other assessment instrument required by the agency;

(4) any cost savings or improved efficiency relating to school personnel or the maintenance of school facilities;

(5) any effect on student attendance or dropout rates;

(6) any effect on student enrollment in high school;

(7) any effect on teacher performance or retention;

(8) any improvement in communications among students, parents, teachers, and administrators;

(9) any improvement in parental involvement in the education of the parent's child;

(10) any effect on community involvement and support for the district or campus; and

(11) any increase in student proficiency in technology that would help prepare students for becoming members of the workforce.

Sec. 29.358. PARENT OPTION. The parent of a student may prevent the student from participating in a language immersion program under this subchapter.

Sec. 29.359. PILOT PROJECT EVALUATION. (a) The agency shall perform an annual review of the language immersion pilot project based on the reports the agency receives from the board of trustees of participating school districts or campuses. The agency shall include a summary of the review of the pilot project in the comprehensive annual report required under Section 39.182.

(b) During the 2010-2011 school year, the agency shall contract with one or more educational research centers to evaluate the efficacy of the pilot project to determine whether the pilot project should be continued. The cost of the evaluation may not exceed \$250,000.

Sec. 29.360. DUTIES AND RESPONSIBILITIES OF CHARTER CAMPUS GOVERNING BODY. For purposes of this subchapter, the governing body of a campus for which a charter is granted under Subchapter C, Chapter 12, has the duties and responsibilities assigned to the board of trustees of a school district under Sections 29.357 and 29.359.

Sec. 29.361. EXPIRATION. This subchapter expires September 1, 2011.

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

(2) Strike all above the enacting clause and substitute the following: relating to a pilot project for language immersion in English and another language in certain school districts.

(Speaker in the chair)

Amendment No. 2

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

Amend the Eissler amendment to **CSHB 2814** as follows:

(1) On page 1, line 25, between "to" and "a", insert ";":

(A)".

(2) On page 1, line 27, after the semicolon, insert the following:

and

(B) a requirement that the English immersion component of the program will comprise at least 50 percent of the average instructional time;

Amendment No. 2 was adopted.

(Tritt in the chair)

Amendment No. 1, as amended, was adopted.

A record vote was requested.

CSHB 2814, as amended, was passed to engrossment by (Record 625): 125 Yeas, 15 Nays, 2 Present, not voting.

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

Nays — Anderson; Bonnen; Callegari; Crabb; Flynn; Harless; Harper-Brown; Hughes; Jackson; Kolkhorst; Laubenberg; Miller; Riddle; Taylor; Van Arsdale.

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

Absent, Excused — Branch; Farrar; Menendez; Moreno.

Absent — Crownover; McReynolds; Paxton; Phillips.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 625. I intended to vote no.

Bohac

When Record No. 625 was taken, I was in the house but away from my desk. I would have voted no.

Paxton

MESSAGE FROM THE SENATE

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

GENERAL STATE CALENDAR (consideration continued)

HB 1248 ON SECOND READING (by Taylor)

HB 1248, A bill to be entitled An Act relating to the sale of mixed beverages aboard certain passenger vessels.

HB 1248 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Flynn and Hancock recorded voting no.)

HB 1519 ON SECOND READING

(by T. Smith and Peña)

HB 1519, A bill to be entitled An Act relating to including within the offense of barratry and solicitation of professional employment certain solicitations made during certain periods.

HB 1519 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Flynn recorded voting no.)

CSHB 522 ON SECOND READING

(by Woolley, Hartnett, et al.)

CSHB 522, A bill to be entitled An Act relating to adoption and operation of requirements regarding health benefit plan identification cards.

Amendment No. 1

Representative Woolley offered the following amendment to **CSHB 522**:

Amend **CSHB 522** by striking all below the enacting clause and substituting the following:

SECTION 1. Title 8, Insurance Code, is amended by adding Subtitle J to read as follows:

SUBTITLE J. HEALTH INFORMATION TECHNOLOGY

CHAPTER 1660. ELECTRONIC DATA EXCHANGE

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1660.001. FINDINGS AND PURPOSE. (a) The legislature finds that patients deserve accurate, instantaneous information about coverage and financial responsibility to make well-informed decisions about their treatment and spending.

(b) The legislature finds that the ability of health benefit plan issuers and administrators to exchange eligibility and benefit information with physicians, health care providers, hospitals, and patients will ensure a more efficient and effective health care delivery system.

(c) The legislature finds that electronic access to eligibility information will reduce the amount of time and resources spent on administrative functions, prevent abuse and fraud, streamline and simplify processing of insurance claims, and increase transparency in premium cost and health care cost.

(d) The legislature finds that patients often request information about their health care coverage from their health care providers and that health care providers therefore need access to real-time information about their patients'

eligibility to receive health care under the health benefit plan, coverage of health care under the health benefit plan, and the benefits associated with the health benefit plan.

(e) The legislature finds that adoption of technology by insurers, health maintenance organizations, and health care providers to facilitate use of electronic data exchange standards currently available will make coverage and health care electronic transactions more predictable, reliable, and consistent.

Sec. 1660.002. DEFINITIONS. In this chapter:

(1) "Administrator" has the meaning assigned by Section 4151.001.

(2) "Advisory committee" means the technical advisory committee on electronic data exchange.

(3) "Enrollee" means an individual who is insured by or enrolled in a health benefit plan.

(4) "Health benefit plan" means an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an evidence of coverage that provides health insurance or health care benefits.

(5) "Transaction standards" means the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191) transaction standards of the Centers for Medicare and Medicaid Services under 45 C.F.R. Part 162.

Sec. 1660.003. APPLICABILITY. (a) This chapter applies only to a health benefit plan that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an individual or group evidence of coverage or similar coverage document that is offered by:

(1) an insurance company;

(2) a group hospital service corporation operating under Chapter 842;

(3) a fraternal benefit society operating under Chapter 885;

(4) a stipulated premium insurance company operating under Chapter 884;

(5) a reciprocal exchange operating under Chapter 942;

(6) a health maintenance organization operating under Chapter 843;

(7) a multiple employer welfare arrangement that holds a certificate of authority under Chapter 846; or

(8) an approved nonprofit health corporation that holds a certificate of authority under Chapter 844.

(b) This chapter does not apply to:

(1) a Medicaid managed care program operated under Chapter 533, Government Code;

(2) a Medicaid program operated under Chapter 32, Human Resources Code; or

(3) the state child health plan or any similar plan operated under Chapter 62 or 63, Health and Safety Code.

Sec. 1660.004. GENERAL RULEMAKING. The commissioner may adopt rules as necessary to implement this chapter, including rules requiring the implementation and provision of the technology recommended by the advisory committee.

[Sections 1660.005-1660.050 reserved for expansion]

SUBCHAPTER B. ADVISORY COMMITTEE

Sec. 1660.051. ADVISORY COMMITTEE; COMPOSITION. (a) The commissioner shall appoint a technical advisory committee on electronic data exchange.

(b) The advisory committee is composed of:

(1) at least one representative from each of the following groups or entities:

(A) health benefit coverage consumers;

(B) physicians;

(C) hospital trade associations;

(D) representatives of medical units of institutions of higher

education;

(E) representatives of health benefit plan issuers;

(F) health care providers; and

(G) administrators; and

(2) representatives from:

(A) the office of public insurance counsel;

(B) the Texas Health Insurance Risk Pool; and

(C) the Department of Information Resources.

(c) Members of the advisory committee serve without compensation.

Sec. 1660.052. APPLICABILITY OF CERTAIN LAWS. The following laws do not apply to the advisory committee:

(1) Section 39.003(a); and

(2) Chapter 2110, Government Code.

Sec. 1660.053. ADVISORY COMMITTEE POWERS AND DUTIES. The advisory committee shall advise the commissioner on technical aspects of using the transaction standards and the rules of the Council for Affordable Quality Healthcare Committee on Operating Rules for Information Exchange to require health benefit plan issuers and administrators to provide access to information technology that will enable physicians and other health care providers, at the point of service, to generate a request for eligibility information that is compliant with the transaction standards.

Sec. 1660.054. DATA ELEMENTS. (a) The advisory committee shall advise the commissioner on data elements required to be made available by health benefit plan issuers and administrators. To the extent possible, the committee shall use the framework adopted by the Council for Affordable Quality Healthcare Committee on Operating Rules for Information Exchange.

(b) The advisory committee shall consider inclusion in the required information of the following data elements:

(1) the name, date of birth, member identification number, and coverage status of the patient;

(2) identification of the payor, insurer, issuer, and administrator, as applicable;

(3) the name and telephone number of the payor's contact person;

(4) the payor's address;

(5) the name and address of the subscriber;

(6) the patient's relationship to the subscriber;

(7) the type of service;

(8) the type of health benefit plan or product;

(9) the effective date of the coverage;

(10) for professional services:

(A) copayment amounts;

(B) individual deductible amounts;

(C) family deductible amounts; and

(D) benefit limitations and maximums;

(11) for facility services:

(A) copayment and coinsurance amounts;

(B) individual deductible amounts;

(C) family deductible amounts; and

(D) benefit limitations and maximums;

(12) precertification or prior authorization requirements;

(13) policy maximum limits;

(14) patient liability for a proposed service; and

(15) the health benefit plan coverage amount for a proposed service.

Sec. 1660.055. RECOMMENDATIONS REGARDING ADOPTION OF CERTAIN TECHNOLOGIES; REPORT. (a) The advisory committee shall:

(1) make recommendations regarding the use by health benefit plan issuers or administrators of Internet website technologies, smart card technologies, magnetic strip technologies, biometric technologies, or other information technologies to facilitate the generation of a request for eligibility information that is compliant with the transaction standards and the rules of the Council for Affordable Quality Healthcare Committee on Operating Rules for Information Exchange;

(2) ensure that a recommendation made under Subdivision (1) does not endorse or otherwise confine health benefit plan issuers and administrators to any single product or vendor; and

(3) recommend time frames for implementation of the recommendations.

(b) The advisory committee shall:

(1) recommend specific provisions that could be included in a department-issued request for information relating to electronic data exchange, including identification card programs;

(2) provide those recommendations to the commissioner not later than four months after the date on which the committee is appointed; and

(3) issue a final report to the commissioner containing the committee's recommendations for implementation by September 1, 2009.

[Sections 1660.056-1660.100 reserved for expansion]

SUBCHAPTER C. IDENTIFICATION CARD PILOT PROGRAM

Sec. 1660.101. PILOT PROGRAM. (a) The commissioner shall designate a county or counties for initial participation in an identification card pilot program to begin not later than September 1, 2008.

(b) The commissioner shall require the issuer of a health benefit plan that is offered in the county or counties selected for initial participation in the identification card pilot program to issue identification cards that comply with commissioner rules to each enrollee of the plan.

(c) The commissioner may implement the identification card pilot program before, during, or simultaneously with the appointment and formation of the advisory committee.

Sec. 1660.102. PILOT PROGRAM RULES. (a) The commissioner shall adopt rules as necessary to implement the identification card pilot program, including the coordination of a testing phase and incorporation of changes identified in the testing phase.

(b) The commissioner may consider the recommendations of the advisory committee or any information provided in response to a department-issued request for information relating to electronic data exchange, including identification card programs, before adopting rules regarding:

(1) information to be included on the identification cards;

(2) technology to be used to implement the identification card pilot program; and

(3) confidentiality and accuracy of the information required to be included on the identification cards.

(c) The commissioner shall consider the requirements of any federal program requiring health benefit plan issuers and administrators to provide point-of-service access to physicians and other health care providers regarding eligibility information before adopting rules to implement this section.

Sec. 1660.103. REQUESTS FOR INFORMATION. The commissioner may issue requests for information as needed to implement the identification card pilot program under this subchapter.

Sec. 1660.104. HEALTH BENEFIT PLAN ISSUER COMPLIANCE. (a) Each issuer of a health benefit plan that offers a health benefit plan in a county or counties designated by the commissioner under Section 1660.101 for initial participation in the identification card pilot program shall comply with this subchapter and rules adopted under this subchapter.

(b) To ensure timely compliance with the requirements of this subchapter, the commissioner may require the issuer of a health benefit plan to submit its procedures for implementation of the requirements to the department in the form prescribed by the commissioner.

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

Amendment No. 1 was adopted.

CSHB 522, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1928 ON SECOND READING

(by Flores)

HB 1928, A bill to be entitled An Act relating to the exemption from ad valorem taxation of certain travel trailers.

HB 1928 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Gonzales, Leibowitz, and Martinez recorded voting no.)

HB 1250 ON SECOND READING

(by C. Howard)

HB 1250, A bill to be entitled An Act relating to prohibiting discrimination based on a student's secondary school in awarding certain financial aid for higher education.

HB 1250 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1678 ON SECOND READING

(by Madden, Turner, Haggerty, McReynolds, Hochberg, et al.)

CSHB 1678, A bill to be entitled An Act relating to the operation of a system of community supervision.

CSHB 1678 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Harper-Brown, Laubenberg, and Talton recorded voting no.)

CSHB 3446 ON SECOND READING

(by Rose, Keffer, Deshotel, McCall, Gonzales, et al.)

CSHB 3446, A bill to be entitled An Act relating to the promotion by the comptroller of Texas manufactured products; providing civil and administrative penalties.

Representative Rose moved to postpone consideration of **CSHB 3446** until the end of today's calendar.

The motion prevailed.

HB 3486 ON SECOND READING
(by Kolkhorst)

HB 3486, A bill to be entitled An Act relating to the authority of the asset management division of the General Land Office to sell real property to an economic development corporation.

Representative Kolkhorst moved to postpone consideration of **HB 3486** until 7 a.m. Tuesday, May 1.

The motion prevailed.

CSHB 3158 ON SECOND READING
(by W. Smith)

CSHB 3158, A bill to be entitled An Act relating to the name, powers, and board of directors of the Chambers County-Cedar Bayou Navigation District.

Amendment No. 1

Representative W. Smith offered the following amendment to **CSHB 3158**:

Amend **CSHB 3158** as follows:

(1) On page 4, line 23, strike "and amending Subsection (d)".

(2) Strike page 5, line 8, through page 6, line 1.

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

(b-1) The directors serving in director positions 1 and 2 must be representatives of a company or business in the district that has the highest and second highest taxable value of real and personal property located in the district, as certified by the Chambers County Appraisal District. The directors serving in director positions 3 and 4 must be representatives of a company or business in the district that owns real or personal property that has a taxable value of at least \$25,000,000 but less than \$250,000,000, as certified by the Chambers County Appraisal District. The director serving in director position 5 must be a representative of a company or business that owns real or personal property in the district that has a taxable value of at least \$5,000,000 but less than \$25,000,000, as certified by the Chambers County Appraisal District.

(b-2) The directors shall elect a chairperson from the directors. The person elected serves a term of four years as chairperson. Beginning September 1, 2007, the chairperson shall be elected by the directors from among the directors in positions 1, 2, 3, 4, and 5. At the conclusion of the term of the initial chairperson elected under this subsection, the chairperson shall be elected by the directors from among the directors in positions 6 and 7. The group of directors from which the chairperson is elected shall continue to alternate between the directors in positions 1, 2, 3, 4, and 5, and the directors in positions 6 and 7.

Amendment No. 1 was adopted.

CSHB 3158, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 3226 ON SECOND READING
(by Branch, Woolley, Eiland, and D. Howard)

CSHB 3226, A bill to be entitled An Act relating to the equalization of property wealth in certain school districts.

CSHB 3226 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2144 ON SECOND READING
(by Flores)

CSHB 2144, A bill to be entitled An Act relating to the regulation of the practice of public accountancy by certain out-of-state license holders.

CSHB 2144 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

(Speaker in the chair)

HB 2341 ON SECOND READING
(by Truitt)

HB 2341, A bill to be entitled An Act relating to certain investment products made available to certain public school employees.

Amendment No. 1

Representative Truitt offered the following amendment to **HB 2341**:

Amend **HB 2341** (committee printing) as follows:

- (1) On page 2, line 23, strike "or".
- (2) On page 2, line 26, between "2007" and the underlined period, insert:

; or

(D) any change to this Act that becomes effective after January 1, 2007.

Amendment No. 1 was adopted.

HB 2341, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 921 ON SECOND READING
(by Delisi)

CSHB 921, A bill to be entitled An Act relating to the sharing of information among state agencies.

Amendment No. 1

Representative Delisi offered the following amendment to **CSHB 921**:

Amend **CSHB 921** as follows:

(1) On page 3, lines 12 and 13, strike "for sharing information" and substitute insert "for the secure sharing of information".

(2) On page 3, line 17, between "to" and "confidentiality" insert "the security and".

(3) On page 3, line 19, between "the" and "protection" insert "security of personally identifiable information and the".

(4) On page 4, line 11, between "the" and "sharing" insert "secure".

(5) On page 4, line 14, between "state" and the period insert ", while ensuring the protection of personally identifiable information from inappropriate release".

(6) On page 4, line 23, strike "and".

(7) On page 4, line 27, between "expense" and the period insert the following:

; and

(4) emphasize that data shared under this subchapter must comply with any federal or state law relating to confidentiality of the information maintained or received by a participating agency.

Sec. 113.055. USE OF DATA. Information gathered or shared under this subchapter may not be used to enforce Title 8 of the United States Code

(8) On page 5, line 1, strike "113.055" and substitute "113.056".

Amendment No. 1 was adopted.

CSHB 921, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2655 ON SECOND READING

(by Puente)

HB 2655, A bill to be entitled An Act relating to certificates of public convenience and necessity for water service and sewer service.

Amendment No. 1

Representative Puente offered the following amendment to **HB 2655**:

Amend **HB 2655**, on page 2, line 1 (House Committee Report Printing), by inserting after the word "chapter." To the extent of a conflict between this section and Section 13.245, Section 13.245 prevails.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Hilderbran offered the following amendment to **HB 2655**:

Amend **HB 2655** by amending SECTION 2 to read as follows:

SECTION 2. Section 13.2451, Water Code, is amended to read as follows:

Sec. 13.2451. EXTENSION BEYOND EXTRATERRITORIAL JURISDICTION. (a) Subject to the provisions of Section 13.245, ~~[(a) Except as provided by Subsection (b), if]~~ if a municipality extends its extraterritorial jurisdiction to include an area certificated to a retail public utility, the retail public utility may continue and extend service in its area of public convenience and necessity under the rights granted by its certificate and this chapter.

