

# HOUSE JOURNAL

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EIGHTIETH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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SIXTY-SIXTH DAY — TUESDAY, MAY 1, 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 807).

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

Absent, Excused — Moreno; Mowery.

Absent — Bonnen; Haggerty; Heflin; Villarreal.

The invocation was offered by Rick Lamb, pastor, Northside Baptist Church, Corsicana, as follows:

Dear Heavenly Father, thank you, dear God, for this day and all of the opportunities and responsibilities that lie before us. I pray that you will pour out your blessings and your life on each of us today. Be with the members of the house. Bless them with clarity, compassion, and wisdom. Grant them the ability to work in concert with you and others for the betterment of all. I pray also that you will bless their families and constituents back home. Take care of our people, Lord. Bless and guide us in all that we do.

I pray, most of all, that you, Heavenly Father, will bless each of us with your presence. Grant us the ability to know deeply the experience of your constant companionship. Let us enjoy the feeling of being carried along and amply supplied for all we need because you are with us. In the name of Christ. Amen.

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

(Heflin now present)

### **LEAVE OF ABSENCE GRANTED**

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

Mowery on motion of Anderson.

### **REGULAR ORDER OF BUSINESS SUSPENDED**

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

### **CAPITOL PHYSICIAN**

The chair recognized Representative Raymond who presented Dr. Luis Benavides of Laredo as the "Doctor for the Day."

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

(Bonnen now present)

### **HR 241 - READ (by Lucio)**

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

**HR 241**, Honoring former County Judge Gilberto Hinojosa of Brownsville on his outstanding public service.

### **HR 241 - MOTION TO ADD NAMES**

On motion of Representative Raymond, the names of all the members of the house were added to **HR 241** as signers thereof.

(Escobar in the chair)

### **INTRODUCTION OF GUESTS**

The chair recognized Representatives Lucio and Raymond who introduced the Honorable Gilberto Hinojosa and members of his family.

(Harper-Brown in the chair)

**HCR 204 - ADOPTED**  
**(by Darby)**

Representative Darby moved to suspend all necessary rules to take up and consider at this time **HCR 204**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 204**, Commemorating the 75th anniversary of the founding of Shannon Medical Center in San Angelo.

**HCR 204** was read and was adopted.

**MESSAGES FROM THE SENATE**

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 1 and 2).

(Haggerty now present)

**HR 819 - READ**  
**(by Guillen)**

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

**HR 819**, Congratulating First Baptist Church of Rio Grande City on its 75th anniversary.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Guillen who introduced Mayor Kevin Hilies, Pastor Bob Alderman, and members of the First Baptist Church in Rio Grande City.

**HR 1817 - ADOPTED**  
**(by Harless)**

Representative Harless moved to suspend all necessary rules to take up and consider at this time **HR 1817**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1817**, Honoring Judge Robert Eckels on the occasion of his retirement as county judge of Harris county.

**HR 1817** was adopted.

On motion of Representative W. Smith, the names of all the members of the house were added to **HR 1817** as signers thereof.

(Villarreal now present)

**HCR 226 - ADOPTED**  
**(by Merritt, Berman, and Flynn)**

Representative Merritt moved to suspend all necessary rules to take up and consider at this time **HCR 226**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 226**, In memory of Constable Dale David Geddie of Winona.

**HCR 226** was unanimously adopted by a rising vote.

On motion of Representative Latham, the names of all the members of the house were added to **HCR 226** as signers thereof.

(McClendon in the chair)

### **PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR**

The chair moved to set a congratulatory and memorial calendar for 9 a.m. Friday, May 4.

The motion prevailed.

### **PROVIDING FOR A LOCAL, CONSENT, AND RESOLUTIONS CALENDAR**

Representative Haggerty moved to suspend all necessary rules to set a local, consent, and resolutions calendar for 9 a.m. tomorrow.

The motion prevailed.

(Madden in the chair)

### **HB 76 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 76**, A bill to be entitled An Act relating to the collection and analysis of information relating to certain sexual offenses.

Representative Naishtat moved to concur in the senate amendments to **HB 76**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 808): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; 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; 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; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Moreno; Mowery.

Absent — Brown, F.; Dutton; Morrison; Straus.

### Senate Committee Substitute

**CSHB 76**, A bill to be entitled An Act relating to the collection and analysis of information relating to certain sexual offenses.

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

SECTION 1. Section 411.042, Government Code, is amended by amending Subsections (b) and (g) and adding Subsections (h) and (i) to read as follows:

(b) The bureau of identification and records shall:

(1) procure and file for record photographs, pictures, descriptions, fingerprints, measurements, and other pertinent information of all persons arrested for or charged with a criminal offense or convicted of a criminal offense, regardless of whether the conviction is probated;

(2) collect information concerning the number and nature of offenses reported or known to have been committed in the state and the legal steps taken in connection with the offenses, and other information useful in the study of crime and the administration of justice, including information that enables the bureau to create a statistical breakdown of [those] offenses in which family violence was involved and a statistical breakdown of offenses under Sections 22.011 and 22.021, Penal Code;

(3) make ballistic tests of bullets and firearms and chemical analyses of bloodstains, cloth, materials, and other substances for law enforcement officers of the state;

(4) cooperate with identification and crime records bureaus in other states and the United States Department of Justice;

(5) maintain a list of all previous background checks for applicants for any position regulated under Chapter 1702, Occupations Code, who have undergone a criminal history background check under Section 411.119, if the check indicates a Class B misdemeanor or equivalent offense or a greater offense; and

(6) collect information concerning the number and nature of protective orders and all other pertinent information about all persons on active protective orders. Information in the law enforcement information system relating to an active protective order shall include:

(A) the name, sex, race, date of birth, personal descriptors, address, and county of residence of the person to whom the order is directed;

(B) any known identifying number of the person to whom the order is directed, including the person's social security number or driver's license number;

(C) the name and county of residence of the person protected by the order;

(D) the residence address and place of employment or business of the person protected by the order, unless that information is excluded from the order under Section 85.007, Family Code;

(E) the child-care facility or school where a child protected by the order normally resides or which the child normally attends, unless that information is excluded from the order under Section 85.007, Family Code;

(F) the relationship or former relationship between the person who is protected by the order and the person to whom the order is directed; and

(G) the date the order expires.