(b) A retail public utility or a municipality that seeks to extend a certificate of public convenience and necessity beyond the retail public utility's corporate boundaries, if applicable, or beyond a municipality's extraterritorial jurisdiction must ensure that the area for which a certificate of public convenience and necessity is sought complies with the requirements of Water Code §13.241. ~~[(b) The commission may not extend a municipality's certificate of public convenience and necessity beyond its extraterritorial jurisdiction without the written consent of the landowner who owns the property in which the certificate is to be extended. The portion of any certificate of public convenience and necessity that extends beyond the extraterritorial jurisdiction of the municipality without the consent of the landowner is void.]~~

(c) If service to an area outside a municipality's extraterritorial jurisdiction is not provided within five years from the date of obtaining a certificate of public convenience and necessity for that area, then after notice to the municipality and a hearing, the Commission may decertify the portion outside of a municipality's extraterritorial jurisdiction for which the municipality is not providing service. This subsection (c) is not applicable to a certificate of public convenience and necessity service area transferred to a municipality and approved by the Commission for which public funds were expended.

The change is sought to ensure that retail public utilities and municipalities seeking certificates of public convenience and necessity prove that the entire service territories comply with Water Code §13.241. The change will prevent CCN "land grabs" from municipalities.

Amendment No. 2 was adopted.

HB 2655, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: C. Howard recorded voting no.)

MESSAGE FROM THE SENATE

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

HB 957 ON SECOND READING

(by Orr)

HB 957, A bill to be entitled An Act relating to participation by certain state employees in a default investment product under a deferred compensation plan.

HB 957 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero and Leibowitz recorded voting no.)

CSHB 1517 ON SECOND READING
(by Paxton, Bailey, Flynn, Eiland, et al.)

CSHB 1517, A bill to be entitled An Act relating to the reporting of expenditures for lobbying and legislative communication by local governmental entities.

CSHB 1517 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of **CSHB 1517** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Paxton moved to postpone consideration of **CSHB 1517** until the end of today's calendar.

The motion prevailed.

HB 2308 ON SECOND READING
(by Rose)

HB 2308, A bill to be entitled An Act relating to the requirement that certain economic development corporations hold a hearing before spending funds to undertake a project.

Representative Rose moved to postpone consideration of **HB 2308** until 10 a.m. tomorrow.

The motion prevailed.

HB 2338 ON SECOND READING
(by Bailey)

HB 2338, A bill to be entitled An Act relating to the authority of a municipality to regulate a vehicle operating as a limousine.

Amendment No. 1

Representative Bailey offered the following amendment to **HB 2338**:

Amend **HB 2338** on page 1 by striking lines 7-15 and substituting the following:

Sec. 215.004. TAXICABS AND LIMOUSINES. (a) To protect the public health, safety, and welfare, a municipality by ordinance:

(1) shall license, control, and otherwise regulate each private passenger vehicle, regardless of how it is propelled, that provides passenger taxicab transportation services for compensation and [;] is designed for carrying no more than eight passengers; and

(2) may license, control, and otherwise regulate each private passenger vehicle, regardless of how it is propelled, that provides passenger limousine transportation services for compensation and is designed for carrying no more than 15 passengers.

(a-1) Subsection (a) applies to a taxicab or limousine service that [~~and~~] is operated:

Amendment No. 1 was adopted.

Amendment No. 2

Representative Bailey offered the following amendment to **HB 2338**:

Amend **HB 2338** on page 2, between lines 15 and 16, by inserting the following:

(d) The provisions of this section relating to the regulation of limousine transportation services apply only to a municipality with a population of more than 1.9 million.

Amendment No. 2 was adopted.

HB 2338, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Zedler recorded voting no.)

HB 1274 ON SECOND READING (by Jackson, Harper-Brown, et al.)

HB 1274, A bill to be entitled An Act relating to the requirement of speaking and reading the English language as a condition for the issuance of a commercial driver's license.

HB 1274 - POINT OF ORDER

Representative Lucio raised a point of order against further consideration of **HB 1274** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Jackson moved to postpone consideration of **HB 1274** until the end of today's calendar.

The motion prevailed.

HB 2636 ON SECOND READING (by Smithee)

HB 2636, A bill to be entitled An Act relating to the nonsubstantive revision of statutes relating to the Texas Department of Insurance, the business of insurance, and certain related businesses, to nonsubstantive additions to and corrections in the codified Insurance Code, and to conforming the provisions of that code that were codified by the 79th Legislature to other Acts of that legislature, including conforming amendments, repeals, and penalties.

Amendment No. 1

Representative Smithee offered the following amendment to **HB 2636**:

Amend **HB 2636** (house committee printing) as follows:

(1) On page 41, line 13, strike "Chapter 843" and substitute "Section 1367.053, Subchapter A, Chapter 1452, Subchapter B, Chapter 1507, Chapter 222, 251, or 258, as applicable to a health maintenance organization, Chapter 843, Chapter 1271, and Chapter 1272".

(2) On page 43, line 6, strike "Chapter 843" and substitute "Section 1367.053, Subchapter A, Chapter 1452, Subchapter B, Chapter 1507, Chapter 222, 251, or 258, as applicable to a health maintenance organization, Chapter 843, Chapter 1271, and Chapter 1272".

(3) On page 44, line 16, strike "Chapter 843" and substitute "Section 1367.053, Subchapter A, Chapter 1452, Subchapter B, Chapter 1507, Chapter 222, 251, or 258, as applicable to a health maintenance organization, Chapter 843, Chapter 1271, and Chapter 1272".

(4) On page 135, line 23, strike "Chapter 843" and substitute "Section 1367.053, Subchapter A, Chapter 1452, Subchapter B, Chapter 1507, Chapter 222, 251, or 258, as applicable to a health maintenance organization, Chapter 843, Chapter 1271, and Chapter 1272".

(5) On page 146, line 3, between "a cross-reference" and "to read", insert "and to conform more closely to the source law from which the section is derived".

(6) Strike page 146, line 9, and substitute the following:

(3) [~~4~~] Section 1367.053, Subchapter A, Chapter 1452, Subchapter B, Chapter 1507, Chapter 222, 251, or 258, as applicable to a health maintenance organization, Chapter 843, Chapter 1271, or Chapter 1272;

(7) Strike page 199, lines 22 and 23, and substitute the following:
coverage authorized by:

(A) Title 7;

(B) Chapter 3, 704, 841, 846, 982, 1201, 1202, 1203, 1210, 1251, 1252, 1253, 1254, 1301, 1351, 1354, 1359, 1364, 1368, 1501, 1504, 1505, 1506, 1552, 1575, 1576, 1577, 1579, 1581, 1625, 1651, 1652, or 1701;

(C) Chapter 492, other than Sections 492.051(b) and (c);

(D) Subchapter B, Chapter 38, Subchapter D, Chapter 425, Subchapter A or F, Chapter 1204, Subchapter A, Chapter 1273, Subchapter A, B, or D, Chapter 1355, Subchapter A, Chapter 1366, Subchapter A, Chapter 1507;

(E) Section 1204.151, 1204.153, 1204.154, or 1451.051; or

(F) Chapter 177, Local Government Code; or

(8) On page 200, line 5, strike "Subchapters A-E,".

(9) On page 200, line 12, strike "Subchapters A-E,".

(10) On page 200, line 16, strike "Subchapters A-E,".

(11) On page 221, line 9, strike "401.061".

(12) On page 353, line 13, strike "Subchapters A-D,".

(13) On page 354, line 9, strike "Subchapters A-D,".

Amendment No. 1 was adopted.

HB 2636, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.) (The vote was reconsidered later today, and **HB 2636**, as amended, was passed to engrossment.)

SB 1665 ON SECOND READING
(Bonnen - House Sponsor)

SB 1665, A bill to be entitled An Act relating to regulation of emissions from residential water heaters.

SB 1665 was considered in lieu of **HB 2712**.

SB 1665 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2712 - LAID ON THE TABLE SUBJECT TO CALL

Representative Bonnen moved to lay **HB 2712** on the table subject to call.

The motion prevailed.

CSHB 1886 ON SECOND READING
(by Callegari)

CSHB 1886, A bill to be entitled An Act relating to the procurement methods of certain political subdivisions and certain other entities for the construction, rehabilitation, alteration, or repair of certain projects.

Amendment No. 1

Representative Puente offered the following amendment to **CSHB 1886**:

Amend **CSHB 1886** on page 7, line 24, after the period, by inserting the following:

If a metropolitan transit authority created under Chapter 451, Transportation Code, enters into a contract for a project involving a bus rapid transit system created under Chapter 451, Transportation Code, the bus rapid transit system is a single integrated project for purposes of this subsection.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Callegari offered the following amendment to **CSHB 1886**:

Amend **CSHB 1886** as follows:

(1) Strike SECTIONS 1-5, 7, and 9 of the bill and renumber subsequent SECTIONS of the bill appropriately.

(2) Strike page 5, line 27 through page 6, line 7 and substitute the following:

(6) "Local governmental entity" means a municipality, a county, a river authority, a defense base development authority established under Chapter 379B, a municipally owned water utility with a separate governing board appointed by the governing body of a municipality, or any other special district or authority authorized by law to enter into a public works contract for a civil works project. The term does not include a water district or authority created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, with a population of less than 50,000.

(3) On page 6, line 18, strike "25,000" and substitute "50,000".

(4) On page 6, strike lines 20-22.

(5) On page 16, line 10, strike "Section 1001.407" and substitute "Chapter 1001".

(6) On page 17, between lines 1 and 2, insert the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 271.904(a), Local Government Code, is amended to read as follows:

(a) A covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services to which a governmental agency is a party is void and unenforceable if the covenant or promise provides that a licensed engineer or registered architect whose work product is the subject of the contract must indemnify, ~~[or]~~ hold harmless, or defend the governmental agency against liability for damage, other than liability for damage that is caused by or results from the negligence of the indemnitor or the indemnitor's agents, consultants under contract, or others over which the indemnitor exercises control [governmental agency or its agent or employee].

Amendment No. 2 was adopted.

Amendment No. 3

Representative Corte offered the following amendment to **CSHB 1886**:

Amend **CSHB 1886** as follows:

(1) On page 5, line 3, between "facilities," and "airport," insert "desalination project,".

(2) On page 10, line 12, strike "must" and substitute "may".

(3) On page 12, line 23, strike "geotechnical baseline report" and substitute "report containing geotechnical information relating to the project site".

(4) On page 14, line 15, between "permitting" and the semicolon, insert ", if the local governmental entity is responsible for those risks and costs by law or contract".

Amendment No. 3 was adopted.

Amendment No. 4

Representative Eissler offered the following amendment to **CSHB 1886**:

Amend **CSHB 1886** on page 17, between lines 15 and 16, by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 46.008, Education Code, is amended to read as follows:

Sec. 46.008. STANDARDS. (a) The commissioner shall establish standards for adequacy of school facilities. The standards must include requirements related to space, educational adequacy, and construction quality. All new facilities constructed after September 1, 1998, must meet the standards to be eligible to be financed with state or local tax funds.

(b) Any portable, modular building capable of being relocated that is purchased or leased after September 1, 2007, for use as a school facility, regardless of whether the building is an industrialized building as defined by Section 1202.003, Occupations Code, must be inspected as provided by Subchapter E, Chapter 1202, Occupations Code, to ensure compliance with the mandatory building codes or approved designs, plans, and specifications.

Amendment No. 4 was adopted.

CSHB 1886, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2491 ON SECOND READING **(by Berman)**

CSHB 2491, A bill to be entitled An Act relating to political expenditures made by a corporation to finance the establishment and administration of a political committee.

Amendment No. 1

Representative Berman offered the following amendment to **CSHB 2491**:

Amend **CSHB 2491** (House Committee Report) on page 2, by striking lines 20 and 21 and substituting the following:

(4) political campaign brochures and political campaign direct mail;

Amendment No. 1 was adopted.

Amendment No. 2

Representative R. Cook offered the following amendment to **CSHB 2491**:

Amend **CSHB 2491** on page 3, between lines 3 and 4 by inserting a new Subsection (f) to read as follows:

"(f) Subsection (d) does not apply to a corporation or labor organization making an expenditure to communicate with its stockholders or members, as applicable, or with the families of its stockholders or members under Sec. 253.098."

Amendment No. 2 was adopted.

Amendment No. 3

Representative Gallego offered the following amendment to **CSHB 2491**:

Amend **CSHB 2491** as follows:

- (1) On page 2, line 24, strike "and".
- (2) On page 2, line 25, strike the period and substitute the following:

;

- (7) polling; and
- (8) recruiting candidates.

Amendment No. 3 was adopted.

CSHB 2491, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero, Jones, and Leibowitz recorded voting no.)

CSHB 180 ON SECOND READING
(by Zedler, et al.)

CSHB 180, A bill to be entitled An Act relating to the creation and dissolution of a covenant marriage.

Representative Zedler moved to postpone consideration of **CSHB 180** until 10 a.m. Friday, April 27.

The motion prevailed.

CSHB 2994 ON SECOND READING
(by Bonnen and O'Day)

CSHB 2994, A bill to be entitled An Act relating to the authority of certain taxing units to enter into an agreement under the Property Redevelopment and Tax Abatement Act or the Texas Economic Development Act with the owner of certain electric power generation facilities.

(Branch now present)

(Zedler in the chair)

Amendment No. 1

Representative Burnam offered the following amendment to **CSHB 2994**:

Amend **CSHB 2994** (Committee printing) as follows:

- (1) Strike SECTION 1 of the bill and renumber existing SECTIONS accordingly.
- (2) On page 1, line 23, strike "Sections 313.021(1) and (4), Tax Code, are" and substitute "Section 313.021(1), Tax Code, is".
- (3) Strike page 2, line 23, through page 3, line 7, and substitute:
 - (C) tangible personal property that is first
- (4) On page 3, line 23, strike "(E)" and substitute "(D)".
- (5) On page 3, strike line 27 and substitute "Paragraph (A), ~~or~~ (B), or (C)".
- (6) On page 4, strike lines 1-21 and substitute:

SECTION 3. Section 313.024, Tax Code, is amended by adding Subsection (b-1) and amending Subsection (c) to read as follows:

(7) On page 4, lines 24 and 25, strike "or nuclear electric power generation".

(8) On page 5, line 3, strike "313.021(1)(E)" and substitute "313.021(1)(D)".

(9) On page 5, at the end of line 24, add "or".

(10) On page 5, strike lines 26 and 27 and substitute: gasification combined cycle technology.

(11) On page 6, line 2, strike "Subdivisions (3) and (4)" and substitute "Subdivision (3)".

(12) On page 6, strike lines 10-12.

Representative Bonnen moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 626): 99 Yeas, 39 Nays, 2 Present, not voting.

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

Nays — Allen; Anchia; Bolton; Burnam; Castro; Chavez; Coleman; Davis, Y.; Dukes; Dunnam; Escobar; Farias; Flores; Gallego; Garcia; Giddings; Heflin; Hernandez; Herrero; Hochberg; Hodge; Howard, D.; King, T.; Leibowitz; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Miles; Naishtat; Oliveira; Olivo; Peña; Pierson; Raymond; Rodriguez; Strama; Vaught; Veasey.

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

Absent, Excused — Farrar; Menendez; Moreno.

Absent — Cohen; Hill; King, S.; Noriega; Thompson; Villarreal; Vo.

Amendment No. 2

Representative Villarreal offered the following amendment to **CSHB 2994**:

Amend **CSHB 2994** as follows:

On page 6, between line 12 and 13, insert the following and renumber succeeding sections accordingly:

SECTION 5. §313.0408. REPORT ON COMPLIANCE WITH AGREEMENTS. (a) Before the beginning of each regular session of the legislature, the comptroller shall submit to the lieutenant governor, the speaker of the house of representatives, and each other member of the legislature a report on grants made under this Chapter that states:

(1) the number of qualifying jobs each recipient of a limitation on appraised value committed to create in this state;

(2) the number of qualifying jobs each recipient created;

(3) the median wage of the jobs each recipient created;

(4) the amount of qualified investment each recipient committed to expend or allocate per project;

(5) the amount of qualified investment each recipient expended or allocated per project;

(6) the market value of the qualified property of each recipient;

(7) the limitation on appraised value for the qualified property of each recipient;

(8) the average amount of property taxes that would have been collected, if taxes were imposed on the market value of each qualified property, for each job created by each recipient;

(9) the number of jobs created by each recipient in each sector of the North American Industry Classification System (NAICS); and

(10) of the number of direct jobs each recipient created, the number of positions created that provide health benefits for employees.

(b) The report may not include information that is made confidential by law.

(c) The comptroller may require a recipient to submit, on a form the comptroller provides, information required to complete the report.

Amendment No. 2 was adopted.

A record vote was requested.

CSHB 2994, as amended, was passed to engrossment by (Record 627): 118 Yeas, 21 Nays, 2 Present, not voting.

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

Nays — Bolton; Burnam; Castro; Chavez; Dukes; Farias; Gallego; Giddings; Hernandez; Herrero; Hochberg; Hodge; King, T.; Leibowitz; McClendon; Miles; Naishtat; Oliveira; Olivo; Rodriguez; Veasey.

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

Absent, Excused — Farrar; Menendez; Moreno.

Absent — Davis, J.; Davis, Y.; Martinez Fischer; Mowery; Noriega; Pierson.

STATEMENT OF VOTE

I was shown voting no on Record No. 627. I intended to vote yes.

Olivo

HB 3074 ON SECOND READING

(by Creighton)

HB 3074, A bill to be entitled An Act relating to advertising of entities that contract with local workforce development boards.

HB 3074 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2636 - VOTE RECONSIDERED

Representative Smithee moved to reconsider the vote by which **HB 2636**, as amended, was passed to engrossment.

The motion to reconsider prevailed.

HB 2636 ON SECOND READING

(by Smithee)

HB 2636, A bill to be entitled An Act relating to the nonsubstantive revision of statutes relating to the Texas Department of Insurance, the business of insurance, and certain related businesses, to nonsubstantive additions to and corrections in the codified Insurance Code, and to conforming the provisions of that code that were codified by the 79th Legislature to other Acts of that legislature, including conforming amendments, repeals, and penalties.

Amendment No. 2 (Committee Amendment No. 1)

Representative Smithee offered the following committee amendment to **HB 2636**:

Amend **HB 2636** as follows:

- (1) On page 33, line 13, strike "AND CONFORMING AMENDMENTS".
- (2) On page 33, strike lines 15 through 26.
- (3) Strike page 33, line 27, through page 34, line 2, and substitute the following:

SECTION 1D.003. ADDITION. Chapter 542, Insurance Code, is amended by adding Subchapter C-1 to read as follows:

SUBCHAPTER C-1. REQUEST FOR CLAIMS INFORMATION BY
CERTAIN OFFICIALS

(4) On page 34, line 3, strike "Sec. 542.105" and substitute "Sec. 542.131".

(5) On page 119, strike line 1 and substitute the following:

(b) A person may not act as a responsible managing employee unless the person holds a license

(6) On page 172, strike lines 6-9 and substitute the following:

(3) Subchapter B, Chapter 1507; and

(4) Chapters 1271 and 1272 [~~Chapter 20A~~].

(7) On page 187, line 13, strike "841.705" and substitute "841.704-841.705".

(8) On page 202, line 22, strike "Subchapters A-E," and substitute "Subchapter B,".

(9) On page 203, line 1, strike "Subchapters A-E," and substitute "Subchapter B,".

(10) On page 203, strike lines 11 through 14 and substitute the following:
a license revoked under Chapter 4005 [~~Article 21.07 or 21.14, or~~

(11) On page 219, line 10, between "Subchapters A-E" and the comma, insert "and G".

(12) On page 225, line 6, strike "1305.004(11)," and substitute "1305.004(a)(11),".

(13) On page 354, between lines 19 and 20, insert the following appropriately numbered SECTION:

SECTION _____. Sections 1272.001(a)(1), (3), and (4), Insurance Code, are amended to conform more closely to the source law from which they were derived to read as follows:

(1) "Delegated entity" means an entity, other than a health maintenance organization authorized to engage in business under Chapter 843, that by itself, or through subcontracts with one or more entities, undertakes to arrange for or provide medical care or health care to an enrollee in exchange for a predetermined payment on a prospective basis and that accepts responsibility for performing on behalf of the health maintenance organization a function regulated by this chapter, Chapter 222, 251, or 258, as applicable to a health maintenance organization, Chapter 843 or [§] 1271, Section 1367.053 [~~or 1367~~], Subchapter A, Chapter 1452, or Subchapter B, Chapter 1507. The term does not include:

(A) an individual physician; or

(B) a group of employed physicians, practicing medicine under one federal tax identification number, whose total claims paid to providers not employed by the group constitute less than 20 percent of the group's total collected revenue computed on a calendar year basis.

(3) "Delegated third party" means a third party other than a delegated entity that contracts with a delegated entity, either directly or through another third party, to:

(A) accept responsibility for performing a function regulated by this chapter, Chapter 222, 251, or 258, as applicable to a health maintenance organization, Chapter 843 or [§] 1271, Section 1367.053 [or 1367], Subchapter A, Chapter 1452, or Subchapter B, Chapter 1507; or

(B) receive, handle, or administer funds, if the receipt, handling, or administration is directly or indirectly related to a function regulated by this chapter, Chapter 222, 251, or 258, as applicable to a health maintenance organization, Chapter 843 or [§] 1271, Section 1367.053 [or 1367], Subchapter A, Chapter 1452, or Subchapter B, Chapter 1507.

(4) "Delegation agreement" means an agreement by which a health maintenance organization assigns the responsibility for a function regulated by this chapter, Chapter 222, 251, or 258, as applicable to a health maintenance organization, Chapter 843 or [§] 1271, Section 1367.053 [or 1367], Subchapter A, Chapter 1452, or Subchapter B, Chapter 1507.

Amendment No. 2 was adopted.

HB 2636, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

GENERAL STATE CALENDAR
(consideration continued)

(Hamilton in the chair)

CSHB 1038 ON SECOND READING
(by Ritter)

CSHB 1038, A bill to be entitled An Act relating to the operation of the Texas Residential Construction Commission; providing penalties.

Amendment No. 1

Representative Ritter offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** as follows:

- (1) On page 2, line 14, strike "constructs" and substitute "sells, constructs,".
- (2) On page 2, line 15, between "construction of" and the colon, insert ", or contracts for the construction of or the supervision or management of the construction of".
- (3) On page 3, line 1, after "by", insert "amending Subsection (b) and".
- (4) On page 3, between lines 2 and 3, insert the following:
 - (b) This title does not apply to a homeowner or to a homeowner's real estate broker, agent, interior designer registered under Chapter 1053, Occupations Code, or property manager who supervises or arranges for the construction of an improvement to a home owned by the homeowner.
- (5) On page 6, line 2, strike "and (e)" and substitute ", (e) , and (f)".
- (6) On page 6, line 8, between "title" and the period, insert ", except as necessary to implement this title".
- (7) On page 6, between lines 8 and 9, insert the following:

(f) Notwithstanding Subsections (d) and (e), the commission may not disclose the address of an individual home registered with the commission:

(1) on the commission's Internet website; or

(2) in connection with an open records request under Chapter 552, Government Code.

(8) On page 6, after line 27, insert the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION _____. Section 416.010, Property Code, is amended by adding Subsection (e) to read as follows:

(e) A builder may designate a United States Postal Service postal box for use in correspondence. The builder may not use the box as the builder's principal place of business for purposes of this section.

(9) On page 10, line 14, strike "or".

(10) On page 10, between lines 14 and 15, insert the following:

(22) failure to participate in commission efforts to resolve a complaint that arises during the construction or renovation of a home;

(23) failure to act in good faith in responding to a commission request for information; or

(11) On page 10, line 15, strike "(22)" and substitute "(24)".

(12) On page 11, strike lines 6 through 13 and substitute the following:

(b) The commission must consider the factors described by Section 419.002(b) before taking disciplinary action under this chapter.

(13) On page 12, line 21, strike "Subsection (a)" and insert "Subsections (a) and (b)".

(14) On page 12, between lines 25 and 26, insert the following:

(b) In determining the amount of an administrative penalty, the hearings officer or commission shall consider:

(1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the prohibited acts;

(2) the history of previous violations;

(3) the amount necessary to deter a future violation;

(4) efforts to correct the violation; ~~and~~

(5) the deterrent effect on others in the industry;

(6) the economic harm to the homeowner; and

(7) any other matter justice may require.

(15) On page 15, lines 15-16, strike "Sections 427.001(b), (c), and (d), Property Code, are" and substitute "Section 427.001, Property Code, is".

(16) On page 15, line 16, between "amended" and "to read" insert "by amending Subsections (b), (c), and (d) and adding Subsection (c-1)".

(17) On page 16, between lines 2 and 3, insert the following:

(c-1) A third-party inspector who inspects an issue involving a structural matter and an unrelated issue involving workmanship and materials matters must meet the requirements of Subsections (b) and (c).

(18) On page 17, between lines 3 and 4, insert the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION _____. Section 428.003(a), Property Code, is amended to read as follows:

(a) On or before the 30th [~~15th~~] day after the date the commission receives a request, the commission shall appoint the next available third-party inspector from the applicable lists of third-party inspectors maintained by the commission under Subsection (c).

(19) On page 17, line 25, strike "section" and substitute "chapter".

(20) On page 17, line 26, between "request" and "may submit", insert "including a third-party warranty company,".

Amendment No. 2

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

Amend Floor Amendment No. 1 (**CSHB 1038**), by Ritter, on page 2, line 13, by striking "act in good faith in responding" and substituting "respond".

Amendment No. 2 was adopted.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

CSHB 1038 - (consideration continued)

Amendment No. 1, as amended, was adopted.

Amendment No. 3

Representative Gattis offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** on page 1, between lines 4 and 5, by inserting the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subchapter A, Chapter 5, Property Code, is amended by adding Section 5.016 to read as follows:

Sec. 5.016. DISCLOSURE OF ABSENCE OF CERTAIN WARRANTIES.

(a) A seller of residential real property that is exempt from Title 16 under Section 401.005 shall give to the purchaser of the property a written notice that reads substantially similar to the following:

NOTICE OF NONAPPLICABILITY OF CERTAIN WARRANTIES
AND BUILDING AND PERFORMANCE STANDARDS

The property that is subject to this contract is exempt from Title 16, Property Code, including the provisions of that title that provide statutory warranties and building and performance standards.

(b) A notice required by this section shall be delivered by the seller to the purchaser on or before the effective date of an executory contract binding the purchaser to purchase the property. If a contract is entered into without the seller providing the notice, the purchaser may terminate the contract for any reason on or before the seventh day after the date the purchaser receives the notice.

(c) This section does not apply to a transfer:

- (1) under a court order or foreclosure sale;
- (2) by a trustee in bankruptcy;
- (3) to a mortgagee by a mortgagor or successor in interest or to a beneficiary of a deed of trust by a trustor or successor in interest;
- (4) by a mortgagee or a beneficiary under a deed of trust who has acquired the land at a sale conducted under a power of sale under a deed of trust or a sale under a court-ordered foreclosure or has acquired the land by a deed in lieu of foreclosure;
- (5) by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust;
- (6) from one co-owner to another co-owner of an undivided interest in the real property;
- (7) to a spouse or a person in the lineal line of consanguinity of the seller;
- (8) to or from a governmental entity; or
- (9) of only a mineral interest, leasehold interest, or security interest.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Gattis offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** on page 1, between lines 4 and 5, by inserting the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 27.002(b), Property Code, is amended to read as follows:

(b) Except as provided by this subsection, to ~~[To]~~ the extent of conflict between this chapter and any other law, including the Deceptive Trade Practices-Consumer Protection Act (Subchapter E, Chapter 17, Business & Commerce Code) or a common law cause of action, this chapter prevails. To the extent of conflict between this chapter and Title 16, Title 16 prevails.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Gattis offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** on page 1, between lines 4 and 5, by inserting the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 27.004(d), Property Code, is amended to read as follows:

(d) The court or arbitration tribunal shall abate ~~[dismiss]~~ an action governed by this chapter if Subsection (c) does not apply and the court or tribunal, after a hearing, finds that the contractor is entitled to abatement ~~[dismissal]~~ because the claimant failed to comply with the requirements of Subtitle D, Title 16, if applicable, failed to provide the notice or failed to give the contractor a reasonable opportunity to inspect the property as required by Subsection (a), or

failed to follow the procedures specified by Subsection (b). An action is automatically abated [~~dismissed~~] without the order of the court or tribunal beginning on the 11th day after the date a motion to abate [~~dismiss~~] is filed if the motion:

(1) is verified and alleges that the person against whom the action is pending did not receive the written notice required by Subsection (a), the person against whom the action is pending was not given a reasonable opportunity to inspect the property as required by Subsection (a), or the claimant failed to follow the procedures specified by Subsection (b) or Subtitle D, Title 16; and

(2) is not controverted by an affidavit filed by the claimant before the 11th day after the date on which the motion to abate [~~dismiss~~] is filed.

Amendment No. 5 was adopted.

Amendment No. 6

Representative McClendon offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** as follows:

(1) On page 1, line 6, strike "Subsection (c)" and substitute "Subsections (c) and (d)".

(2) On page 2, strike lines 3 through 9 and substitute the following:

(c) A provision of a contract described by Section 41.001(b)(3) that requires the parties to submit a dispute arising under the contract to binding arbitration must:

(1) be conspicuously printed or typed in a size equal to at least 14-point bold type or the computer equivalent; and

(2) provide a space immediately adjacent to the provision for the owner's signature to indicate acknowledgment of notice of the provision.

(d) A provision described by Subsection (c) is not enforceable against the owner unless the requirements of Subsection (c) are met and the owner signs the space acknowledging notice of the provision.

(3) Strike SECTION 20 of the bill and substitute the following:

SECTION 20. Section 426.003, Property Code, is amended by amending Subsection (b) to read as follows:

(b) A builder who enters into a contract for the construction of a new home or an improvement to an existing home in which the value of the work exceeds \$20,000 [~~transaction governed by this title, other than the transfer of title of a new home from the builder to the seller,~~] shall register the home involved in the transaction with the commission. The registration must:

(1) include the information required by the commission by rule;

(2) be accompanied by the fee required by Subsection (c); and

(3) be delivered to the commission not later than the 15th day after the earlier of:

(A) the date the construction is substantially completed [~~of the agreement that describes the transaction between the homeowner and the builder~~]; or

(B) the date the new home is occupied, if the contract is for the construction of a new home [commencement of the work on the home].

(4) Add the following appropriately numbered SECTIONS and renumber the SECTIONS of the bill accordingly:

SECTION _____. Section 162.003, Property Code, is amended to read as follows:

Sec. 162.003. BENEFICIARIES OF TRUST FUNDS. (a) An artisan, laborer, mechanic, contractor, subcontractor, or materialman who labors or who furnishes labor or material for the construction or repair of an improvement on specific real property in this state is a beneficiary of any trust funds paid or received in connection with the improvement.

(b) A homeowner, as defined by Section 401.002, is a beneficiary of trust funds paid in connection with a residential construction contract governed by Title 16 and held for the purpose of satisfying the cost of materials and workmanship for labor and materials provided by persons described by Subsection (a) for the homeowner under the contract.

SECTION _____. Section 162.006(a), Property Code, is amended to read as follows:

(a) A contractor who enters into a written contract with a property owner or homeowner, as defined by Section 401.002, to construct improvements to [a] residential property [homestead] for an amount exceeding \$5,000 shall deposit the trust funds in a construction account in a financial institution.

SECTION _____. Subtitle C, Title 16, Property Code, is amended by adding Chapter 420 to read as follows:

CHAPTER 420. BUILDING CONTRACT PROVISIONS

Sec. 420.001. REQUIRED WRITTEN DISCLOSURE. Before beginning work on a project to construct a new home or an improvement to an existing home when the cost of the work exceeds \$10,000, a builder must provide a notice to the homeowner in at least 14-point bold type that gives the telephone number of the commission and states:

STATE LAW REQUIRES THAT A PERSON HOLD A CERTIFICATE OF REGISTRATION FROM THE TEXAS RESIDENTIAL CONSTRUCTION COMMISSION IF THE PERSON CONTRACTS TO CONSTRUCT A NEW HOME OR IF THE PERSON CONTRACTS TO CONSTRUCT AN IMPROVEMENT TO AN EXISTING HOME AND THE TOTAL COST OF THE IMPROVEMENT IS \$10,000 OR MORE (INCLUDING LABOR AND MATERIALS).

BUILDERS ARE REGULATED BY LAWS DESIGNED TO PROTECT THE PUBLIC. YOU MAY CONTACT THE COMMISSION AT [insert commission's telephone number] TO FIND OUT WHETHER THE BUILDER HAS A VALID CERTIFICATE OF REGISTRATION. THE COMMISSION HAS COMPLETE INFORMATION ON THE HISTORY OF BUILDERS, INCLUDING ANY SUSPENSION, REVOCATION, COMPLAINT, AND RESOLUTION OF COMPLAINT.

IF YOU HAVE A COMPLAINT AGAINST A BUILDER, YOU MAY CONTACT THE TOLL-FREE TELEPHONE NUMBER TO OBTAIN A COMPLAINT FORM AND FURTHER INFORMATION.

IF THE BUILDER FAILED TO COMPLETE THE WORK OR PERFORMED POOR QUALITY WORK, YOU MAY FILE A COMPLAINT WITH THE COMMISSION BY CONTACTING THE TOLL-FREE TELEPHONE NUMBER. YOU MUST FILE ALL COMPLAINTS WITHIN TWO YEARS OF THE DATE THE BUILDER ABANDONED THE PROJECT OR PERFORMED THE POOR QUALITY WORK.

Sec. 420.002. REQUIRED CONTRACT PROVISIONS. A contract for the construction of a new home or an improvement to an existing home when the cost of the work exceeds \$10,000 is not enforceable against a homeowner unless the contract:

(1) contains the builder's name, physical address, and certificate of registration number; and

(2) contains the notice required by Section 420.001.

Sec. 420.003. BINDING ARBITRATION CONTRACT PROVISION. (a) A provision in a contract for the construction of a new home, or the improvement of an existing home in which the value of the work exceeds \$10,000, that requires the parties to submit a dispute arising under the contract to binding arbitration must:

(1) be conspicuously printed or typed in a size equal to at least 14-point bold type or the computer equivalent; and

(2) provide a space immediately adjacent to the provision for the homeowner's signature to indicate acceptance of the provision.

(b) A provision described by Subsection (a) is not enforceable against the homeowner unless the requirements of Subsection (a) are met and the homeowner signs the space accepting the provision.

Amendment No. 6 was adopted.

Amendment No. 7

Representative McClendon offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** as follows:

(1) Strike SECTION 2 of the bill and substitute the following:

SECTION 2. Section 401.003, Property Code, is amended to read as follows:

Sec. 401.003. DEFINITION OF BUILDER. (a) In this title, "builder" means any person [~~business entity or individual~~] who, for a fixed price, commission, fee, wage, or other compensation, sells, constructs, or supervises or manages the construction of:

(1) a new home;

(2) a material improvement to a home, other than an improvement solely to replace or repair a roof of an existing home; or

(3) an improvement to the interior of an existing home when the cost of the work exceeds \$10,000 [~~\$20,000~~].

(b) The term includes:

(1) an owner, officer, director, shareholder, partner, affiliate, subsidiary, or employee of the builder;

(2) a risk retention group governed by Article 21.54, Insurance Code, that insures all or any part of a builder's liability for the cost to repair a residential construction defect; and

(3) a third-party warranty company and its administrator.

(c) The term does not include any person [~~business entity or individual~~] who:

(1) has been issued a license by this state or an agency [~~or political subdivision~~] of this state to practice a trade or profession related to or affiliated with residential construction if the work being done by the entity or individual to the home is solely for the purpose for which the license was issued; or

(2) sells a new home and:

(A) does not construct or supervise or manage the construction of the home; and

(B) holds a license issued under Chapter 1101, Occupations Code, or is exempt from that chapter under Section 1101.005, Occupations Code.

(2) Strike SECTION 33 of the bill and substitute the following:

SECTION 33. Subchapter Z, Chapter 214, Local Government Code, is amended by adding Section 214.906 to read as follows:

Sec. 214.906. CERTIFICATE OF REGISTRATION NUMBER REQUIRED FOR RESIDENTIAL CONSTRUCTION PERMIT. A municipality may not issue a permit that authorizes the construction of a new single-family house or duplex or the improvement of an existing single-family house or duplex by a builder who is required to hold a certificate of registration issued by the Texas Residential Construction Commission unless the builder provides the builder's certificate of registration number to the municipality.

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

SECTION _____. Subchapter K, Chapter 53, Property Code, is amended by adding Section 53.2555 to read as follows:

Sec. 53.2555. CERTIFICATE OF REGISTRATION NUMBER. (a) A contractor who is required to register as a builder with the Texas Residential Construction Commission shall include, in a clear and conspicuous manner, the contractor's certificate of registration number on each residential construction contract.

(b) The failure of a contractor to comply with Subsection (a) makes void any mechanic's or materialman's lien by the contractor or a subcontractor.

SECTION _____. Section 401.002(7), Property Code, is amended to read as follows:

(7) "Homeowner" means an individual [~~a person~~] who owns a home and who contracts with a builder for the construction of a new home or an improvement to an existing home. The term includes an attorney-in-fact or legal representative of the individual or the individual's estate or a subrogee or assignee of the individual [~~a person who owns a home~~].

Amendment No. 8

Representative McClendon offered the following amendment to Amendment No. 7:

Amend Floor Amendment No. 7, by McClendon, to **CSHB 1038** on page 2, by striking lines 14-21 and substituting the following:

Sec. 214.906. VERIFICATION OF BUILDER REGISTRATION. A municipality may not issue a building permit to a builder, as defined by Section 401.003, Property Code, for construction described by Section 401.003(a) of that code, unless the municipality has determined that the builder is registered with the Texas Residential Construction Commission under Chapter 416 of that code. A municipality shall verify that the builder's registration number is both current and valid and make a record of that registration number.