(g) The department may adopt reasonable rules under this section relating to:

(1) law enforcement information systems maintained by the department;

(2) the collection, maintenance, and correction of records;

(3) reports of criminal history information submitted to the department;

[~~and~~]

(4) active protective orders issued under Title 4 [~~Chapter 71~~], Family Code, and reporting procedures that ensure that information relating to the issuance of an active protective order and to the dismissal of an active protective order is reported to the local law enforcement agency at the time of the order's issuance or dismissal and entered by the local law enforcement agency in the state's law enforcement information system; and

(5) the collection of information described by Subsection (h).

(h) Information collected to perform a statistical breakdown of offenses under Sections 22.011 and 22.021, Penal Code, as required by Subsection (b)(2) must include information indicating the specific offense committed and information regarding:

(1) the victim;

(2) the offender and the offender's relationship to the victim;

(3) any weapons used or exhibited in the commission of the offense;

and

(4) any injuries sustained by the victim.

(i) A law enforcement agency shall report offenses under Section 22.011 or 22.021, Penal Code, to the department in the form and manner and at regular intervals as prescribed by rules adopted by the department. The report must include the information described by Subsection (h).

SECTION 2. In consultation with statewide, nonprofit sexual assault programs, the Department of Public Safety of the State of Texas shall establish the rules and procedures necessary to comply with Section 411.042, Government Code, as amended by this Act, not later than October 1, 2007.

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

**HB 374 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 374**, A bill to be entitled An Act relating to use of state buildings and grounds by a television or film production company.

Representative Pickett moved to concur in the senate amendments to **HB 374**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 809): 145 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Moreno; Mowery.

Absent — Olivo.

**STATEMENT OF VOTE**

When Record No. 809 was taken, I was temporarily out of the house chamber. I would have voted yes.

Olivo

**Senate Committee Substitute**

**CSHB 374**, A bill to be entitled An Act relating to use of state buildings and grounds by a television or film production company.

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

SECTION 1. Subchapter A, Chapter 2165, Government Code, is amended by adding Section 2165.008 to read as follows:

Sec. 2165.008. TEMPORARY USE OF STATE BUILDING OR GROUNDS BY TELEVISION OR FILM PRODUCTION COMPANY. (a) In this section:

(1) "Office" means the Music, Film, Television, and Multimedia Office.

(2) "Production company" means a film production company, television production company, or film and television production company.

(b) A state agency or other state governmental entity shall allow a production company to use any state building or grounds under the agency's or other entity's charge and control to produce a film, national broadcast, episodic television series, or commercial that is approved by the office and the agency or other entity under Subsection (c).

(c) The office shall review each proposal by a production company to use a state building or grounds. The office may approve a proposal, subject to the final approval of the state agency or other state governmental entity that occupies the building or uses the grounds, if:

(1) the office and the state agency or other state governmental entity that occupies the building or uses the grounds determine, after the office consults with each agency or entity, that the use will not significantly interfere with the conduct of state business;

(2) the production company provides a certificate of insurance covering the production:

(A) in an amount required by the office; and

(B) that names the state as an insured; and

(3) the proposal is to produce:

(A) a film, national broadcast, or episodic television series with a total production cost of \$250,000 or more; or

(B) a commercial with a total production cost of \$100,000 or more.

(d) The office shall supervise each use of a state building or grounds by a production company subject to the control and final authority of the state agency or other state governmental entity that occupies the building or uses the grounds.

(e) The office shall determine the fee to be charged for each day that a state building or grounds are used by a production company. The office may allow each state building or grounds to be used without charge, other than the reimbursement of expenses under Subsection (f), for seven days during each state fiscal year and may determine the allocation of those days. Fees collected under this subsection shall be deposited to the credit of the general revenue fund.

(f) The production company shall reimburse:

(1) a state agency or other state governmental entity for any cost incurred by the agency or other entity as a result of the use of a state building or grounds by the company; and



(2) the state agency or other state governmental entity having charge and control of a state building or grounds for the cost of repairing damage to the building or grounds resulting from use by the company.

(g) A state agency or other state governmental entity shall notify the production company in writing of any cost subject to reimbursement under Subsection (f). The production company shall reimburse the cost not later than the 21st day after the date on which it receives notice from the agency or other entity.

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

### **HB 1379 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1379**, A bill to be entitled An Act relating to human papillomavirus education programs.

Representative Deshotel moved to concur in the senate amendments to **HB 1379**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 810): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; 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; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; 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; Madden(C).

Absent, Excused — Moreno; Mowery.

Absent — Callegari; Pierson.

#### **Senate Committee Substitute**

**CSHB 1379**, A bill to be entitled An Act relating to human papillomavirus education programs.

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

SECTION 1. Subchapter A, Chapter 161, Health and Safety Code, is amended by adding Section 161.0107 to read as follows:

Sec. 161.0107. HUMAN PAPILLOMAVIRUS; VACCINES EDUCATION MATERIALS. (a) The department, using existing resources, shall produce and distribute informational materials regarding vaccines against human papillomavirus that are approved by the United States Food and Drug Administration for human use. The materials must include information relating to the effectiveness, availability, and contraindications of the vaccines. The materials must be available in English and in Spanish.

(b) The department shall collaborate with the Texas Cancer Council or its successor entity to develop educational programs for parents regarding human papillomavirus and promoting awareness of a minor's need for preventive services for cervical cancer and its precursors.