Amendment No. 8 was adopted.

Amendment No. 7, as amended, was adopted.

Amendment No. 9

Representative Gattis offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** as follows:

- (1) On page 2, line 14, strike "constructs" and substitute "sells, constructs,".
- (2) On page 2, line 15, between "construction of" and the colon, insert ", or contracts for the construction of or the supervision or management of the construction of".

Amendment No. 9 was withdrawn.

Amendment No. 10

Representative Geren offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** to read as follows:

- 1) On page 3, line 4, strike the words "with the intent to sell" and substitute "and sells"

- 2) On page 3, line 9, after "individual." add "Liability under this subsection does not automatically require an individual to register under Section 416.001."

- 3) Add the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION _____. Section 401.002, Property Code, is amended to read as follows:

- (8) Improvement to the interior of an existing home—any modification to the interior living space of a home which includes the addition or installation of permanent fixtures inside the home. An improvement to the interior of an existing home does not include improvements to an existing home if the improvements are designed primarily to repair or replace the home's component parts.

- (9) ~~(8)~~ "Limited statutory warranty and building and performance standards" means the limited statutory warranty and building and performance standards adopted by the commission under Section 430.001.

(10) Material improvement—a modification to an existing home that either increases or decreases the home's total square footage of living space that also modifies the home's foundation, perimeter walls or roof. A material improvement does not include modifications to an existing home if the modifications are designed primarily to repair or replace the home's component parts.

(11) ~~(9)~~ "Nonstructural matter" has the meaning assigned by the limited statutory warranty and building and performance standards adopted by the commission under Section 430.001.

(12) ~~(10)~~ "Request" means a request submitted under Section 428.001.

(13) ~~(11)~~ "State inspector" means a person employed by the commission under Section 427.002.

(14) ~~(12)~~ "State-sponsored inspection and dispute resolution process" means the process by which the commission resolves a request.

(15) ~~(13)~~ "Structural" means the load-bearing portion of a home.

(16) ~~(14)~~ "Structural failure" has the meaning assigned by the limited statutory warranty and building and performance standards adopted by the commission under Section 430.001.

(17) ~~(15)~~ "Third-party inspector" means a person appointed by the commission under Section 428.003.

(18) ~~(16)~~ "Warranty of habitability" means a builder's obligation to construct a home or home improvement that is in compliance with the limited statutory warranties and building and performance standards adopted by the commission under Section 430.001 and that is safe, sanitary, and fit for humans to inhabit.

4) On page 20, line 8, after the words "Property Code" and before "." add "or is exempt from registration under Section 401.005, Property Code".

Amendment No. 10 was adopted.

Amendment No. 11

Representative McClendon offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** as follows:

(1) On page 5, between lines 16 and 17, insert the following:

(d) Fees paid to the commission under Subsections (b) and (c) are nonrefundable.

(e) The commission may waive or reduce the fee for an inspection under Subtitle D for a homeowner who demonstrates an inability to pay the fee.

(2) On page 6, line 10, strike "Subsection (c)" and substitute "Subsections (c) and (d)".

(3) On page 6, between lines 21 and 22, insert the following:

(d) The fees in Subsection (a) apply to each builder, including each sole proprietor, corporation, limited liability company, partnership, limited partnership, limited liability partnership, and subsidiary.

(4) Add the following appropriately numbered SECTION and renumber the SECTIONS of the bill accordingly:

SECTION _____. Chapter 409, Property Code, is amended by adding Section 409.004 to read as follows:

Sec. 409.004. DIRECTORY OF BUILDERS. The commission shall make available to the public a list of each builder who holds a certificate of registration issued under Chapter 416.

Amendment No. 11 was adopted.

Amendment No. 12

Representative McClendon offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** as follows:

(1) On page 6, line 22, strike "Section 416.008(d), Property Code, is" and substitute "Sections 416.008(d) and (e), Property Code, are".

(2) On page 6, following line 27, insert the following:

(e) The hearing shall be held before a hearings officer appointed by the commission. After the hearing, the hearings officer shall enter an appropriate order. ~~[The order of the hearings officer under this subsection is a final decision.]~~

(3) On page 10, line 14, strike "or".

(4) On page 10, line 16, strike the period and substitute ";".

(5) On page 10, between lines 16 and 17, insert the following:

(24) failure to obtain a permit required by a political subdivision before constructing a new home or an improvement to an existing home; or

(25) abandoning or wilfully failing to perform, without justification, any home improvement contract or residential construction project engaged in or undertaken by the person, if found to have done so by a final, nonappealable judgment of a court.

(6) On page 10, lines 18 and 19, strike "or impose an administrative penalty".

(7) On page 12, line 10, strike "(a)".

(8) On page 12, strike lines 16 through 19.

Amendment No. 12 was adopted.

Amendment No. 13

Representative Gattis offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** as follows:

(1) On page 4, line 2, between "the" and "commission", insert "attorney general or the".

(2) On page 4, between lines 7 and 8, insert the following:

(d) A suit under this section must be brought in Travis County.

(e) The attorney general and the commission may recover reasonable expenses incurred in obtaining injunctive relief under this section, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

(3) On page 4, line 8, strike "(d)" and substitute "(f)".

Amendment No. 13 was adopted.

(Goolsby in the chair)

Amendment No. 14

Representative T. Smith offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** on page 4, between lines 11 and 12, by inserting the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 406.001, Property Code, is amended by amending Subsection (a) and adding Subsections (c), (d), (e), and (f) to read as follows:

(a) The Texas Residential Construction Commission consists of nine members appointed by the governor with the advice and consent of the senate as follows:

(1) four members must be builders who each hold a certificate of registration under Chapter 416;

(2) three members must be representatives of the general public, each of whom has demonstrated a continued interest in consumer protection;

(3) one member must be a licensed professional engineer who practices in the area of residential construction; and

(4) one member must be either a licensed architect who practices in the area of residential construction or a building inspector who meets the requirements set forth in Chapter 427 and practices in the area of residential construction.

(c) A person may not be a public member of the commission if the person or the person's spouse:

(1) is a builder registered with the commission, or is otherwise registered, certified, or licensed by a regulatory agency in the field of residential construction;

(2) is employed by or participates in the management of a business entity or other organization regulated by or receiving money from the commission;

(3) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by or receiving money from the commission; or

(4) uses or receives a substantial amount of tangible goods, services, or money from the commission other than compensation or reimbursement authorized by law for commission membership, attendance, or expenses.

(d) A person may not be a member of the commission and may not be a commission employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) if:

(1) the person is an officer, employee, manager, or paid consultant of a Texas trade association in the field of residential construction; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of residential construction.

(e) A person may not be a member of the commission or act as general counsel to the commission if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the commission.

(f) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

Amendment No. 14 was adopted.

Amendment No. 15

Representative Gattis offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** on page 6, between lines 8 and 9, by inserting the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 416.002, Property Code, is amended by adding Subsection (e) to read as follows:

(e) Based on a commission investigation of an alleged violation of Sections 418.001(a)(14) through (20), the commission may require an applicant for renewal of a certificate of registration to disclose to the commission every person with a financial or management interest in the applicant's business as a builder. This subsection does not apply to a publicly traded company.

Amendment No. 15 was adopted.

Amendment No. 16

Representative Gattis offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** as follows:

(1) On page 7, line 9, strike "Section 416.012" and substitute "Sections 416.012 and 416.013".

(2) On page 7, between lines 16 and 17, insert the following:

Sec. 416.013. CONTINUING EDUCATION. (a) During the first year a builder is registered with the commission, the builder must complete five hours of continuing education, one hour of which must address ethics.

(b) After satisfying the requirements of Subsection (a), a builder must complete five hours of continuing education, one hour of which must address ethics, once every five years.

(c) Continuing education courses that satisfy the requirements of this section must address the International Residential Code for One- and Two-Family Dwellings adopted under Section 430.001 and state laws and rules that apply to builders under this chapter.

(d) The commission by rule shall approve continuing education courses, course content, and course providers. This subsection does not prohibit the commission from providing continuing education courses for a reasonable fee.

Amendment No. 16 was adopted.

Amendment No. 17

Representative Gattis offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** as follows:

(1) On page 10, line 14, strike "or".

(2) On page 10, between lines 14 and 15, insert the following:

(22) failure to substantially complete all the obligations under an express contract for construction without reasonable grounds for the failure, if found by a final nonappealable court judgment; or

(3) On page 10, line 15, strike "(22)" and substitute "(23)".

(Speaker in the chair)

Amendment No. 17 was adopted.

Amendment No. 18

Representative Gattis offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** on page 6, between lines 8 and 9, by inserting the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 416.002, Property Code, is amended by adding Subsection (e) to read as follows:

(e) Based on a commission investigation of an alleged violation of Sections 418.001(a)(14) through (20), the commission may require an applicant for renewal of a certificate of registration to disclose to the commission every person with a financial or management interest in the applicant's business as a builder. This subsection does not apply to a publicly traded company.

Amendment No. 18 was withdrawn.

Amendment No. 19

Representative Eiland offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** as follows:

Add a new section after page 20, line 8 as follows:

Amend Section 426.001 of the Texas by adding subsection (d) as follows:

(d) Notwithstanding any other provision, the state-sponsored inspection and dispute resolution process is voluntary at the discretion of a homeowner until such time as a homeowner submits a request for the state-sponsored inspection and dispute resolution.

(1) A builder may not require by contract or otherwise that a homeowner use the state-sponsored inspection and dispute resolution process. The builder may not represent directly or indirectly that the state-sponsored inspection and dispute resolution process is required of a homeowner.

(2) The provisions of subsection (d) may not be waived, voided, or nullified.

Strike in Section 22, page 14, line 8 "must" and substitute "need not."

Strike in Section 22, page 14, lines 14-18.

Representative Ritter moved to table Amendment No. 19.

A record vote was requested.

The motion to table prevailed by (Record 628): 92 Yeas, 47 Nays, 2 Present, not voting.

Yeas — Alonzo; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; England; Escobar; Farabee; Flynn; Frost; Gattis; Geren; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hilderbran; Hill; Hochberg; Homer; Hopson; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; Martinez; McReynolds; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Puente; Quintanilla; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Strama; Straus; Swinford; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Anchia; Anderson; Bailey; Bolton; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Flores; Garcia; Gonzales; Gonzalez Toureilles; Guillen; Hartnett; Hernandez; Herrero; Howard, D.; Hughes; King, T.; Leibowitz; Mallory Caraway; Martinez Fischer; McCall; McClendon; Naishtat; Noriega; Olivo; Ortiz; Peña; Pierson; Raymond; Rodriguez; Smithee; Solomons; Talton; Thompson; Vaught; Veasey; Villarreal; Vo.

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

Absent, Excused — Farrar; Menendez; Moreno.

Absent — Cohen; Farias; Gallego; Giddings; Hodge; Miles.

STATEMENTS OF VOTE

When Record No. 628 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

I was shown voting yes on Record No. 628. I intended to vote no.

T. Smith

(P. King in the chair)

Amendment No. 20

Representative Farrar offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** as follows:

Amend Sec 436.002 of the property code to add section (c) and read as follows; then renumber as appropriate.

§436.002. APPLICABILITY. (a) This subtitle applies only to an arbitration of a dispute between a homeowner and a builder that involves an alleged construction defect.

(b) The requirements of this subtitle supplement Chapter 171, Civil Practice and Remedies Code, and the Federal Arbitration Act (9 U.S.C. Sections 1-16), as amended.

(c) The requirement of arbitration in a dispute involving a construction defect shall be made optional.

Amendment No. 20 was withdrawn.

Amendment No. 21

Representative Raymond offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** by inserting the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Chapter 426, Property Code, is amended by adding Section 426.009 to read as follows:

Sec. 426.009. ABATEMENT OF PARALLEL PROCEEDING. (a) This section applies only to a suit between a homeowner and a builder in which:

(1) a request for resolution is filed with the commission under this title;
and

(2) the request relates directly to the subject matter of the suit.

(b) A court shall abate a suit to which this section applies if the request for resolution is filed before the 90th day after the date the suit is filed. The court may grant or continue any temporary relief necessary to preserve the status quo pending a final determination of the suit.

(c) If the commission grants the request or reconsiders and grants a request that had previously been denied, the court may, on motion of the commission or any interested party, dismiss the suit if the issues involved in the request predominate in the suit.

Amendment No. 21 was withdrawn.

Amendment No. 22

Representative Leibowitz offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS accordingly:

SECTION _____. Chapter 419, Property Code, is amended by adding Section 419.0031 to read as follows:

Sec. 419.0031. INTEREST ON UNPAID PENALTY. Interest accrues on an unpaid administrative penalty at a rate of 18 percent compounded annually beginning on the day after the date specified for payment under Section 419.003.

SECTION _____. The change in law made by Section 419.0031, Property Code, as added by this Act, applies only to an administrative penalty assessed on or after the effective date of this Act. A penalty assessed before the effective date of this Act is subject to the law in effect immediately before that date, and that law is continued in effect for that purpose.

Amendment No. 22 was adopted.

Amendment No. 23

Representative Leibowitz offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 409, Property Code, is amended by adding Section 409.0011 to read as follows:

Sec. 409.0011. BUILDER LIST. (a) In this section, "volume builder" means a builder who registers at least 100 homes each year as provided by Section 426.003.

(b) The commission shall create and make accessible to the public an electronic list and a hard-copy list of builders who:

(1) are registered with the commission; and

(2) provide in this state building services, including accessible floor plans, to persons with mobility-related special needs.

(c) The electronic list required under Subsection (b) shall provide, if available, the following information with respect to each listed builder:

(1) a link to the builder's website; and

(2) contact information for the builder, including the municipalities where the builder provides building services described by Subsection (b)(2).

(d) The commission shall contact all volume builders in this state who do not provide building services to persons with mobility-related special needs as described by Subsection (b)(2) and encourage those builders to develop floor plans that are designed to be accessible for persons with mobility-related special needs.

(e) Before a volume builder is included on the electronic or hard-copy list described by Subsection (b), the commission must certify the builder's floor plans designed for persons with mobility-related special needs. The commission shall establish rules, procedures, and fees necessary to certify floor plans as required by this subsection.

(f) The Veterans' Land Board shall make accessible to the public on its Internet website and in hard-copy format the electronic list required under Subsection (b).

Amendment No. 23 was adopted.

Amendment No. 24

Representative Flores offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** by inserting the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 430, Property Code, is amended by adding Section 430.0015 to read as follows:

Sec. 430.0015. USE OF CERTAIN MATERIALS PROHIBITED. In adopting building and performance standards under Section 430.001, the commission shall require the use of graded rebar in accordance with the requirements of the building code in effect in the political subdivision in which the residential construction occurs.

Amendment No. 24 was adopted.

Amendment No. 25

Representative McClendon offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** as follows:

(1) Add the following appropriately numbered SECTION and renumber the SECTIONS of the bill accordingly:

SECTION _____. Section 426.001(a), Property Code, is amended to read as follows:

(a) This subtitle applies to a dispute between a builder and a homeowner if:

(1) the dispute arises out of an alleged construction defect, other than a claim solely for:

(A) personal injury, survival, or wrongful death; or

(B) damage to goods; and

(2) a request is submitted to the commission not later than the 30th day after ~~on or before~~ the 10th anniversary of:

(A) the date of the initial transfer of title from the builder to the first homeowner to own ~~initial owner of~~ the home or the improvement that is the subject of the dispute; or

(B) ~~if there is not a closing in which title is transferred,~~ the date on which the ~~contract for~~ construction of the improvement was substantially completed ~~entered into~~.

(2) On page 20, line 13, after the period, insert "The speaker of the house of representatives shall appoint two additional members of the house of representatives who have expressed an interest in this issue as voting adjunct members of the committee for the purpose of participating in the study."

Amendment No. 25 was adopted.

Amendment No. 26

Representative Burnam offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 406.001, Property Code, is amended by amending Subsection (a) and adding Subsections (c), (d), (e), and (f) to read as follows:

(a) The Texas Residential Construction Commission consists of nine members appointed by the governor with the advice and consent of the senate as follows:

(1) three ~~four~~ members must be builders who each hold a certificate of registration under Chapter 416;

(2) four ~~three~~ members must be representatives of the general public, each of whom has demonstrated a continued interest in consumer protection;

(3) one member must be a licensed professional engineer who practices in the area of residential construction; and

(4) one member must be either a licensed architect who practices in the area of residential construction or a building inspector who meets the requirements set forth in Chapter 427 and practices in the area of residential construction.

(c) A person may not be a public member of the commission if the person or the person's spouse:

(1) is a builder registered with the commission, or is otherwise registered, certified, or licensed by a regulatory agency in the field of residential construction;

(2) is employed by or participates in the management of a business entity or other organization regulated by or receiving money from the commission;

(3) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by or receiving money from the commission; or

(4) uses or receives a substantial amount of tangible goods, services, or money from the commission other than compensation or reimbursement authorized by law for commission membership, attendance, or expenses.

(d) A person may not be a member of the commission and may not be a commission employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), if:

(1) the person is an officer, employee, manager, or paid consultant of a Texas trade association in the field of residential construction; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of residential construction.

(e) A person may not be a member of the commission or act as general counsel to the commission if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the commission.

(f) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

Representative Ritter moved to table Amendment No. 26.

A record vote was requested.

The motion to table prevailed by (Record 629): 109 Yeas, 31 Nays, 2 Present, not voting.

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

Nays — Allen; Alonzo; Bailey; Burnam; Castro; Chavez; Coleman; Dukes; Dutton; Eiland; Farias; Gallego; Gonzales; Gonzalez Tourelles; Hernandez; Herrero; Hochberg; Hodge; Leibowitz; Mallory Caraway; Martinez; Martinez Fischer; Miles; Naishtat; Noriega; Ortiz; Rodriguez; Thompson; Vaught; Veasey; Villarreal.

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

Absent, Excused — Farrar; Menendez; Moreno.

Absent — Davis, Y.; McClendon; Olivo; Pierson; Vo.

Amendment No. 27

Representative Thompson offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** by inserting the following appropriately numbered SECTIONS and renumbering existing SECTIONS of the bill accordingly:

SECTION _____. Title 16, Property Code, is amended by adding Subtitle F to read as follows:

SUBTITLE F. HOMEOWNER REMEDIES

CHAPTER 445. NEW HOME BUYERS

Sec. 445.001. DEFINITIONS. In this chapter:

(1) "Defect" means a construction defect or any other condition that prevents a home from conforming to an applicable warranty.

(2) "Homebuyer" means a person who:

(A) purchased a home from a builder and is entitled to enforce the terms of the builder's warranty with respect to the home;

(B) is a lessor or lessee, other than a sublessee, who purchased or leased the home from the builder; or

(C) is a transferee or assignee of a person described by Paragraph (A) or (B) if the transferee or assignee is a resident of this state and entitled to enforce the terms of the builder's warranty.

(3) "Serious safety hazard" means a life-threatening malfunction, installation defect, or nonconformity that substantially impedes a person's ability to live in or use a home or that creates a substantial risk of fire, explosion, or exposure to a toxic substance.

(4) "Warranty" means the statutory warranties under Chapter 430 and any additional warranty provided by a builder in accordance with Sections 430.006 and 430.007.

Sec. 445.002. APPLICABILITY OF CERTAIN OTHER LAW OR CONTRACT PROVISIONS. (a) This chapter supersedes any other law or contract provision that conflicts with this chapter, including the Deceptive Trade Practices-Consumer Protection Act (Subchapter E, Chapter 17, Business & Commerce Code).

(b) The remedies provided by this chapter supersede remedies available under Chapter 27 or the Deceptive Trade Practices-Consumer Protection Act (Subchapter E, Chapter 17, Business & Commerce Code).

(c) If a dispute to which this chapter applies is also subject to Chapter 426, the homebuyer must comply with Subtitle D before pursuing a remedy under this chapter.

(d) Except as provided by this section, this chapter does not limit the rights or remedies otherwise available to a homebuyer under any other law.

(e) A contract provision that excludes or modifies the remedies provided by this chapter is prohibited and is void as against public policy unless the exclusion or modification is included in a settlement agreement between a homebuyer and a builder.

Sec. 445.003. COMPLAINT. A homebuyer may seek a remedy provided by this chapter by:

(1) providing to the builder written notice identifying each defect in the home that is covered by the builder's warranty; and

(2) filing a complaint with the commission that includes a copy of the notice provided under Subdivision (1) on or before the 30th day after the date the notice is provided.

Sec. 445.004. HEARING. (a) The commission may hold a hearing on any allegation in a complaint that is not privately resolved between the homebuyer and the builder.

(b) The contested case provisions of Chapter 2001, Government Code, apply to a hearing conducted under this chapter.

Sec. 445.005. TIME FOR FILING COMPLAINT. (a) Except as provided by Subsection (b), a homebuyer must file a complaint under this chapter before the earlier of:

(1) the date the applicable warranty period expires; or

(2) the 10th anniversary of the closing date.

(b) If the dispute is submitted to the state-sponsored inspection and dispute resolution process, a complaint under this chapter must be submitted not later than the 30th day after the date the third-party inspector's recommendation is issued or, if the homebuyer appeals the inspector's recommendation, the 30th day after the date the appeals panel issues a ruling on the appeal.

Sec. 445.006. AFFIRMATIVE DEFENSE. In a hearing before the commission under this chapter, a builder may assert as an affirmative defense to an allegation of a defect made in a complaint filed under this chapter that the defect is the result of abuse, neglect, or modifications or alterations of the home made by a person other than the builder.

Sec. 445.007. REPAIR REQUIRED. (a) Except as provided by Section 445.009, if a defect exists, the builder shall make the repairs necessary to conform the home to the builder's warranties if:

(1) the homebuyer or the homebuyer's designated agent reported the defect to the builder or the builder's agent before the expiration of the applicable time limit under Section 445.005; or

(2) a breach of warranty on the home is established.

(b) The builder must make the repairs required under Subsection (a) not later than the 120th day after the date the notice of the defect required by Section 445.003 is received by the commission.

Sec. 445.008. RETURN OR REPLACEMENT REQUIRED. (a) Except as provided by Section 445.009, if the builder is unable to cure a defect within the period prescribed by Section 445.007(b) and the defect creates a serious safety hazard, substantially impairs the use of the home, or decreases the home's market value by more than five percent, the builder shall at the homebuyer's option:

(1) replace the home with a comparable home in the same neighborhood; or

(2) accept return of the home from the homebuyer and refund to the homebuyer the full purchase price and any closing costs and reasonable moving costs.

(b) The commission may not order a remedy under this section unless the builder has been provided at least the number of days prescribed by Section 445.007(b) to cure the defect that is subject to the remedy provided by this section. The period required by this subsection is extended by the amount of time during which repair services are not available to a homebuyer because of a war, invasion, strike, or fire, flood, or other natural disaster.

Sec. 445.009. MOLD CONTAMINATION. (a) Not later than the 30th day after the date of a hearing examiner's order of a remedy under this section, the builder shall accept return of the home from the homebuyer and refund to the homebuyer the full purchase price and any closing costs and reasonable moving costs if, in addition to notice of a defect required by Section 445.003, a homebuyer:

(1) provides to the contractor and the commission written results of tests that:

(A) are conducted by a mold testing laboratory certified for the purposes of this section; and

(B) demonstrate proof of unacceptable levels of toxic mold contamination that pose an imminent threat to the health, safety, or welfare of the inhabitants; and

(2) establishes that the contamination arises out of the defect.

(b) The commission by rule shall designate at least one private organization that certifies mold testing laboratories from whom certification is sufficient for the purposes of this section.

Sec. 445.010. REIMBURSEMENT OF EXPENSES. (a) If a builder is ordered to replace a home or refund the purchase price under Section 445.008 or 445.009, the builder shall reimburse the homebuyer for:

(1) reasonable incidental costs resulting from the loss of the use of the home because of the defect; and

(2) lost wages resulting from time required for appointments with the builder or the builder's representative that are necessary because of the defect.

(b) As necessary to promote the public interest, the commission by rule:

(1) shall define the incidental costs that are eligible for reimbursement under Subsection (a) and specify other requirements necessary to determine an eligible cost; and

(2) may set a maximum amount that is eligible for reimbursement, either by type of eligible cost or by a total for all costs.

(c) Refunds shall be made to the homebuyer and primary lienholder, as applicable.

Sec. 445.011. OTHER REMEDIES NOT PRECLUDED. This chapter does not prevent a homebuyer from obtaining a remedy available to the homebuyer under a new home warranty that provides remedies in addition to those provided by this chapter.

Sec. 445.012. RIGHT TO FILE ACTION. (a) Except as provided by this section, a homebuyer may not seek the remedies provided by this chapter in a civil action unless the homebuyer files a complaint against the builder under this chapter and exhausts the administrative proceedings provided by this chapter. A court shall dismiss an action filed in violation of this section.

(b) If the hearing examiner does not issue a proposal for decision and make a recommendation to the commission for a final order on or before the 150th day after the date a complaint is filed under this chapter, the commission shall provide written notice, by certified mail, to the complainant and the builder.

(c) The notice must inform the recipient of:

(1) the date the period for issuing a final order under this chapter expires; and

(2) the complainant's right to file an action under this section.

(d) After receiving a notice of the right to file an action under Subsection (b), a complainant may file an action against a builder named in the complaint. The commission's failure to issue a notice of the right to file an action does not affect a complainant's right to bring an action under this section.

Sec. 445.013. JUDICIAL REVIEW. A final order of the commission under this chapter:

(1) is the final action of the commission under this chapter; and

(2) is subject to review only by judicial review as provided by Chapter 2001, Government Code, to the extent that chapter is not inconsistent with this chapter.

Sec. 445.014. INITIATION OR REMOVAL OF ACTION. (a) Except as otherwise provided by this chapter, an appeal initiated under this chapter may be removed to the Third Court of Appeals District if any party to the action files a notice of removal with the district court before the trial in the district court begins.

(b) An appeal initiated in or removed to the Third Court of Appeals District:

(1) must be initiated under Chapter 2001, Government Code, as if initiated in a Travis County district court; and

(2) is governed from the time of filing by the Texas Rules of Appellate Procedure.

(c) If evidence outside the commission's record is to be admitted in an appeal under Chapter 2001, Government Code, or otherwise, the action:

(1) must be initiated in a Travis County district court; or

(2) if initiated in the Third Court of Appeals District, is subject to remand to a Travis County district court for proceedings in accordance with instructions from the court of appeals.

(d) Citation must be served on the commission and each party of record before the commission. For an appeal initiated in the Third Court of Appeals District, the court shall cause citation to be issued.

Sec. 445.015. DILIGENCE REQUIRED. (a) An appellant must pursue an appeal with reasonable diligence. If an appellant fails to prosecute an appeal in the six-month period after the appeal is filed, the court shall presume that the appeal has been abandoned and dismiss the appeal if a motion for dismissal is submitted by the attorney general or another party.

(b) An appeal may not be dismissed under this section if the appellant, after receiving notice and an opportunity to be heard, demonstrates good cause for a delay.

Sec. 445.016. DISCLOSURE REQUIRED. (a) A builder who is ordered to refund the purchase price of or replace a home under this chapter shall provide to the first retail purchaser of the home after the home was repurchased or replaced by the builder a disclosure statement stating that the home was repurchased or replaced by the builder under this chapter.

(b) The disclosure statement must include the toll-free telephone number established by the commission under Section 445.018.

(c) Before a home repurchased or replaced under this chapter may be sold again, the deed that transfers title to the home must be marked with a clear statement that indicates that the home was repurchased or replaced under this chapter.

Sec. 445.017. RESTORATION OF WARRANTY REQUIRED. A builder who sells a home after repurchasing or replacing the home under this chapter must restore the home in a manner that conforms with the limited statutory warranties and building and performance standards.

Sec. 445.018. TOLL-FREE TELEPHONE NUMBER. The commission shall establish a toll-free telephone number for providing information to persons who request information about a defect that was the basis for ordering a remedy under this chapter. The commission shall maintain an effective method of providing information to persons who make requests.

Sec. 445.019. ANNUAL REPORT. (a) The commission shall publish and make available to the public an annual report relating to homes ordered repurchased or replaced by a builder under this chapter.

(b) The report must:

(1) list the number of homes by subdivision name, if any;

(2) identify the builder; and

(3) include a brief description of each defect that was the subject of a remedy provided by this chapter.

(c) The commission may charge a reasonable fee to recover the cost of the report.

Sec. 445.020. DISCIPLINARY PROCEEDINGS; ADMINISTRATIVE PENALTY. A builder who violates this chapter or a rule or order adopted under this chapter is subject to disciplinary action and an administrative penalty under Chapters 418 and 419.

SECTION ____. Subtitle F, Title 16, Property Code, as added by this Act, applies only to the sale of a new home for which the closing date is on or after the effective date of this Act. A sale of a new home for which the closing date was before the effective date of this Act is governed by the law in effect at the time of the sale, and that law is continued in effect for that purpose.

Representative Thompson moved to extend speaking time on **CSHB 1038**.

A record vote was requested.

The motion to extend time prevailed by (Record 630): 113 Yeas, 14 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Castro; Cohen; Coleman; Cook, B.; Cook, R.; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; 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; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Isett; Keffer; King, S.; King, T.; Kolkhorst; Kuempel; Laubenberg; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Merritt; Miles; Naishtat; Noriega; Oliveira; Orr; Ortiz; Parker; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley.

Nays — Callegari; Chavez; Chisum; Christian; Corte; Hughes; Jackson; Macias; Miller; Murphy; Phillips; Riddle; Smithee; Zerwas.

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

Absent, Excused — Farrar; Menendez; Moreno.

Absent — Aycock; Driver; Dutton; Harless; Jones; Krusee; Latham; Madden; Morrison; Mowery; O'Day; Olivo; Otto; Patrick; Paxton; Pierson; Van Arsdale; Zedler.

(Speaker in the chair)

Representative Ritter moved to table Amendment No. 27.

A record vote was requested.

The motion to table prevailed by (Record 631): 83 Yeas, 60 Nays, 1 Present, not voting.

Yeas — Anchia; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; Farabee; Flynn; Frost; Garcia; Gattis; Goolsby; Haggerty; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hilderbran; Hopson; Hughes; Isett; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; McReynolds; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Quintanilla; Riddle; Ritter; Rose; Smith, W.; Smithee; Strama; Straus; Swinford; Talton; Taylor; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anderson; Bailey; Bolton; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farias; Flores; Gallego; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Hamilton; Hartnett; Hernandez; Herrero; Hill; Hochberg; Hodge; Homer; Howard, D.; Leibowitz; Mallory Caraway; Martinez; Martinez Fischer; McCall; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Puente; Raymond; Rodriguez; Smith, T.; Solomons; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; Menendez; Moreno.

Absent — Howard, C.; Jackson; McClendon.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 631. I intended to vote no.

Cohen

I was shown voting no on Record No. 631. I intended to vote yes.

England

Amendment No. 28

Representative Gattis offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 426.006, Property Code, is amended to read as follows:

Sec. 426.006. TIME FOR REQUESTING INSPECTION AND DISPUTE RESOLUTION. (a) For an alleged defect discovered during an applicable warranty period, the [The] state-sponsored inspection and dispute resolution process must be requested on or before the second anniversary of the date of discovery of the conditions claimed to be evidence of the construction defect but not later than the 90th [30th] day after the date the applicable warranty period expires.

(b) If the alleged defect would violate the statutory warranty of habitability and was not discoverable by a reasonable, prudent inspection or examination of the home or improvement within the applicable warranty period, the state-sponsored inspection and dispute resolution process must be requested:

(1) on or before the second anniversary of the date of discovery of the conditions claimed to be evidence of the construction defect; and

(2) not later than the 10th anniversary of the date of the initial transfer of title from the builder to the initial owner of the home or improvement that is the subject of the dispute or, if there is not a closing, the date on which the contract for construction of the improvement is entered into.

Amendment No. 28 was adopted.

Amendment No. 29

Representative Gattis offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** as follows:

(1) On page 6, between lines 8 and 9, insert the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION _____. Section 416.001, Property Code, is amended to read as follows:

Sec. 416.001. REGISTRATION REQUIRED. (a) A person may not act as a builder unless the person holds a certificate of registration under this chapter.

(b) A person commits an offense if the person violates Subsection (a). An offense under this section is a Class A misdemeanor.

(2) On page 21, between lines 24 and 25, insert the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION _____. The changes in law made by this Act to Section 416.001, Property Code, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect at the time the offense was committed, and the former law is continued in effect for that purpose. For the purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

Amendment No. 29 was adopted.

A record vote was requested.

CSHB 1038, as amended, was passed to engrossment by (Record 632): 139 Yeas, 1 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; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Thompson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; Menendez; Moreno.

Absent — Burnam; Crabb; Creighton; Pierson; Rose; Talton.

STATEMENTS OF VOTE

When Record No. 632 was taken, my vote failed to register. I would have voted yes.

Burnam

When Record No. 632 was taken, I was in the house but away from my desk. I would have voted yes.

Rose

HB 2120 ON SECOND READING (by Deshotel)

HB 2120, A bill to be entitled An Act relating to the wages credited to an individual for the purpose of computing the individual's unemployment compensation benefits.

Amendment No. 1

Representative Deshotel offered the following amendment to **HB 2120**:

Amend **HB 2120** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION _____. Section 201.011(1), Labor Code, is repealed.

SECTION _____. Subchapter B, Chapter 201, Labor Code, is amended by adding Section 201.013 to read as follows:

Sec. 201.013. DEFINITION OF BASE PERIOD; ALTERNATE BASE PERIODS. (a) For purposes of this subtitle and subject to this section, an individual's base period is the four consecutive completed calendar quarters, prescribed by the commission, in the five consecutive completed calendar quarters preceding the first day of an individual's benefit year.

(b) For an individual precluded because of a medically verifiable injury or illness from working during a major part of a calendar quarter of the period that would otherwise be the individual's base period under Subsection (a), the base period is the first four calendar quarters of the five consecutive calendar quarters preceding the calendar quarter in which the illness began or the injury occurred if the individual files an initial claim for benefits not later than 24 months after the date on which the individual's injury or illness began or occurred.

(c) For an individual who does not have sufficient benefit wage credits to qualify for benefits under the computation of the base period as provided by Subsection (a) or (b), the base period is the four most recently completed calendar quarters preceding the first day of the individual's benefit year.

SECTION _____. Section 208.002, Labor Code, is amended to read as follows:

Sec. 208.002. ~~[NOTICE OF]~~ INITIAL CLAIM; LAST WORK. (a) When used in connection with an initial claim, "last work" and "person for whom the claimant last worked" refer to:

(1) the last person for whom the claimant actually worked, if the claimant worked for that person in six or more consecutive weeks and was paid wages by that person equal to at least six times the claimant's weekly benefit amount; or

(2) the employer, as defined by Subchapter C, Chapter 201, or by the unemployment law of any other state, for whom the claimant last worked.

(b) The commission shall mail a notice of the filing of an initial claim to the person for whom the claimant last worked before the effective date of the initial claim. If the person for whom the claimant last worked has more than one branch or division operating at different locations, the commission shall mail the notice to the branch or division at which the claimant last worked.

(c) ~~(b)~~ Mailing of a notice under this section to the correct address of the person, branch, or division for which the claimant last worked constitutes notice of the claim to the person.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Deshotel offered the following amendment to **HB 2120**:

On page 2, after line 21, insert the following language amending Section 208.002, Labor Code by adding new SECTION 3 and renumber subsequent SECTIONS of the bill accordingly:

Sec. 208.002. ~~[NOTICE OF]~~ INITIAL CLAIM; LAST WORK. (a) When used in connection with an initial claim, "last work" and "person for whom the claimant last worked" refer to:

(1) the last person for whom the claimant actually worked, if the claimant worked for that person in six or more consecutive weeks and was paid wages by that person equal to at least six times the claimant's weekly benefit amount; or

(2) the employer, as defined by Subchapter C, Chapter 201, or by the unemployment law of any other state, for whom the claimant last worked.

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative Dukes offered the following amendment to **HB 2120**:

Amend **HB 2120** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 204.022(a), Labor Code, as amended by Chapters 39, 493, and 728, Acts of the 79th Legislature, Regular Session, 2005, is reenacted and amended to read as follows:

(a) Benefits computed on benefit wage credits of an employee or former employee may not be charged to the account of an employer if the employee's last separation from the employer's employment before the employee's benefit year:

(1) was required by a federal statute;

(2) was required by a statute of this state or an ordinance of a municipality of this state;

(3) would have disqualified the employee under Section 207.044, 207.045, 207.051, or 207.053 if the employment had been the employee's last work;

(4) imposes a disqualification under Section 207.044, 207.045, 207.051, or 207.053;

(5) was caused by a medically verifiable illness of the employee or the employee's minor child;

(6) was based on a natural disaster that results in a disaster declaration by the president of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5121 et seq.), if the employee would have been entitled to unemployment assistance benefits under Section 410 of that act (42 U.S.C. Section 5177) had the employee not received state unemployment compensation benefits;

(7) was caused by a natural disaster, fire, flood, or explosion that causes employees to be separated from one employer's employment;

(8) was based on a disaster that results in a disaster declaration by the governor under Section 418.014, Government Code;

(9) resulted from the employee's resigning from partial employment to accept other employment that the employee reasonably believed would increase the employee's weekly wage;

(10) was caused by the employer being called to active military service in any branch of the United States armed forces on or after January 1, 2003;

(11) resulted from the employee leaving the employee's workplace to protect the employee from family violence or stalking as evidenced by:

(A) an active or recently issued protective order documenting family violence against, or the stalking of, the employee or the potential for family violence against, or the stalking of, the employee;

(B) a police record documenting family violence against, or the stalking of, the employee; or ~~and~~

(C) a physician's statement or other medical documentation that describes the ~~of~~ family violence against the employee that:

(i) is recorded in any form or medium that identifies the employee as the patient; and

(ii) relates to the history, diagnosis, treatment, or prognosis of the patient; ~~or~~

(12) resulted from a move from the area of the employee's employment that:

(A) was made with the employee's spouse who is a member of the armed forces of the United States; and

(B) resulted from the spouse's permanent change of station of longer than 120 days or a tour of duty of longer than one year; or

(13) [(12)] was caused by the employee being unable to perform the work as a result of a disability for which the employee is receiving disability insurance benefits under 42 U.S.C. Section 423.