(c) The department shall develop and maintain an Internet website that targets the public and health care professionals and provides accurate, comprehensive information on all aspects of cervical cancer prevention, including vaccination against human papillomavirus.

SECTION 2. Chapter 163, Health and Safety Code, is amended by adding Section 163.003 to read as follows:

Sec. 163.003. ADDITIONAL INSTRUCTIONAL ELEMENTS REGARDING HUMAN PAPILLOMAVIRUS. Course materials and instruction relating to sexually transmitted diseases must be available in English and in Spanish and should include:

(1) the following specific information on human papillomavirus:

(A) that sexual intercourse is not required to become infected with human papillomavirus and that the avoidance of skin-to-skin contact involving the genital areas offers the best protection;

(B) that both males and females may be infected with human papillomavirus and symptoms may not be present;

(C) that younger women are at greater risk of human papillomavirus infection than older women; and

(D) that human papillomavirus may be transmitted to an infant during childbirth;

(2) information regarding the role of human papillomavirus in the development of genital warts, cervical cancer, and other diseases; and

(3) information regarding the continuing need for women to undergo Pap smear testing, even if they have received a vaccination against human papillomavirus.

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

**HJR 36 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HJR 36**, A joint resolution proposing a constitutional amendment to permit a state justice or judge who reaches the mandatory age of retirement while in office to complete the justice's or judge's current term.

Representative McReynolds moved to concur in the senate amendments to **HJR 36**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 811): 144 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; 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; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; 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.

Nays — Hodge.

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

Absent, Excused — Moreno; Mowery.

Absent — Keffer.

### **Senate Committee Substitute**

**CSHJR 36**, A joint resolution proposing a constitutional amendment to permit a state justice or judge who reaches the mandatory age of retirement while in office to complete the justice's or judge's current term.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS

SECTION 1. Section 1-a(1), Article V, Texas Constitution, is amended to read as follows:

(1) Subject to the further provisions of this Section, the Legislature shall provide for the retirement and compensation of Justices and Judges of the Appellate Courts and District and Criminal District Courts on account of length of service, age and disability, and for their reassignment to active duty where and when needed. The office of every such Justice and Judge shall become vacant on the expiration of the term during which ~~when~~ the incumbent reaches the age of

seventy-five (75) years or such earlier age, not less than seventy (70) years, as the Legislature may prescribe, except that if a Justice or Judge elected to serve or fill the remainder of a six-year term reaches the age of seventy-five (75) years during the first four years of the term, the office of that Justice or Judge shall become vacant on December 31 of the fourth year of the term to which the Justice or Judge was elected.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 6, 2007. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment permitting a justice or judge who reaches the mandatory retirement age while in office to serve the remainder of the justice's or judge's current term."

(Speaker in the chair)

**HB 8 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 8**, A bill to be entitled An Act relating to the prosecution, punishment, and supervision of certain sex offenders and to certain crimes involving sex offenders.

Representative Riddle moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 8**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 8**: Riddle, chair; Gattis, Peña, Madden, and Deshotel.

**HB 1676 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 1676**, A bill to be entitled An Act relating to a public awareness campaign concerning certain solicitations for the purchase of prescription drugs.

Representative Delisi moved to concur in the senate amendments to **HB 1676**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 812): 145 Yeas, 0 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno; Mowery.

Absent — Castro; Chavez.

### Senate Committee Substitute

**CSHB 1676**, A bill to be entitled An Act relating to a public awareness campaign concerning certain solicitations for the purchase of prescription drugs.

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

SECTION 1. Subchapter B, Chapter 402, Government Code, is amended by adding Section 402.031 to read as follows:

Sec. 402.031. PUBLIC AWARENESS CAMPAIGN CONCERNING CERTAIN PRESCRIPTION DRUG SOLICITATIONS. (a) The office of the attorney general shall develop a public awareness campaign to educate consumers concerning solicitations for the sale of prescription drugs that are made using electronic mail or the Internet.

(b) The public awareness campaign must emphasize the existence of reputable pharmacies and pharmacists that provide services through the Internet and must provide information to assist a consumer in distinguishing a reputable pharmacy or pharmacist from a seller that may be unlicensed or fraudulent.

(c) In developing the public awareness campaign, the office of the attorney general shall consult with the Texas State Board of Pharmacy, trade associations representing the interests of pharmacies and pharmacists in this state, and advocates for consumer protection.

(d) In conducting the public awareness campaign, the office of the attorney general may distribute information using:

- (1) brochures;
- (2) advertisements, articles, or editorials in newspapers or other publications;
- (3) radio or television public service announcements;
- (4) the Internet; or

(5) other appropriate means.

(e) The attorney general may, in accordance with Section 402.005, accept gifts, grants, and donations to support the public awareness campaign.

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.

### **POSTPONED BUSINESS**

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

#### **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.

**HB 3486** was read second time on April 24 and was postponed until 7 a.m. today.

Representative Kolkhorst moved to postpone consideration of **HB 3486** until 7 a.m. Friday, May 4.

The motion prevailed.

#### **HB 1383 ON SECOND READING**

**(by Miles, Coleman, et al.)**

**HB 1383**, A bill to be entitled An Act relating to territory included in, and the validation of acts of, the Greater Southeast Management District.

**HB 1383** was read second time on April 27 and was postponed until 7 a.m. today.

Representative Coleman moved to postpone consideration of **HB 1383** until 3 p.m. today.

The motion prevailed.

#### **SB 1389 ON SECOND READING**

**(Hochberg - House Sponsor)**

**SB 1389**, A bill to be entitled An Act relating to the processing of consumer rebates.

**SB 1389** was considered in lieu of **CSHB 2069**.

**SB 1389** 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. Members registering votes are as follows: Flynn recorded voting no.)