SECTION _____. Section 204.022(c), Labor Code, is amended to read as follows:

(c) Except as provided by law, evidence regarding an employee described by Subsection (a)(11) ~~[(a)(9)]~~ may not be disclosed to any person without the consent of the employee.

SECTION _____. Section 207.046(a), Labor Code, is amended to read as follows:

(a) An individual is not disqualified for benefits under this subchapter if:

(1) the work-related reason for the individual's separation from employment was urgent, compelling, and necessary so as to make the separation involuntary; or

(2) the individual leaves the workplace to protect the individual from family violence or stalking as evidenced by:

(A) an active or recently issued protective order documenting family violence against, or the stalking of, the employee or the potential for family violence against, or the stalking of, the employee;

(B) a police record documenting family violence against, or the stalking of, the employee; or ~~and~~

(C) a physician's statement or other medical documentation that describes the ~~[of]~~ family violence against the employee that:

(i) is recorded in any form or medium that identifies the employee as the patient; and

(ii) relates to the history, diagnosis, treatment, or prognosis of the patient.

SECTION _____. To the extent of any conflict, this Act prevails over another Act of the 80th Legislature, Regular Session, 2007, relating to nonsubstantive additions to and corrections in enacted codes.

Amendment No. 3 was adopted. (C. Howard recorded voting no.)

(Homer in the chair)

Amendment No. 4

Representative Morrison offered the following amendment to **HB 2120**:

Amend **HB 2120** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION _____. Sections 301.081(c) and (d), Labor Code, are amended to read as follows:

(c) Employment information ~~[thus]~~ obtained or otherwise secured under this section may not be published and is not open to public inspection, other than to a public employee in the performance of public duties, except as the commission considers necessary for the proper administration of this title or as provided by commission rule and consistent with federal law.

(d) A person commits an offense if the person ~~[is an employee or member of the commission who]~~ violates any provision of this section. An offense under this subsection is a Class A misdemeanor ~~[is punishable by a fine of not less than \$20 nor more than \$200, confinement in jail for not more than 90 days, or both fine and confinement].~~

SECTION _____. Subchapter F, Chapter 301, Labor Code, is amended by adding Section 301.085 to read as follows:

Sec. 301.085. UNEMPLOYMENT COMPENSATION INFORMATION; OFFENSE; PENALTY. (a) In this section, "unemployment compensation information" means information in the records of the commission that pertains to the administration of Subtitle A, including any information collected, received, developed, or maintained in the administration of unemployment compensation benefits or the unemployment compensation tax system.

(b) Consistent with federal law, the commission shall adopt and enforce reasonable rules governing the confidentiality, custody, use, preservation, and disclosure of unemployment compensation information. The rules must include safeguards to protect the confidentiality of identifying information regarding any individual or any past or present employer or employing unit contained in unemployment compensation information, including any information that

foreseeably could be combined with other publicly available information to reveal identifying information regarding the individual, employer, or employing unit, as applicable.

(c) Unemployment compensation information is not public information for purposes of Chapter 552, Government Code.

(d) Unless permitted by this subchapter or commission rule, a person commits an offense if the person solicits, discloses, receives, or uses, or authorizes, permits, participates in, or acquiesces in another person's use of, unemployment compensation information that reveals:

(1) identifying information regarding any individual or past or present employer or employing unit; or

(2) information that foreseeably could be combined with other publicly available information to reveal identifying information regarding any individual or past or present employer or employing unit.

(e) An offense under Subsection (d) is a Class A misdemeanor.

SECTION _____. The change in law made by this Act to Section 301.081(d), Labor Code, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect at the time the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

Amendment No. 4 was adopted.

HB 2120, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 445 ON SECOND READING **(by Phillips)**

HB 445, A bill to be entitled An Act relating to a claim for reimbursement in a suit to dissolve a marriage.

Representative Phillips moved to postpone consideration of **HB 445** until 10 a.m. Friday, April 27.

The motion prevailed.

CSHB 1458 ON SECOND READING **(by Macias)**

CSHB 1458, A bill to be entitled An Act relating to the allocation of revenue from the state hotel tax for certain purposes in certain municipalities.

CSHB 1458 - POINT OF ORDER

Representative Veasey raised a point of order against further consideration of **CSHB 1458** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

CSHB 1458 - RECOMMITTED

Representative Macias moved to recommit **CSHB 1458** to the Committee on Local Government Ways and Means.

The motion prevailed.

CSHB 1871 ON SECOND READING
(by Giddings)

CSHB 1871, A bill to be entitled An Act relating to information obtained regarding the sale of plastic bulk merchandise containers; providing civil penalties.

CSHB 1871 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 3564 ON SECOND READING
(by Darby, Homer, Swinford, Isett, Chavez, et al.)

CSHB 3564, A bill to be entitled An Act relating to the transfer of Angelo State University to the Texas Tech University System.

(Speaker in the chair)

Amendment No. 1

Representative Driver offered the following amendment to **CSHB 3564**:

Amend **CSHB 3564** (house committee printing) between page 2, line 27, and page 3, line 1, by adding the following:

Sec. 109A.005. LIMITATION ON SYSTEM ADMINISTRATIVE COSTS RECOVERED FROM CERTAIN STUDENTS. In any academic year, the percentage of the tuition and mandatory fees paid by a student of Angelo State University who was enrolled at the university in the 2007-2008 academic year that is used to recover Texas Tech University System administrative costs may not exceed the percentage of the tuition and mandatory fees paid per full-time equivalent student enrolled at the university in the 2007-2008 academic year that was used to recover Texas State University System administrative costs.

Representative Morrison moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 633): 102 Yeas, 34 Nays, 3 Present, not voting.

Yeas — Alonzo; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cohen; Cook, B.; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Escobar; Farabee; Flores; Frost; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Hancock; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Hilderbran; Hill; Hodge; Homer; Hopson; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.;

Kolkhorst; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Miles; Morrison; Murphy; Noriega; O'Day; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Ritter; Rose; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Villarreal; Vo; West; Zedler; Zerwas.

Nays — Allen; Anderson; Bailey; Bolton; Burnam; Castro; Coleman; Cook, R.; Corte; Crabb; Driver; Dunnam; Elkins; Farias; Flynn; Gallego; Haggerty; Hamilton; Herrero; Hochberg; Howard, C.; King, T.; Krusee; Leibowitz; Martinez Fischer; Merritt; Naishtat; Olivo; Raymond; Riddle; Rodriguez; Smith, W.; Vaught; Veasey.

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

Absent, Excused — Farrar; Menendez; Moreno.

Absent — Delisi; England; Hardcastle; Mowery; Oliveira; Pierson; Smith, T.; Woolley.

STATEMENT OF VOTE

I was shown voting no on Record No. 633. I intended to vote yes.

Bolton

Amendment No. 2

Representative Morrison offered the following amendment to **CSHB 3564**:

Amend **CSHB 3564** (house committee printing) on page 12, line 10, by striking "January 1, 2008" and substituting "September 1, 2007."

Amendment No. 2 was adopted.

CSHB 3564 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BRANCH: Thank you, Mr. Speaker and Representative Darby. We've heard talk here today about the bonded indebtedness, and you've told me there's approximately \$79 million of bonded indebtedness that Angelo State has currently with the Texas State University System. Is that correct?

REPRESENTATIVE DARBY: Yes, it is.

BRANCH: And we've also heard that bond council has advised that the Texas Tech system can indemnify, and therefore there will be no unsettlement with our bond covenants that are in existence with the Texas State University System.

DARBY: That's correct.

BRANCH: That's correct. And so my concern, and I want to make sure we get legislative intent on this, so that we don't do anything Standard & Poors, or Moodys, or Finches, and to be concerned about the security of all our bonded indebtedness for our higher eds, that it is clearly the intent of this legislation that Texas Tech University System will, before this deal gets done, that they will step up and indemnify this indebtedness.

DARBY: That's exactly right. They will be in a written agreement between the board of regents of the Texas Tech system, and the board of regents of the Texas State system, which will, among other provisions, indemnify the Texas State system against all that bonded indebtedness.

BRANCH: Is it your understanding that they have agreed in principle to this, but we don't have a written resolution yet?

DARBY: That's correct, they've agreed in principle.

REMARKS ORDERED PRINTED

Representative Branch moved to print remarks between Representative Darby and Representative Branch.

The motion prevailed.

CSHB 3564, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 610 ON SECOND READING

(by F. Brown, Zedler, Flynn, Crabb, et al.)

CSHB 610, A bill to be entitled An Act relating to a plan to provide services to an area annexed by a municipality.

CSHB 610 - POINT OF ORDER

Representative Thompson raised a point of order against further consideration of **CSHB 610** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative F. Brown moved to postpone consideration of **CSHB 610** until the end of today's calendar.

The motion prevailed.

CSHB 1921 ON SECOND READING

(by Keffer)

CSHB 1921, A bill to be entitled An Act relating to the use of certain devices in a polling place.

CSHB 1921 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2485 ON SECOND READING

(by Farabee)

CSHB 2485, A bill to be entitled An Act relating to county accounting procedures regarding certain audits, debts, and records.

Representative Farabee moved to postpone consideration of **CSHB 2485** until 7 a.m. Thursday, April 26.

The motion prevailed.

HB 2738 ON SECOND READING
(by Solomons)

HB 2738, A bill to be entitled An Act relating to liens on real property.

(Callegari in the chair)

HB 2738 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2978 ON SECOND READING
(by Morrison, Laubenberg, and Woolley)

HB 2978, A bill to be entitled An Act relating to engineering recruitment programs established by the Texas Higher Education Coordinating Board.

Amendment No. 1

Representative Alonzo offered the following amendment to **HB 2978**:

Amend **HB 2978** as follows:

(1) On page 1, line 17, between the period and "The" insert "In adopting rules under this subsection, the board must consider the demographics of the state and adopt rules that encourage the program to enroll students in the program that reflect the demographics of the state."

(2) On page 2, strike lines 4 through 6 and substitute the following:

(2) have received a score:

(A) on the Scholastic Assessment Test (SAT) of at least 1,875 out of 2,400 or an equivalent score on the American College Test (ACT); or

(B) on the subject test in mathematics of the Scholastic Assessment Test (SAT) of at least 640 out of 800 or an equivalent score on the subject test in mathematics of the American College Test (ACT); and

Amendment No. 1 was adopted.

HB 2978, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 3060 ON SECOND READING
(by Peña)

HB 3060, A bill to be entitled An Act relating to issuance by a court of a *capias* or a *capias pro fine*.

Amendment No. 1

Representative Peña offered the following amendment to **HB 3060**:

Amend **HB 3060** (committee printing) as follows:

(1) On page 1, line 10, strike "If" and substitute "In a prosecution pending before a court, if [H]".

(2) On page 1, line 12, strike "If a" and substitute "In a prosecution pending before a magistrate, if the".

(3) On page 4, line 2, strike "or on a day or at a term stated in the writ".

(4) On page 4, line 8, between "by" and "adding", insert "amending Subsection (d) and".

(5) On page 4, between lines 8 and 9, insert the following:

(d) A court may not order a defendant confined under Subsection (a) of this article unless the court at a hearing makes a written determination that:

(1) ~~[determines that] the defendant is not indigent and has failed to make a good faith effort to discharge the fines and costs [or determines that the defendant wilfully refused to pay or failed to make sufficient bona fide efforts legally to acquire the resources to pay and enters that determination in writing in the court docket]; or [and]~~

(2) the defendant is indigent and:

(A) has failed to make a good faith effort to discharge the fines and costs under Article 43.09(f); and

(B) could have discharged the fines and costs under Article 43.09 without experiencing any undue hardship [determines that no alternative method of discharging fines and costs provided by Article 43.09 of this code is appropriate for the defendant].

(6) On page 5, lines 3 and 4, strike "the defendant appears [he can be brought] before the court" and substitute "the business day following the date of the defendant's arrest if the defendant cannot [he can] be brought before the court immediately".

(7) On page 6, line 19, between "court" and "or", insert "immediately".

(8) On page 6, lines 19 and 20, strike "the defendant can be brought before the court" and substitute "the business day following the date of the defendant's arrest if the defendant cannot [can] be brought before the court immediately".

(9) On page 7, line 15, strike "determines" and substitute "at a hearing makes a written determination [determines]".

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

(2) the defendant is ~~[not]~~ indigent and:

(A) has failed to make a good faith effort to discharge the fines and costs under Article 45.049; and

(B) could have discharged the fines and costs under Article 45.049 without experiencing any undue hardship.

(11) On page 9, line 1, strike "43.02, 43.09(m), and 43.12" and substitute "43.09(m) and 43.12".

Amendment No. 1 was adopted.

Representative Peña moved to postpone consideration of **HB 3060** until 10 a.m. tomorrow.

The motion prevailed.

HB 3517 ON SECOND READING
(by Creighton)

HB 3517, A bill to be entitled An Act relating to competitive purchasing requirements for local governments.

Amendment No. 1

Representative Orr offered the following amendment to **HB 3517**:

Amend **HB 3517** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 775.084(a), Health and Safety Code, is amended to read as follows:

(a) Except as provided by Subsection (i), the board must submit to competitive bids an expenditure of more than \$50,000 [~~\$25,000~~] for:

- (1) one item or service; or
- (2) more than one of the same or a similar type of item or service in a fiscal year.

Amendment No. 1 was adopted.

HB 3517, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1767 ON SECOND READING
(by Peña)

HB 1767, A bill to be entitled An Act relating to the punishment for criminal mischief committed by interfering with certain transportation signs, signals, or devices.

HB 1767 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 3782 ON SECOND READING
(by Krusee)

CSHB 3782, A bill to be entitled An Act relating to the relocation of utility facilities required by improvement of a state highway.

Representative Krusee moved to postpone consideration of **CSHB 3782** until 10 a.m. Tuesday, May 1.

The motion prevailed.

RESOLUTIONS CALENDAR

The chair laid before the house the following resolution on committee report:

HCR 97
(by Rose and Raymond)

HCR 97, Urging the U.S. Department of Labor to reconsider the proposed reduction in student training slots at the Gary Job Corps Center in San Marcos, Texas.

Amendment No. 1

Representative Rose offered the following amendment to **HCR 97**:

Amend **HCR 97** on page 2, lines 2 and 3, by striking "by April 2007".

Amendment No. 1 was adopted.

HCR 97, as amended, was adopted.

POSTPONED BUSINESS

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

CSHB 1439 ON SECOND READING
(by Chisum)

CSHB 1439, A bill to be entitled An Act relating to authorizing the Texas Department of Public Safety to establish a driver record monitoring pilot program and enter into contracts for the periodic reporting of certain information in the department's driver's license files; providing penalties.

CSHB 1439 was read second time earlier today and was postponed until this time.

CSHB 1439 - POINT OF ORDER

Representative Dunnam raised a point of order against further consideration of **CSHB 1439** under Rule 4, Section 18(c) of the House Rules on the grounds that the committee minutes are incorrect.

The speaker overruled the point of order.

Representative Chisum moved to postpone consideration of **CSHB 1439** until the end of today's calendar.

The motion prevailed.

HB 1048 - RECOMMITTED

Representative Peña moved to recommit **HB 1048** to the Committee on Criminal Jurisprudence.

The motion prevailed.

HB 1613 - RECOMMITTED

Representative Paxton moved to recommit **HB 1613** to the Committee on Government Reform.

The motion prevailed.

HB 3826 - RECOMMITTED

Representative Morrison moved to recommit **HB 3826** to the Committee on Higher Education.

The motion prevailed.

HB 461 ON SECOND READING

(by Miller, Kolkhorst, Hughes, Anderson, R. Cook, et al.)

HB 461, A bill to be entitled An Act relating to prohibiting mandatory participation in an animal identification system.

HB 461 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Gallego offered the following amendment to **HB 461**:

Amend **HB 461** as follows:

(1) On page 1, lines 5-6, strike "Sections 161.056(a), (c), and (d), Agriculture Code, are amended" and substitute "Section 161.056, Agriculture Code, is amended by amending Subsections (a), (c), (d), and (e) and adding Subsections (a-1), (j), and (k)".

(2) On page 1, between lines 12 and 13, insert the following:

(a-1) A person may apply for the program by submitting an annual fee determined by the commission and a signed application prescribed by the commission. An application form prescribed by the commission must include the following information:

(1) a conspicuous notice that the program is voluntary;

(2) a disclosure of the types of information collected under the program; and

(3) notice of the persons to which information the commission collects under the program may be disclosed.

(3) On page 1, lines 15-16, strike "animal disease control, animal emergency management, and other".

(4) On page 1, lines 17-18, strike "establish a date by which all participating premises must be registered and may".

(5) On page 1, between lines 20 and 21, insert the following:

(e) Information collected by the commission under this section is exempt from the public disclosure requirements of Chapter 552, Government Code. The commission may provide information to another person, including a governmental entity, without altering the confidential status of the information. The commission may release information to the following persons if the commission determines that the person has adequate protections for the confidentiality of the information:

(1) a person who owns or controls animals and seeks information regarding those animals, if the person requests the information in writing;

(2) the attorney general's office, for the purpose of law enforcement;

(3) the secretary of the United States Department of Agriculture, for the purpose of animal health protection;

(4) the secretary of the Department of Homeland Security, for the purpose of homeland security;

(5) the Department of State Health Services, for the purpose of protecting the public health from zoonotic diseases;

(6) any person, under an order of a court of competent jurisdiction; or

(7) a state, municipal, or county emergency management authority, for the purpose of management or response to natural or man-made disasters[~~;~~ ~~or~~

~~[(8) any person the executive director of the commission considers appropriate, if the executive director determines that:~~

~~[(A) livestock may be threatened by a disease, agent, or pest; and~~

~~[(B) the release of the information is related to actions the commission may take under this section].~~

(j) A person who participates in the program may withdraw from the program at any time. The commission shall delete from the program all personal information relating to a participant when the participant withdraws from the program.