**CSHB 2069 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Hochberg moved to lay **CSHB 2069** on the table subject to call.

The motion prevailed.

**CSSB 1209 ON SECOND READING  
(Krusee - House Sponsor)**

**CSSB 1209**, A bill to be entitled An Act relating to the relocation of utility facilities required by improvement of a state highway.

**CSSB 1209** was considered in lieu of **CSHB 3782**.

**CSSB 1209** 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 3782 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Krusee moved to lay **CSHB 3782** on the table subject to call.

The motion prevailed.

**CSHB 1888 ON SECOND READING  
(by Haggerty, Madden, and Hodge)**

**CSHB 1888**, A bill to be entitled An Act relating to the provision of pay telephone service to inmates confined in facilities operated by the Texas Department of Criminal Justice.

**CSHB 1888** was read second time on April 25 and was postponed until 10 a.m. today.

Representative Haggerty moved to postpone consideration of **CSHB 1888** until 2 p.m. today.

The motion prevailed.

**CSHB 3722 ON SECOND READING  
(by Krusee and Haggerty)**

**CSHB 3722**, A bill to be entitled An Act relating to pass-through financing and the creation and operation of the transportation reinvestment fund.

**CSHB 3722** was read second time on April 25 and was postponed until 10 a.m. today.

Representative Krusee moved to postpone consideration of **CSHB 3722** until 10 a.m. Tuesday, May 8.

The motion prevailed.

**HB 620 ON SECOND READING  
(by Puente)**

**HB 620**, A bill to be entitled An Act relating to retroactive child support and notification in cases involving an anticipated adoption that is not completed.

**HB 620** was read second time on April 26 and was postponed until 10 a.m. today.

**HB 620** 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 3110 ON SECOND READING**  
**(by B. Cook, West, Dunnam, and Anderson)**

**CSHB 3110**, A bill to be entitled An Act relating to indemnification requirements relating to a clean coal project.

**CSHB 3110** was read second time on April 26 and was postponed until 10 a.m. today.

Representative B. Cook moved to postpone consideration of **CSHB 3110** until 10 a.m. Thursday, May 3.

The motion prevailed.

**CSHB 3112 ON SECOND READING**  
**(by B. Cook, West, Dunnam, and Anderson)**

**CSHB 3112**, A bill to be entitled An Act relating to certain matters regarding a clean coal project, including contracting authority and indemnification requirements, liability, representation of a state agency by the attorney general, and monitoring of sequestered carbon dioxide.

**CSHB 3112** was read second time on April 26 and was postponed until 10 a.m. today.

Representative B. Cook moved to postpone consideration of **CSHB 3112** until 10 a.m. Thursday, May 3.

The motion prevailed.

**SB 1107 ON SECOND READING**  
**(Naishtat - House Sponsor)**

**SB 1107**, A bill to be entitled An Act relating to the powers and duties of the Travis County Healthcare District.

**SB 1107** was considered in lieu of **CSHB 2378**.

**SB 1107** was read second time.

**Amendment No. 1**

Representative Naishtat offered the following amendment to **SB 1107**:

Amend **SB 1107** (House Committee Printing) by striking SECTION 4 of the bill (page 3, lines 9-21) and substituting the following:

SECTION 4. Subchapter B, Chapter 281, Health and Safety Code, is amended by adding Section 281.0281 to read as follows:



Sec. 281.0281. EMPLOYMENT OF HEALTH CARE PROVIDERS. (a) This section applies only to a district created in a county with a population of more than 800,000 that was not included in the boundaries of a hospital district before September 1, 2003.

(b) The board, as it considers necessary for the efficient operation of the district, may employ:

(1) physicians as provided in this section and Sections 162.001(c-4) and (c-5), Occupations Code; and

(2) dentists or other health care providers.

(c) The board may employ a licensed physician as a medical director if the physician:

(1) provides only policy, administrative, and managerial services; and

(2) does not provide direct patient care or otherwise practice medicine, as defined by Section 151.002, Occupations Code, at or for the district.

(d) This section does not authorize the board to supervise or control the practice of medicine or permit the unauthorized practice of medicine, as prohibited by Subtitle B, Title 3, Occupations Code.

Amendment No. 1 was adopted.

**SB 1107**, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

### **CSHB 2378 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Naishtat moved to lay **CSHB 2378** on the table subject to call.

The motion prevailed.

### **MAJOR STATE CALENDAR HOUSE BILLS THIRD READING**

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

#### **HB 3678 ON THIRD READING (by C. Howard, Chisum, et al.)**

**HB 3678**, A bill to be entitled An Act relating to voluntary student expression of religious viewpoints in public schools.

A record vote was requested.

**HB 3678** was passed by (Record 813): 121 Yeas, 10 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Frost; Gallego; Gattis; Geren; Gonzales; Gonzalez

Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hodge; Homer; Hopson; Howard, C.; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Macias; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Murphy; Naishtat; Noriega; O'Day; Oliveira; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Taylor; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Alonzo; Burnam; Coleman; Davis, Y.; Garcia; Hochberg; Howard, D.; Olivo; Strama; Thompson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno; Mowery.

Absent — Chavez; Crabb; Dukes; Dunnam; Dutton; Farrar; Giddings; Harper-Brown; Hughes; Jones; Lucio; Mallory Caraway; Rose; Straus; Talton; Vaught.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 813. I intended to vote no.

Allen

I was shown voting yes on Record No. 813. I intended to vote no.

Bolton

I was shown voting yes on Record No. 813. I intended to vote no.

Cohen

When Record No. 813 was taken, my vote failed to register. I would have voted yes.

Crabb

When Record No. 813 was taken, I was in the house but away from my desk. I would have voted yes.

Dunnam

When Record No. 813 was taken, I was temporarily out of the house chamber. I would have voted yes.

Giddings

When Record No. 813 was taken, I was in the house but away from my desk. I would have voted yes.

Harper-Brown

I was shown voting yes on Record No. 813. I intended to vote no.

Hernandez

When Record No. 813 was taken, I was in the house but away from my desk. I would have voted yes.

Hughes

When Record No. 813 was taken, my vote failed to register. I would have voted yes.

Mallory Caraway

I was shown voting yes on Record No. 813. I intended to vote no.

Naishtat

I was shown voting yes on Record No. 813. I intended to vote no.

Rodriguez

#### **HB 4 ON THIRD READING** **(by Puente)**

**HB 4**, A bill to be entitled An Act relating to water conservation.

#### **Amendment No. 1**

On behalf of Representative Puente, Representative Bonnen offered the following amendment to **HB 4**:

Amend **HB 4** on third reading by adding the following appropriately numbered SECTION and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . Section 11.085, Water Code, as amended by this Act, applies to a transfer of state water from a basin to its adjoining coastal basin that is proposed on or after the effective date of this Act. The provisions of Section 11.085, Water Code, as amended by this Act, other than Subsection (a) of that section, do not apply to a transfer of state water from a basin to its adjoining coastal basin that was proposed before the effective date of this Act.

Amendment No. 1 was adopted.

A record vote was requested.

**HB 4**, as amended, was passed by (Record 814): 130 Yeas, 1 Nays, 1 Present, not voting.

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

Merritt; Miles; Miller; Murphy; Naishtat; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Hardcastle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno; Mowery.

Absent — Chisum; Davis, J.; Dukes; Dunnam; Harper-Brown; Hernandez; Hughes; Jackson; Keffer; Lucio; Morrison; Noriega; Phillips; Rodriguez; Rose; Vaught.

### STATEMENTS OF VOTE

When Record No. 814 was taken, I was in the house but away from my desk. I would have voted yes.

Dunnam

When Record No. 814 was taken, I was in the house but away from my desk. I would have voted yes.

Harper-Brown

### GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

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

#### **HB 1572 ON THIRD READING** (by Woolley)

**HB 1572**, A bill to be entitled An Act relating to an exception from civil discovery for certain records of a law enforcement agency.

A record vote was requested.

**HB 1572** was passed by (Record 815): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; 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; Murphy; Naishtat; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno; Mowery.

Absent — Chavez; Dukes; Morrison; Noriega; Rose.

**HB 1910 ON THIRD READING**  
(by Elkins)

**HB 1910**, A bill to be entitled An Act relating to the seizure of personal property for the payment of ad valorem taxes.

A record vote was requested.

**HB 1910** was passed by (Record 816): 140 Yeas, 4 Nays, 1 Present, not voting.

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

Nays — Heflin; Hodge; Miles; Olivo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno; Mowery.

Absent — Hopson; Pierson; Vaught.

**HB 312 ON THIRD READING**  
**(by Turner)**

**HB 312**, A bill to be entitled An Act relating to the burden of proof in a community supervision revocation hearing regarding a defendant's ability to make certain court-ordered payments.

A record vote was requested.

**HB 312** was passed by (Record 817): 123 Yeas, 20 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bailey; Berman; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, R.; Corte; Crabb; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Laubenberg; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Morrison; Murphy; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Parker; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Anderson; Aycock; Bohac; Callegari; Cook, B.; Creighton; Flynn; Gattis; Hardcastle; Harless; Hilderbran; Jones; Latham; Macias; Miller; O'Day; Otto; Paxton; Phillips; Van Arsdale.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno; Mowery.

Absent — Hill; Hughes; Patrick; Pierson.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 817. I intended to vote no.

Berman

I was shown voting yes on Record No. 817. I intended to vote no.

Delisi

I was shown voting yes on Record No. 817. I intended to vote no.

Harper-Brown

I was shown voting yes on Record No. 817. I intended to vote no.

C. Howard

When Record No. 817 was taken, I was in the house but away from my desk. I would have voted no.

Patrick

I was shown voting yes on Record No. 817. I intended to vote no.

Taylor

I was shown voting yes on Record No. 817. I intended to vote no.

Truitt

### HB 323 ON THIRD READING

(by Hamilton, Ritter, Anderson, Deshotel, and D. Howard)

**HB 323**, A bill to be entitled An Act relating to three-point seat belts on buses that transport schoolchildren.

A record vote was requested.

**HB 323** was passed by (Record 818): 130 Yeas, 6 Nays, 2 Present, not voting.

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

Nays — Crabb; Haggerty; Howard, C.; Isett; Latham; Truitt.

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

Absent, Excused — Moreno; Mowery.

Absent — Coleman; Eissler; Farabee; Guillen; Hughes; Merritt; Orr; Pickett; Pierson; Riddle.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 818. I intended to vote yes.

Crabb

When Record No. 818 was taken, I was temporarily out of the house chamber. I would have voted yes.

Eissler

I was shown voting yes on Record No. 818. I intended to vote no.

Flynn

I was shown voting yes on Record No. 818. I intended to vote no.

Frost

When Record No. 818 was taken, I was in the house but away from my desk. I would have voted yes.

Guillen

### **HB 1473 ON THIRD READING** (by Turner)

**HB 1473**, A bill to be entitled An Act relating to the waiver of sovereign immunity of a political subdivision for claims brought by certain employees.

A record vote was requested.

**HB 1473** was passed by (Record 819): 143 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Hill.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno; Mowery.

Absent — Brown, B.; Farabee; Pierson.



### STATEMENT OF VOTE

When Record No. 819 was taken, I was in the house but away from my desk. I would have voted yes.

Farabee

### HB 1586 ON THIRD READING (by Flores)

**HB 1586**, A bill to be entitled An Act relating to the creation of the offense of illumination of an aircraft by intense light.