(k) A person may not condition a service, benefit, license, payment, or permit on participation in a program under this section.

(6) Insert the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION _____. The Texas Animal Health Commission shall:

(1) not later than November 1, 2007, provide notice of the changes to Section 161.056, Agriculture Code, made by this Act to each person registered on the effective date of this Act under that section and provide the person with the opportunity to withdraw from the program; and

(2) not later than January 1, 2008, adopt rules as required by Section 161.056, Agriculture Code, as amended by this Act.

Amendment No. 1 was adopted.

HB 461 - REMARKS

REPRESENTATIVE HARDCASTLE: Thank you, Mr. Speaker and members. I do not intend to yield this mic until I have finished making my remarks, and then I will be happy to yield for questions, but not before.

Last session I carried the legislation that enabled the Texas Animal Health Commission to develop an Animal ID program. The bill I carried passed this body by a vote of 142 ayes and 1 present, not voting. It passed the senate unanimously. I believe that the legislation we passed is sound public policy and I am adamantly against making any changes to that statute. The law as currently written reads as follows, "The Texas Animal Health Commission may develop and implement an animal identification program that is consistent with the USDA's National Animal Identification System." All the current statute does is give the Animal Health Commission the authority to comply with federal government.

Mr. Miller wants us to rewrite the statute to say that they may implement a voluntary program only. Well members, currently the USDA's program is voluntary, so that means the Animal Health Commission can only carry out a voluntary program in Texas. I think it is very important that we leave the statute as written so that the Animal Health Commission can comply with what the feds decide. Our current law is merely permissive and does not require the commission to do anything.

We wrote the statute last session so that we would be able to respond to whatever the whim of the federal government may be. We wrote it so that we would be able to have a say in how it's handled rather than letting the feds tell us what to do. I made certain that confidentiality was protected and that any database created in conjunction with an Animal ID program would only be available to governmental entities in emergency situations. I wrote the current statute with the help of the Texas Farm Bureau, the Texas and Southwestern Cattle Raisers, the Texas Sheep and Goat Raisers Association, the Texas Pork Producers Association, the Texas Poultry Federation, and the Texas Cattle Feeders Association. None of these major agriculture groups are in favor of Mr. Miller's bill.

Some of you are old enough to remember the Brucellosis outbreak back in the '80s when Texas was quarantined by the federal government because we had laws which prevented the Animal Health Commission from being able to respond to that outbreak and develop a program to manage that disease. The governor had to call a special session to change the law to give the Animal Health Commission the authority to develop a program to manage Brucellosis. The time that lagged between the quarantine and when the program was fully up and running and Texas was safe again had a very damaging effect on the cattle producers in this state. By mandating, through Mr. Miller's bill, that Texas can only have a voluntary Animal ID program, we would be allowing history to repeat itself and opening up the potential for devastating harm to our livestock industry here in the state, which has a direct impact on all of our food and clothing industries.

Texas is number one in the nation in cattle production, we're number one in sheep production, we're number one in goat production, and we're in the top five in all other species of livestock, which makes Texas the number one livestock producing state in the nation. We are diligent when it comes to putting safe food on the plates and protecting our livestock herds from disease. We are and should continue to be the leaders in this country when it comes to livestock and agriculture. Members, this is about sound public policy, public safety, and safe food on the plate.

REMARKS ORDERED PRINTED

Representative Morrison moved to print remarks by Representative Hardcastle.

The motion prevailed.

(Speaker in the chair)

A record vote was requested.

HB 461, as amended, was passed to engrossment by (Record 634): 88 Yeas, 51 Nays, 3 Present, not voting.

Yeas — Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Christian; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Delisi; Dukes; Dunnam; Eiland; Eissler; England; Escobar; Farabee; Flynn; Frost; Gallego; Garcia; Gattis; Goolsby; Guillen; Haggerty; Harless; Harper-Brown; Hartnett; Heflin; Herrero; Hilderbran; Homer; Hopson; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, T.; Kolkhorst; Laubenberg; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McReynolds; Miller; Murphy; Noriega; O'Day; Oliveira; Olivo; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Quintanilla; Raymond; Riddle; Ritter; Rose; Solomons; Strama; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Villarreal; Zedler; Zerwas.

Nays — Allen; Alonzo; Burnam; Chavez; Chisum; Cohen; Coleman; Cook, B.; Corte; Creighton; Darby; Deshotel; Driver; Elkins; Farias; Flores; Geren; Gonzalez Tourelles; Hancock; Hardcastle; Hernandez; Hill; Hodge; Howard, C.; Jones; King, S.; Krusee; Kuempel; Latham; Leibowitz; Lucio; McClendon; Merritt; Miles; Morrison; Mowery; Naishtat; Peña; Pierson; Pitts; Puente; Rodriguez; Smith, T.; Smith, W.; Smithee; Straus; Swinford; Vaught; Veasey; West; Woolley.

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

Absent, Excused — Farrar; Menendez; Moreno.

Absent — Giddings; Gonzales; Hamilton; Ortiz; Vo.

STATEMENTS OF VOTE

I was shown voting no on Record No. 634. I intended to vote yes.

B. Cook

I was shown voting no on Record No. 634. I intended to vote yes.

C. Howard

I was shown voting no on Record No. 634. I intended to vote yes.

Rodriguez

CSHB 1170 ON SECOND READING (by Flynn and Farabee)

CSHB 1170, A bill to be entitled An Act relating to the regulation and limitation of liability of persons engaged in certain liquefied petroleum gas-related activities, including requirements concerning consumer safety notification.

CSHB 1170 was read second time earlier today and was postponed until this time.

CSHB 1170 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero and Leibowitz recorded voting no.)

CSHB 3446 ON SECOND READING
(by Rose, Keffer, Deshotel, McCall, Gonzales, et al.)

CSHB 3446, A bill to be entitled An Act relating to the promotion by the comptroller of Texas manufactured products; providing civil and administrative penalties.

CSHB 3446 was read second time earlier today and was postponed until this time.

CSHB 3446 - POINT OF ORDER

Representative Dunnam raised a point of order against further consideration of **CSHB 3446** under Rule 4, Section 32(c)(9) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Rose moved to postpone consideration of **CSHB 3446** until the end of today's calendar.

The motion prevailed.

CSHB 1517 ON SECOND READING
(by Paxton, Bailey, Flynn, Eiland, et al.)

CSHB 1517, A bill to be entitled An Act relating to the reporting of expenditures for lobbying and legislative communication by local governmental entities.

CSHB 1517 was read second time earlier today and was postponed until this time.

CSHB 1517 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of **CSHB 1517** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The speaker sustained the point of order.

CSHB 1517 was returned to the Committee on State Affairs.

HB 1274 ON SECOND READING
(by Jackson, Harper-Brown, et al.)

HB 1274, A bill to be entitled An Act relating to the requirement of speaking and reading the English language as a condition for the issuance of a commercial driver's license.

HB 1274 was read second time earlier today and was postponed until this time.

HB 1274 - POINT OF ORDER

Representative Lucio raised a point of order against further consideration of **HB 1274** under Rule 4, Section 32(c)(2) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker sustained the point of order.

HB 1274 was returned to the Committee on Transportation.

CSHB 610 ON SECOND READING
(by F. Brown, Zedler, Flynn, Crabb, et al.)

CSHB 610, A bill to be entitled An Act relating to a plan to provide services to an area annexed by a municipality.

CSHB 610 was read second time earlier today and was postponed until this time.

CSHB 610 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Martinez recorded voting no.)

CSHB 1735 ON SECOND READING
(by Truitt, Anchia, and Gonzales)

CSHB 1735, A bill to be entitled An Act relating to ethics training for legislators.

CSHB 1735 was read second time earlier today and was postponed until this time.

Representative Truitt moved to postpone consideration of **CSHB 1735** until 10 a.m. Tuesday, May 29.

The motion prevailed.

CSHB 3446 ON SECOND READING
(by Rose, Keffer, Deshotel, McCall, Gonzales, et al.)

CSHB 3446, A bill to be entitled An Act relating to the promotion by the comptroller of Texas manufactured products; providing civil and administrative penalties.

CSHB 3446 was read second time earlier today and was postponed until this time.

Representative Rose moved to postpone consideration of **CSHB 3446** until 10 a.m. tomorrow.

The motion prevailed.

CSHB 1439 ON SECOND READING
(by Chisum)

CSHB 1439, A bill to be entitled An Act relating to authorizing the Texas Department of Public Safety to establish a driver record monitoring pilot program and enter into contracts for the periodic reporting of certain information in the department's driver's license files; providing penalties.

CSHB 1439 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Castro offered the following amendment to **CSHB 1439**:

Amend **CSHB 1439** (Committee printing) as follows:

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

(2) On page 3, strike line 6 and substitute the following:

contract; and

(D) as soon as practicable but not later than the 15th day after the date the contract with the department is entered into, to notify each individual covered by the contract that the driver record of the individual will be monitored by the department under the contract.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Castro offered the following amendment to **CSHB 1439**:

Amend **CSHB 1439** (Committee printing) as follows:

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

(2) On page 3, strike line 6 and substitute the following:

contract; and

(D) if an individual ceases to be, as applicable, an employee of the employer, an insured of the insurer, an employee of an employer served by the employer support organization, or an insured of an insurer served by the insurance support organization, as soon as practicable but not later than the 15th day after the termination date of the applicable relationship, to notify the department that the relationship has terminated and require the department to discontinue monitoring the driver record of the individual.

Amendment No. 2 was adopted.

A record vote was requested.

CSHB 1439, as amended, failed to pass to engrossment by (Record 635): 62 Yeas, 73 Nays, 1 Present, not voting.

Yeas — Anderson; Aycok; Berman; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Delisi; Deshotel; Driver; Eissler; England; Flynn; Geren; Hamilton; Hancock; Harless; Hartnett; Hilderbran; Hill; Howard, C.; Isett; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Latham; Laubenberg; Macias; Madden; McCall; Miller; Morrison; Murphy; O'Day; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Riddle; Smith, T.; Smith, W.; Solomons; Swinford; Talton; Taylor; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bohac; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Dukes; Dunnam; Dutton; Eiland; Elkins; Escobar; Farabee; Farias; Flores; Frost; Gallego; Garcia; Gattis; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Haggerty; Harper-Brown; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Jones; King, T.; Kuempel; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Merritt; Miles; Naishtat; Olivo; Ortiz; Otto; Peña; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smithee; Strama; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; Menendez; Moreno.

Absent — Davis, J.; Guillen; Hardcastle; Jackson; Mowery; Noriega; Oliveira; Orr; Pierson; Straus; Villarreal.

STATEMENTS OF VOTE

When Record No. 635 was taken, my vote failed to register. I would have voted no.

I was shown voting yes on Record No. 635. I intended to vote no. Guillen

I was shown voting yes on Record No. 635. I intended to vote no. S. King

I was shown voting yes on Record No. 635. I intended to vote no. Paxton

I was shown voting yes on Record No. 635. I intended to vote no. Solomons

I was shown voting yes on Record No. 635. I intended to vote no. Talton

COMMITTEES GRANTED PERMISSION TO MEET

Pursuant to House Rule 4, Section 9, Representative Driver requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Regulated Industries meeting posted for today is cancelled.

FIVE DAY POSTING RULE SUSPENDED

Representative Smithee moved to suspend the five day posting rule to allow the Committee on Civil Practices to consider **HB 3550** upon final adjournment tomorrow in E1.010.

The motion prevailed.

Representative Smithee moved to suspend the five day posting rule to allow the Committee on Natural Resources to consider **HB 1699** and **HB 4086** at 2:30 p.m. or upon final adjournment tomorrow in E2.012.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Pensions and Investments, during bill referral today, Ag Museum, for a formal meeting, to consider pending business.

Environmental Regulation, 9:45 a.m. tomorrow, 3W.9, for a formal meeting, to consider pending business.

Local Government Ways and Means, upon adjournment today, 3W.9, for a formal meeting, to consider **HB 1458**, **HB 3170**, and **HB 4077**.

Calendars, during bill referral today, 3W.9, for a formal meeting, to consider a calendar.

Insurance, upon adjournment today, Desk 24, for a formal meeting.

RESOLUTIONS ADOPTED

Representative Allen moved to suspend all necessary rules in order to take up and consider at this time **HR 1635 - HR 1651**.

The motion prevailed.

The following resolutions were laid before the house:

HR 1635 (by Y. Davis), Honoring Dianne Gibson for receiving a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1636 (by Y. Davis), Honoring Zelma L. Ridley for receiving a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1637 (by Y. Davis), Congratulating the Reverend Bryan L. Carter on his receipt of a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1638 (by Y. Davis), Honoring Alfred Huntsberry, Jr., for receiving a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1639 (by Y. Davis), Honoring Constable Derick Evans for receiving a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1640 (by Y. Davis), Congratulating Dr. Stephen C. Nash on his receipt of a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1641 (by Y. Davis), Honoring the Reverend Wendell Blair, Sr., for receiving a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1642 (by Y. Davis), Honoring Dr. Kendell Beck for receiving a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1643 (by Y. Davis), Congratulating Dr. Rickie G. Rush on his receipt of a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1644 (by Y. Davis), Honoring Curtistene Smith McCowan for receiving a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1645 (by Y. Davis), Honoring Mance Zachary for receiving a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1646 (by Y. Davis), Congratulating Malik Aziz on his receipt of a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1647 (by Y. Davis), Honoring James H. Talley for receiving a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1648 (by Y. Davis), Congratulating Michael Moore on his receipt of a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1649 (by Y. Davis), Honoring Denise D. Harris for receiving a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1650 (by Y. Davis), Congratulating Tayler Haggerty on her receipt of a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1651 (by Y. Davis), Honoring Dr. Mary Elizabeth Dotson Beck for receiving a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

The resolutions were adopted.

**HR 1664 - ADOPTED
(by Allen)**

Representative Allen moved to suspend all necessary rules to take up and consider at this time **HR 1664**.

The motion prevailed.

The following resolution was laid before the house:

HR 1664, In memory of Doris Johnson Allen of Houston.

HR 1664 was unanimously adopted by a rising vote.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Business and Industry will meet upon adjournment today.

PROVIDING FOR ADJOURNMENT

Representative Allen moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of Dorothy Pujoue of Houston.

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.)

(Eiland in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 9:04 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HCR 192 (By McClendon), Recognizing the National Coalition of Blacks for Reparations in America for its efforts to achieve redress for the injury caused by slavery and its continuing vestiges.

To State Affairs.

HCR 196 (By Taylor), Honoring the Distinguished Graduates of La Marque High School of 2007.

To Rules and Resolutions.

HCR 197 (By Eiland), Urging Congress to oppose the establishment of a federal insurance regulatory system.

To Insurance.

HCR 199 (By Hodge), In memory of Charlotte Ragsdale of Dallas.

To Rules and Resolutions.

HCR 200 (By Escobar), Memorializing Congress to reopen consideration of posthumously awarding WWI hero Marcelino Serna the Medal of Honor.

To Defense Affairs and State-Federal Relations.

HCR 201 (By Kolkhorst), Designating San Felipe as the Colonial Capital of Texas.

To Culture, Recreation, and Tourism.

HCR 203 (By Harper-Brown), Extending deepest sympathy to the families of the victims of the tragedy at Virginia Tech, and to the students, faculty, and staff of the university.

To Rules and Resolutions.

HCR 204 (By Darby), Commemorating the 75th anniversary of the founding of Shannon Medical Center in San Angelo.

To Rules and Resolutions.

HCR 205 (By Thompson), Acknowledging the involuntary servitude of African slaves in the State of Texas and requesting the creation of a joint interim committee to study the contributions of African slaves and their descendants.

To State Affairs.

HR 1471 (By Alonzo), Commemorating the Dallas Mega March for American Values and Justice that took place on April 9, 2006, in support of immigration reform.

To Rules and Resolutions.

HR 1472 (By Alonzo), Directing the Texas Department of Transportation to provide supplemental guide signs on IH-35 and IH-635 to identify the location of the Asian Trade District in northwest Dallas.

To Transportation.

HR 1482 (By Bolton), Honoring Alison Brock, chief of staff for Representative Sylvester Turner, for her vital role in exposing allegations of abuse at a Texas Youth Commission facility.

To Corrections.

HR 1514 (By Orr), Congratulating Jennifer Fix of Burleson on earning the Good Government Pharmacist-of-the-Year Award from the American Pharmacists Association.

To Rules and Resolutions.

HR 1515 (By Madden), Congratulating Randy and Diana Wright of Plano on their 20th wedding anniversary.

To Rules and Resolutions.

HR 1516 (By Strama), Honoring Larry D. Bradley of Pflugerville ISD on his election as president of the National Association of Secondary School Principals.

To Rules and Resolutions.

HR 1517 (By Branch), Recognizing June 2007 as Scottish Heritage Month.

To Rules and Resolutions.

HR 1518 (By W. Smith), In memory of the Honorable Sam D. Seale of Jackson County.

To Rules and Resolutions.

HR 1519 (By W. Smith), In memory of Rhoda Magdalene Burke of Deer Park.

To Rules and Resolutions.

HR 1520 (By W. Smith), Honoring Dr. Don Hendrix on his retirement as superintendent of Crosby ISD.

To Rules and Resolutions.

HR 1521 (By W. Smith), Congratulating Sergeant Phillip Badillo of the Baytown Police Department on his retirement.

To Rules and Resolutions.

HR 1522 (By W. Smith), Honoring Mike Wilson on being named Baytown's Citizen of the Year.

To Rules and Resolutions.

HR 1523 (By Latham), Honoring Mesquite ISD teacher Fran Terry on the dedication of a school library in her name.

To Rules and Resolutions.

HR 1526 (By Flynn), Congratulating Tim Gothard on being named the North Texas Fireman's and Fire Marshal's Association Firefighter of the Year.

To Rules and Resolutions.

HR 1527 (By McReynolds), Recognizing April 25, 2007, as Youth Service Above Self Day at the State Capitol.

To Rules and Resolutions.

HR 1530 (By Anchia), Honoring Jerry Moore of Dallas for saving an elderly neighbor's life.

To Rules and Resolutions.

HR 1531 (By Anchia), In memory of Maya Andrea Hubner of Austin.

To Rules and Resolutions.

HR 1533 (By Phillips), In memory of Fannin County Sheriff's Office Deputy Rahamy Mitchell of Bonham.

To Rules and Resolutions.

HR 1534 (By Bohac), Commemorating the 60th anniversary of the founding of Second Baptist School in Houston.

To Rules and Resolutions.

HR 1536 (By R. Cook), In memory of Nancy Lee Sanders of Bastrop.
To Rules and Resolutions.

HR 1537 (By R. Cook), Honoring the Reverend Quintus Samuel Goins on his 50th pastoral anniversary at Mt. Carmel Baptist Church.
To Rules and Resolutions.