A record vote was requested.

**HB 1586** was passed by (Record 820): 144 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno; Mowery.

Absent — Coleman; Pierson; Puente.

### HB 1656 ON THIRD READING (by Puente)

**HB 1656**, A bill to be entitled An Act relating to regulation of irrigation systems and irrigators.

#### Amendment No. 1

Representative R. Cook offered the following amendment to **HB 1656**:

Amend **HB 1656** on third reading, as amended by Floor Amendment No. 2 by Miller (Second Reading Engrossment), as follows:

(1) On page 2, line 24, between "system" and "used", insert ": (A)".

(2) On page 2, line 25, between "Agriculture Code" and the underlined period, insert the following:

; or

(B) connected to a groundwater well used by the property owner for domestic use

(3) On page 3, line 25, between "system" and "used", insert ": (A)".

(4) On page 3, line 26, between "Agriculture Code" and the underlined period, insert the following:

; or

(B) connected to a groundwater well used by the property owner for domestic use

Amendment No. 1 was adopted.

A record vote was requested.

**HB 1656**, as amended, was passed by (Record 821): 116 Yeas, 26 Nays, 1 Present, not voting.

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

Nays — Aycock; Brown, B.; Brown, F.; Christian; Cook, B.; Darby; Delisi; Elkins; Flynn; Haggerty; Hardcastle; Harper-Brown; Hilderbran; Hill; Isett; Jones; King, T.; Latham; Orr; Otto; Phillips; Smithee; Taylor; Truitt; Van Arsdale; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno; Mowery.

Absent — Alonzo; Crownover; Kuempel; Pierson; Smith, W.

#### STATEMENTS OF VOTE

I was shown voting no on Record No. 821. I intended to vote yes.

B. Cook

When Record No. 821 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

I was shown voting yes on Record No. 821. I intended to vote no.

Harless

I was shown voting yes on Record No. 821. I intended to vote no.

C. Howard

I was shown voting yes on Record No. 821. I intended to vote no.

Kolkhorst

**HB 1988 ON THIRD READING**  
**(by Martinez)**

**HB 1988**, A bill to be entitled An Act relating to the issuance of a protective order for a victim of the offense of sexual assault or aggravated sexual assault.

A record vote was requested.

**HB 1988** was passed by (Record 822): 144 Yeas, 0 Nays, 1 Present, not voting.

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

Absent — Hughes; Kolkhorst; Pierson.

**STATEMENT OF VOTE**

When Record No. 822 was taken, my vote failed to register. I would have voted yes.

Kolkhorst

**HB 3698 ON THIRD READING**  
**(by McCall)**

**HB 3698**, A bill to be entitled An Act relating to temporary housing and emergency shelters provided by a political subdivision for disaster victims.

A record vote was requested.

**HB 3698** was passed by (Record 823): 146 Yeas, 0 Nays, 1 Present, not voting.

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

Absent — Pierson.

**HB 1657 ON THIRD READING**  
**(by Puente)**

**HB 1657**, A bill to be entitled An Act relating to the protection and use of intellectual property by the executive administrator of the Texas Water Development Board.

A record vote was requested.

**HB 1657** was passed by (Record 824): 141 Yeas, 0 Nays, 1 Present, not voting.

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

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

Absent — Creighton; Dukes; Jones; Patrick; Peña; Pierson.

### STATEMENTS OF VOTE

When Record No. 824 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 824 was taken, I was in the house but away from my desk. I would have voted yes.

Patrick

### HB 2115 ON THIRD READING (by Frost and Lucio)

**HB 2115**, A bill to be entitled An Act relating to a defendant's eligibility for deferred adjudication of certain intoxication offenses.

A record vote was requested.

**HB 2115** was passed by (Record 825): 144 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno; Mowery.

Absent — Haggerty; Mallory Caraway; Vaught.

### **HB 2108 ON THIRD READING**

**(by Puente)**

**HB 2108**, A bill to be entitled An Act relating to the deadline for the Parks and Wildlife Department, the Texas Commission on Environmental Quality, and the Texas Water Development Board to complete priority instream flow studies of the state's rivers and streams.

A record vote was requested.

**HB 2108** was passed by (Record 826): 147 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno; Mowery.

### **HB 3900 ON THIRD READING**

**(by Morrison, Villarreal, McCall, Otto, B. Cook, et al.)**

**HB 3900**, A bill to be entitled An Act relating to the Texas tomorrow fund II prepaid tuition unit undergraduate education program.

Representative Morrison moved to postpone consideration of **HB 3900** until the end of today's third reading bills.

The motion prevailed.

**HB 2950 ON THIRD READING**  
**(by Mallory Caraway)**

**HB 2950**, A bill to be entitled An Act relating to the punishment of the offense of burglary committed by entering a building with intent to commit a theft involving an automated teller machine or safe.

A record vote was requested.

**HB 2950** was passed by (Record 827): 146 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno; Mowery.

Absent — Coleman.

**HB 568 ON THIRD READING**  
**(by Puente)**

**HB 568**, A bill to be entitled An Act relating to the requirements for an affidavit of voluntary relinquishment of parental rights.

A record vote was requested.

**HB 568** was passed by (Record 828): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno; Mowery.

Absent — Coleman; McClendon; Morrison; Thompson.

**HB 75 ON THIRD READING**  
**(by Naishtat, Turner, Hartnett, et al.)**

**HB 75**, A bill to be entitled An Act relating to administrative and judicial review of certain decisions about public assistance benefits.

A record vote was requested.

**HB 75** was passed by (Record 829): 119 Yeas, 17 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Branch; Brown, F.; Burnam; Castro; Chavez; Chisum; Cohen; Coleman; Cook, R.; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Hartnett; Heflin; Hernandez; Herrero; Hill; Hochberg; Hodge; Hopson; Howard, C.; Howard, D.; Hughes; Isett; King, S.; King, T.; Krusee; Kuempel; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Murphy; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Bonnen; Brown, B.; Callegari; Christian; Cook, B.; Flynn; Harless; Harper-Brown; Hilderbran; Jackson; Kolkhorst; Latham; Laubenberg; Macias; Miller; Phillips; Truitt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno; Mowery.



Absent — Corte; Flores; Garcia; Homer; Jones; Keffer; King, P.; Morrison; O'Day; Peña; Thompson.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 829. I intended to vote no.

Anderson

When Record No. 829 was taken, I was temporarily out of the house chamber. I would have voted yes.

Corte

I was shown voting yes on Record No. 829. I intended to vote no.

Talton

When Record No. 829 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

I was shown voting no on Record No. 829. I intended to vote yes.

Truitt

### HB 155 ON THIRD READING

(by Pickett, Quintanilla, et al.)

**HB 155**, A bill to be entitled An Act relating to correcting errors in the distribution of benefits by a public retirement system.

A record vote was requested.

**HB 155** was passed by (Record 830): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; 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; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Merritt; Miles; Miller; Morrison; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; 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 — Moreno; Mowery.

Absent — Chisum; Hochberg; Jones; Kuempel; McReynolds; Paxton; Pierson.

**HB 429 ON THIRD READING**  
**(by Madden)**

**HB 429**, A bill to be entitled An Act relating to a study of the expenses of health care for certain elderly inmates.

A record vote was requested.

**HB 429** was passed by (Record 831): 146 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Phillips.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno; Mowery.

**STATEMENT OF VOTE**

I was shown voting yes on Record No. 831. I intended to vote no.

Harper-Brown

**HB 755 ON THIRD READING**  
**(by Dutton)**

**HB 755**, A bill to be entitled An Act relating to disciplinary action taken against a person required to file a death certificate.

A record vote was requested.

**HB 755** was passed by (Record 832): 142 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno; Mowery.

Absent — Alonzo; Burnam; Hardcastle; Riddle; Rodriguez.

### STATEMENT OF VOTE

When Record No. 832 was taken, I was in the house but away from my desk. I would have voted yes.

Hardcastle

### HB 462 ON THIRD READING

(by Miller)

**HB 462**, A bill to be entitled An Act relating to the authority of certain municipalities to collect an infrastructure fee from certain governmental entities.

A record vote was requested.

**HB 462** was passed by (Record 833): 137 Yeas, 3 Nays, 1 Present, not voting.

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

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

Nays — Geren; Hill; Laubenberg.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno; Mowery.

Absent — Burnam; Keffer; Mallory Caraway; Morrison; Murphy; Paxton; Woolley.

### **HB 489 ON THIRD READING** **(by Berman)**

**HB 489**, A bill to be entitled An Act relating to the duty of a passenger involved in certain accidents to render aid.

#### **Amendment No. 1**

Representative Hartnett offered the following amendment to **HB 489**:

Amend **HB 489** on third reading as follows:

(1) Strike SECTION 2 of the bill, amending Section 550.022, Transportation Code, and renumber the subsequent SECTIONS of the bill accordingly.

(2) In SECTION 3 of the bill, in added Section 550.023(b), Transportation Code, strike "or damage to a vehicle that is driven or attended by a person".

Amendment No. 1 was adopted.

Representative Berman moved to postpone consideration of **HB 489**, as amended, until the end of today's calendar.

The motion prevailed.

### **HB 567 ON THIRD READING** **(by Puente)**

**HB 567**, A bill to be entitled An Act relating to the time requirements for registering with the state registry of paternity.

A record vote was requested.

**HB 567** was passed by (Record 834): 143 Yeas, 0 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno; Mowery.

Absent — Chisum; Escobar; Keffer; Vaught.

**HB 772 ON THIRD READING**  
**(by Dutton)**

**HB 772**, A bill to be entitled An Act relating to social studies conducted in certain suits affecting the parent-child relationship.

A record vote was requested.

**HB 772** was passed by (Record 835): 147 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno; Mowery.

**HB 1031 ON THIRD READING**  
**(by Chisum, B. Brown, et al.)**

**HB 1031**, A bill to be entitled An Act relating to the use of certain voting equipment in certain elections that do not involve a federal office.

**Amendment No. 1**

Representative Homer offered the following amendment to **HB 1031**:

Amend **HB 1031**, Second Reading Engrossment, on third reading on page 1 as follows:

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

(2) On line 7, strike "city or special district" and substitute "political subdivision".

(3) On line 8, strike "of that city" and substitute "of a county or an election of that political subdivision".

(4) Strike lines 13-19.

Amendment No. 1 was adopted.

A record vote was requested.

**HB 1031**, as amended, was passed by (Record 836): 126 Yeas, 17 Nays, 1 Present, not voting.

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

Nays — Allen; Alonzo; Bolton; Burnam; Davis, Y.; Dukes; Farrar; Hernandez; Herrero; Hodge; Howard, D.; Leibowitz; Miles; Naishtat; Ortiz; Rodriguez; Veasey.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno; Mowery.

Absent — Creighton; Garcia; Hughes; Menendez.

**STATEMENTS OF VOTE**

When Record No. 836 was taken, I was in the house but away from my desk. I would have voted yes.

Garcia

I was shown voting yes on Record No. 836. I intended to vote no.

Noriega

**HB 1759 ON THIRD READING**  
**(by Deshotel and Gonzales)**

**HB 1759**, A bill to be entitled An Act relating to the transfer of certain state property from the Health and Human Services Commission, the Department of State Health Services, or the Department of Aging and Disability Services to Spindletop MHMR Services.

A record vote was requested.