HR 1538 (By R. Cook), Honoring the United Evangelical Lutheran Church in Swiss Alp on the 140th anniversary of its founding.
To Rules and Resolutions.

HR 1539 (By Zedler), Congratulating Lynn Jennings of Workman Junior High School in Arlington on being named the Kiwanis Woodrow Counts Junior High Teacher of the Year for 2006-2007.
To Rules and Resolutions.

HR 1540 (By Zedler), Recognizing Fort Worth Spinks Airport on winning the Most Improved Airport of the Year Award.
To Rules and Resolutions.

HR 1541 (By Zedler), Honoring Mary Irma Flores Escovedo on being named the Arlington Teacher of the Year.
To Rules and Resolutions.

HR 1543 (By Martinez Fischer), In memory of Brigadier General Gilberto S. Pena of Weslaco.
To Rules and Resolutions.

HR 1544 (By B. Cook), Recognizing April 12, 2007, as Corsicana/Navarro County Day at the State Capitol.
To Rules and Resolutions.

HR 1546 (By Aycock), Congratulating the City of Killeen on being named the Association of Defense Communities 2006 Active Base Community of the Year.
To Rules and Resolutions.

HR 1547 (By Allen), Honoring Clarence Bradford for serving as Democratic precinct chair of Precinct 652 in Harris County.
To Rules and Resolutions.

HR 1548 (By Allen), Commending the Empowering Teen Leaders program and welcoming its members to the State Capitol.
To Rules and Resolutions.

HR 1549 (By Allen), Honoring Patricia A. Govan for serving as Democratic precinct chair of Precinct 722 in Harris County.
To Rules and Resolutions.

HR 1550 (By Allen), Honoring John L. Guess for serving as Democratic precinct chair of Precinct 693 in Harris County.
To Rules and Resolutions.

HR 1551 (By Allen), Honoring King Malaki Sims for serving as Democratic precinct chair of Precinct 638 in Harris County.
To Rules and Resolutions.

HR 1552 (By Allen), Honoring Coretta Mallet Fontenot for serving as Democratic precinct chair of Precinct 630 in Harris County.

To Rules and Resolutions.

HR 1553 (By Allen), Honoring David H. Melasky for serving as Democratic precinct chair of Precinct 554 in Harris County.

To Rules and Resolutions.

HR 1554 (By Allen), Honoring Vincent Sanders for serving as Democratic precinct chair of Precinct 525 in Harris County.

To Rules and Resolutions.

HR 1555 (By Allen), Honoring Kevin Pever for serving as Democratic precinct chair of Precinct 506 in Harris County.

To Rules and Resolutions.

HR 1556 (By Allen), Honoring Francene Shapiro for serving as Democratic precinct chair of Precinct 489 in Harris County.

To Rules and Resolutions.

HR 1557 (By Allen), Honoring Curtis W. McDonald for serving as Democratic precinct chair of Precinct 458 in Harris County.

To Rules and Resolutions.

HR 1558 (By Allen), Honoring Priscilla T. Bloomquist for serving as Democratic precinct chair of Precinct 453 in Harris County.

To Rules and Resolutions.

HR 1559 (By Allen), Honoring Raka B. Ghosh for serving as Democratic precinct chair of Precinct 293 in Harris County.

To Rules and Resolutions.

HR 1560 (By Allen), Honoring Harry "Skip" Connor for serving as Democratic precinct chair of Precinct 292 in Harris County.

To Rules and Resolutions.

HR 1561 (By Allen), Honoring Curtis Thompson for serving as Democratic precinct chair of Precinct 286 in Harris County.

To Rules and Resolutions.

HR 1562 (By Allen), Honoring Deidre Rasheed for serving as Democratic precinct chair of Precinct 216 in Harris County.

To Rules and Resolutions.

HR 1563 (By Allen), Honoring Anna M. Giese for serving as Democratic precinct chair of Precinct 131 in Harris County.

To Rules and Resolutions.

HR 1564 (By Allen), Honoring Grace Rodriguez Pendland for serving as Democratic precinct chair of Precinct 22 in Harris County.

To Rules and Resolutions.

HR 1565 (By Allen), Honoring Ann Edwards for serving as Democratic precinct chair of Precinct 384 in Harris County.

To Rules and Resolutions.

HR 1566 (By Allen), Honoring Nedzra J. Ward for serving as Democratic precinct chair of Precinct 402 in Harris County.

To Rules and Resolutions.

HR 1567 (By Allen), Honoring Betty Jean Keller for serving as Democratic precinct chair of Precinct 372 in Harris County.

To Rules and Resolutions.

HR 1568 (By Allen), Honoring John Martin for serving as Democratic precinct chair of Precinct 336 in Harris County.

To Rules and Resolutions.

HR 1569 (By Allen), Honoring Annie Mitchell for serving as Democratic precinct chair of Precinct 319 in Harris County.

To Rules and Resolutions.

HR 1570 (By Allen), Honoring Mary M. Clemons for serving as Democratic precinct chair of Precinct 318 in Harris County.

To Rules and Resolutions.

HR 1572 (By Escobar), In memory of U.S. Army Specialist Darrell Wayne Shipp.

To Rules and Resolutions.

HR 1573 (By Escobar), In memory of longtime Raymondville resident U.S. Army Staff Sergeant Hector Leija.

To Rules and Resolutions.

HR 1574 (By Jones), Honoring Kathryn Jay Hamilton of Lubbock County for 50 years of service as an educator.

To Rules and Resolutions.

HR 1575 (By Jones), Honoring Carla Kay Moore of Lubbock on her retirement from James Bowie Elementary.

To Rules and Resolutions.

HR 1576 (By Chavez), Encouraging the president of the United States and Congress to enact a free trade agreement between the United States and Taiwan.

To Border and International Affairs.

HR 1577 (By Chavez), Congratulating Mark C. Walker of El Paso on being listed in The Best Lawyers in America.

To Rules and Resolutions.

HR 1579 (By Guillen), Honoring Judge Alicia Pena Perez of Freer on her retirement as a municipal court judge.

To Rules and Resolutions.

HR 1580 (By Dutton), Honoring Coach Cynthia Cooper-Dyke and the Prairie View A&M University women's basketball team.

To Rules and Resolutions.

HR 1581 (By T. Smith), Honoring Heather Meyer for her service on the student council for Treetops Intermediate School in Eules.

To Rules and Resolutions.

HR 1582 (By T. Smith), Honoring Emerald Arista for her service on the student council for Treetops Intermediate School in Eules.

To Rules and Resolutions.

HR 1583 (By T. Smith), Honoring Jonathan Kleehammer for his service on the student council for Treetops Intermediate School in Eules.

To Rules and Resolutions.

HR 1584 (By T. Smith), Congratulating Patricia and Fredrick M. King of Hurst on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1585 (By T. Smith), Congratulating Donald and Jeanette Gill of Hurst on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1586 (By T. Smith), Honoring Angelina McGough for her service on the student council for Treetops Intermediate School in Euleess.

To Rules and Resolutions.

HR 1587 (By T. Smith), Honoring Riley Ornelas for her service on the student council for Treetops Intermediate School in Euleess.

To Rules and Resolutions.

HR 1588 (By T. Smith), Honoring Marcel Carroll for his service on the student council for Treetops Intermediate School in Euleess.

To Rules and Resolutions.

HR 1589 (By T. Smith), Honoring Ryan Meyer for serving as a mentor to the student council members of Treetops Intermediate School in Euleess.

To Rules and Resolutions.

HR 1590 (By T. Smith), Honoring Cristie Kibler for serving as a mentor to the student council members of Treetops Intermediate School in Euleess.

To Rules and Resolutions.

HR 1591 (By T. Smith), Honoring Niccola Quiambao for her service on the student council for Treetops Intermediate School in Euleess.

To Rules and Resolutions.

HR 1592 (By T. Smith), Honoring Hunter Smith for his service on the student council for Treetops Intermediate School in Euleess.

To Rules and Resolutions.

HR 1593 (By T. Smith), Honoring Mikey Feliberti for his service on the student council for Treetops Intermediate School in Euleess.

To Rules and Resolutions.

HR 1594 (By T. Smith), Honoring Tiffiani Neuville for her service on the student council for Treetops Intermediate School in Euleess.

To Rules and Resolutions.

HR 1595 (By T. Smith), Honoring Houston Elliott for his service on the student council for Treetops Intermediate School in Euleess.

To Rules and Resolutions.

HR 1596 (By Eissler), In memory of U.S. Army Private First Class Cory C. Kusters of The Woodlands.

To Rules and Resolutions.

HR 1598 (By Crownover), Congratulating University of North Texas vice president for finance and business affairs Phil Diebel on his upcoming retirement.

To Rules and Resolutions.

HR 1599 (By Martinez), Congratulating Karen Djoahna Palapar of Trevino Elementary School in San Juan on being named a finalist in the 2007 H-E-B Excellence in Education Awards.

To Rules and Resolutions.

HR 1600 (By Mallory Caraway), In memory of Nathaniel Williams of Dallas.

To Rules and Resolutions.

HR 1604 (By Hill), Honoring the 2007 Richardson ISD Capitol Scholars.

To Rules and Resolutions.

SB 4 to Public Education.

SB 11 to Defense Affairs and State-Federal Relations.

SB 43 to Juvenile Justice and Family Issues.

SB 46 to Transportation.

SB 51 to Higher Education.

SB 109 to Public Education.

SB 111 to State Affairs.

SB 157 to Criminal Jurisprudence.

SB 161 to Higher Education.

SB 183 to Criminal Jurisprudence.

SB 242 to Ways and Means.

SB 322 to Human Services.

SB 323 to Natural Resources.

SB 363 to Defense Affairs and State-Federal Relations.

SB 401 to Natural Resources.

SB 409 to Public Health.

SB 436 to Transportation.

SB 445 to Government Reform.

SB 450 to Human Services.

SB 561 to Insurance.

SB 607 to Financial Institutions.

SB 629 to Law Enforcement.

SB 645 to Business and Industry.

SB 649 to Higher Education.

SB 658 to Government Reform.

SB 660 to Judiciary.

SB 671 to County Affairs.

SB 705 to Judiciary.

SB 706 to Judiciary.

- SB 709** to Business and Industry.
- SB 781** to Border and International Affairs.
- SB 796** to Local Government Ways and Means.
- SB 811** to Public Health.
- SB 847** to Natural Resources.
- SB 864** to Culture, Recreation, and Tourism.
- SB 874** to Defense Affairs and State-Federal Relations.
- SB 883** to State Affairs.
- SB 885** to Judiciary.
- SB 889** to State Affairs.
- SB 943** to Public Health.
- SB 952** to Licensing and Administrative Procedures.
- SB 956** to Juvenile Justice and Family Issues.
- SB 960** to Public Education.
- SB 963** to Higher Education.
- SB 968** to County Affairs.
- SB 975** to Natural Resources.
- SB 976** to Pensions and Investments.
- SB 1036** to Defense Affairs and State-Federal Relations.
- SB 1039** to Pensions and Investments.
- SB 1046** to Higher Education.
- SB 1049** to Public Education.
- SB 1050** to Higher Education.
- SB 1053** to Higher Education.
- SB 1064** to Higher Education.
- SB 1068** to Redistricting.
- SB 1085** to Transportation.
- SB 1089** to Transportation.
- SB 1104** to Urban Affairs.
- SB 1132** to Transportation.
- SB 1133** to State Affairs.
- SB 1161** to Public Education.
- SB 1165** to County Affairs.
- SB 1172** to Appropriations.
- SB 1203** to Criminal Jurisprudence.
- SB 1222** to Licensing and Administrative Procedures.
- SB 1231** to Higher Education.

SB 1232 to Higher Education.
SB 1233 to Higher Education.
SB 1236 to Border and International Affairs.
SB 1257 to Licensing and Administrative Procedures.
SB 1271 to Natural Resources.
SB 1297 to Judiciary.
SB 1306 to State Affairs.
SB 1309 to Civil Practices.
SB 1310 to Government Reform.
SB 1315 to Law Enforcement.
SB 1325 to Higher Education.
SB 1340 to Licensing and Administrative Procedures.
SB 1354 to Law Enforcement.
SB 1372 to Transportation.
SB 1389 to Business and Industry.
SB 1390 to Defense Affairs and State-Federal Relations.
SB 1402 to Insurance.
SB 1412 to Judiciary.
SB 1413 to Judiciary.
SB 1416 to Judiciary.
SB 1418 to Higher Education.
SB 1424 to Economic Development.
SB 1425 to Economic Development.
SB 1426 to Licensing and Administrative Procedures.
SB 1433 to Public Education.
SB 1454 to Defense Affairs and State-Federal Relations.
SB 1470 to Criminal Jurisprudence.
SB 1490 to Public Education.
SB 1496 to Higher Education.
SB 1499 to State Affairs.
SB 1501 to Local Government Ways and Means.
SB 1502 to Local Government Ways and Means.
SB 1504 to Public Education.
SB 1519 to Judiciary.
SB 1526 to Natural Resources.
SB 1533 to Corrections.
SB 1535 to Natural Resources.

SB 1540 to Business and Industry.
SB 1541 to Business and Industry.
SB 1542 to Insurance.
SB 1548 to Transportation.
SB 1555 to Judiciary.
SB 1604 to Environmental Regulation.
SB 1618 to County Affairs.
SB 1624 to Judiciary.
SB 1644 to Public Education.
SB 1655 to Judiciary.
SB 1679 to Public Education.
SB 1688 to Transportation.
SB 1694 to Public Health.
SB 1697 to Public Education.
SB 1713 to Public Education.
SB 1722 to Law Enforcement.
SB 1724 to Defense Affairs and State-Federal Relations.
SB 1735 to Licensing and Administrative Procedures.
SB 1752 to Local Government Ways and Means.
SB 1765 to Urban Affairs.
SB 1780 to Corrections.
SB 1794 to Transportation.
SB 1805 to Culture, Recreation, and Tourism.
SB 1809 to Ways and Means.
SB 1828 to Transportation.
SB 1871 to Public Education.
SB 1877 to Pensions and Investments.
SB 1909 to Corrections.
SB 1912 to Public Education.
SB 1956 to Defense Affairs and State-Federal Relations.
SB 1970 to Law Enforcement.
SCR 17 to Defense Affairs and State-Federal Relations.
SCR 46 to Defense Affairs and State-Federal Relations.
SCR 54 to Rules and Resolutions.
SCR 55 to Rules and Resolutions.
SCR 57 to Defense Affairs and State-Federal Relations.

SIGNED BY THE SPEAKER

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

House List No. 25**HB 5, HCR 26, HCR 167****Senate List No. 26****SB 229, SB 343, SB 369, SB 679****MESSAGES FROM THE SENATE**

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

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Tuesday, April 24, 2007

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 50 Zaffirini
Relating to early childhood education.

SB 714 Fraser
Relating to reports regarding certain water wells required by a groundwater conservation district.

SB 758 Nelson
Relating to child protective services.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Tuesday, April 24, 2007 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 8 Riddle SPONSOR: Deuell
Relating to the prosecution, punishment, and supervision of certain sex offenders
and to certain crimes involving sex offenders.
(Committee Substitute/Amended)

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

SB 456 (31 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Tuesday, April 24, 2007 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 691 Uresti
Relating to the performance of community service as a condition for a deferral of
adjudication in certain misdemeanor cases punishable by fine only.

SB 1063 Williams
Relating to the authority of the governing body of a taxing unit to waive penalties
and interest on a delinquent ad valorem tax.

SB 1405 Wentworth
Relating to the requirement that the chief appraiser of an appraisal district provide
an estimate of taxable value and related assistance to certain taxing units.

SB 1761 Uresti
Relating to the pilot program to provide health services to state employees in state
office complexes.

SCR 61 Duncan SPONSOR: Heflin
Commending South Plains College for its 50 years of progress.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Tuesday, April 24, 2007 - 4

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 263 Ellis
Relating to the creation of a commission to investigate and prevent wrongful convictions.

SB 1052 Zaffirini
Relating to tuition credits for students who complete the core curriculum at two-year public institutions of higher education.

SB 1096 Janek
Relating to mandatory participation in certain TANF employment programs by certain persons.

SB 1411 West, Royce
Relating to requirements for judicial training on issues regarding family violence, sexual assault, and child abuse and neglect.

SB 1464 Janek
Relating to the cancellation of the voter registrations of persons who are not United States citizens.

SB 1626 Watson
Relating to participation in the proportionate retirement program by certain public employees.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 23

Agriculture and Livestock - **HB 3168, HB 3300**

Business and Industry - **HB 9, HB 888, HB 1702, HB 1737, HB 2002, HB 2218, HB 2277, HB 2402, HB 2403, HB 3173, SB 324**

County Affairs - HB 880**Criminal Jurisprudence - HB 485, HB 649, HB 1035, HB 1123, HB 1264, HB 1340, HB 1611, HB 1658, HB 1687, HB 1800, HB 2304, HB 2307, HB 2703, HB 3558, HB 3584, HB 3692, HJR 6****Culture, Recreation, and Tourism - HB 1309, HB 2845****Defense Affairs and State-Federal Relations - SB 277****Elections - HB 343, HB 1648, HB 2493, HB 2589, HB 2912, HB 3723, HB 3725****Energy Resources - HB 3929****Environmental Regulation - HB 3780, SB 1665****Financial Institutions - HB 2137, HB 3552****Government Reform - HB 1613, HB 3454****Human Services - HB 288, HB 333, HB 405, HB 918, HB 1366, HB 2064****Insurance - HB 223, HB 1269, HB 1847, HB 1849, HB 1977, HB 1978, HB 2013, HB 2718, HB 3252, HB 3358, HB 3470, HB 3850****Judiciary - HB 1903, HB 2151, HB 3197, HB 3930, SB 593****Law Enforcement - HB 1503, HB 1906, HB 2077, HB 2210, HB 2300, HB 2813, HB 2952, HB 3307, HB 3635, SB 949****Licensing and Administrative Procedures - HB 3124, HB 3601****Natural Resources - HB 1292, HB 2654, HB 3017, HB 3353****Pensions and Investments - HB 2190, HB 2752****Public Education - HB 278, HB 426, HB 494, HB 828, HB 846, HB 851, HB 1137, HB 1324, HB 2504, HB 2529, HB 2532, HB 3202, HB 3259, SB 7, SB 136, SB 370, SB 389****Public Health - HB 1082, HB 2132, HB 2145, HB 2285, HB 2313, HB 3078, HB 3876, SB 91, SB 362****State Affairs - HB 2621, HB 2733****Transportation - HB 160, HB 1615, HB 1857, HB 2651****ENGROSSED****April 23 - HB 589, HB 1022, HB 1373, HB 1623, HB 1667, HB 1668, HB 1962, HB 2400, HB 2427, HB 2458****ENROLLED****April 23 - HB 5, HB 1447, HCR 26, HCR 167****SIGNED BY THE GOVERNOR****April 23 - HB 674, HB 675**