**HB 1759** was passed by (Record 837): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno; Mowery.

Absent — Cook, R.; Creighton; Raymond; Swinford.

**HB 922 ON THIRD READING**  
**(by Truitt)**

**HB 922**, A bill to be entitled An Act relating to the power of a municipality to enforce compliance with speed limits by an automated traffic control system.

## 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. 31).

### HB 922 - (consideration continued)

Representative Truitt moved to postpone consideration of **HB 922** until the end of today's calendar.

The motion prevailed.

### HB 1090 ON THIRD READING (by Swinford, McReynolds, Christian, and R. Cook)

**HB 1090**, A bill to be entitled An Act relating to the establishment of a program by the Department of Agriculture to make grants to encourage the construction of facilities that generate electric energy with certain types of agricultural residues, waste, debris, or crops.

A record vote was requested.

**HB 1090** was passed by (Record 838): 144 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Hartnett.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno; Mowery.

Absent — Morrison; Pickett.



### STATEMENT OF VOTE

When Record No. 838 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

### HB 1086 ON THIRD READING

(by Hughes)

**HB 1086**, A bill to be entitled An Act relating to the discharge of an alternate juror in a criminal case.

A record vote was requested.

**HB 1086** was passed by (Record 839): 146 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno; Mowery.

Absent — Hardcastle.

### GENERAL STATE CALENDAR

#### SENATE BILLS

#### THIRD READING

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

#### SB 44 ON THIRD READING

(Gonzalez Toureilles - House Sponsor)

**SB 44**, A bill to be entitled An Act relating to the provision of intervention or counseling services to certain persons who have committed family violence and to a process for accrediting those services.

A record vote was requested.

**SB 44** was passed by (Record 840): 145 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno; Mowery.

Absent — Chavez; Flores.

### **SB 1315 ON THIRD READING**

**(Pickett, Driver, Giddings, Guillen, et al. - House Sponsors)**

**SB 1315**, A bill to be entitled An Act relating to a silver alert for missing senior citizens.

A record vote was requested.

**SB 1315** was passed by (Record 841): 146 Yeas, 0 Nays, 1 Present, not voting.

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

Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno; Mowery.

Absent — Chavez.

**SB 625 ON THIRD READING**  
**(J. Davis - House Sponsor)**

**SB 625**, A bill to be entitled An Act relating to restrictions on the interchange of transplant immunosuppressant drugs.

Representative J. Davis moved to postpone consideration of **SB 625** until 9 a.m. Thursday, May 3.

The motion prevailed.

**SB 584 ON THIRD READING**  
**(Peña - House Sponsor)**

**SB 584**, A bill to be entitled An Act relating to the issuance or violation of an order for emergency protection on the basis of the offense of sexual assault or aggravated sexual assault.

A record vote was requested.

**SB 584** was passed by (Record 842): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Absent — Berman; Chavez; Gonzales; Quintanilla.

### STATEMENT OF VOTE

When Record No. 842 was taken, I was temporarily out of the house chamber. I would have voted yes.

Quintanilla

### POSTPONED BUSINESS

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

#### HB 3900 ON THIRD READING

(by Morrison, Villarreal, McCall, Otto, B. Cook, et al.)

**HB 3900**, A bill to be entitled An Act relating to the Texas tomorrow fund II prepaid tuition unit undergraduate education program.

**HB 3900** was read third time earlier today and was postponed until this time.

A record vote was requested.

**HB 3900** was passed by (Record 843): 145 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno; Mowery.

Absent — Chavez; Driver.

**HR 1453 - READ**  
**(by Morrison)**

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

**HR 1453**, Honoring O. F. "Dink" Jones III of Victoria on his 75th birthday.

**FIVE DAY POSTING RULE SUSPENDED**

Representative Madden moved to suspend the five day posting rule to allow the Committee on Corrections to consider **SB 103** and **SB 909** at 8 a.m. Thursday, May 3 in E2.016.

The motion prevailed.

**HR 1826 - ADOPTED**  
**(by Turner)**

Representative Turner moved to suspend all necessary rules to take up and consider at this time **HR 1826**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1826**, Congratulating Veronica D. Taylor on her retirement from the Aldine Independent School District.

**HR 1826** was adopted.

**FIVE DAY POSTING RULE SUSPENDED**

Representative Callegari moved to suspend the five day posting rule to allow the Committee on Government Reform to consider pending business during lunch recess today at Desk 109.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

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

Licensing and Administrative Procedures, upon lunch recess today, Desk 99, for a formal meeting, to consider **SB 1634** and pending business.

Transportation, upon lunch recess today, Desk 46, for a formal meeting, to consider pending business.

Local Government Ways and Means, upon lunch recess today, Desk 73, for a formal meeting, to consider **SB 1063**, **SB 1463**, and pending business.

Pensions and Investments, upon lunch recess today, Desk 6, for a formal meeting, to consider pending business.

Higher Education, upon lunch recess today, Desk 86, for a formal meeting, to consider pending business.

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

### RECESS

At 12:33 p.m., the speaker announced that the house would stand recessed until 1:30 p.m. today.

### AFTERNOON SESSION

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

### POSTPONED BUSINESS

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

#### CSHB 626 ON SECOND READING

(by P. King, Christian, Macias, Paxton, Crabb, et al.)

**CSHB 626**, A bill to be entitled An Act relating to the procedures for registering to vote.

**CSHB 626** was read second time on April 23 and was postponed until 10 a.m. April 30.

Representative P. King moved to postpone consideration of **CSHB 626** until the end of the second reading of **CSHB 3928**.

The motion prevailed.

### 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).

### MAJOR STATE CALENDAR

#### HOUSE BILLS

#### SECOND READING

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

#### CSHB 3928 ON SECOND READING

(by Keffer, Ritter, Otto, Paxton, Pitts, et al.)

**CSHB 3928**, A bill to be entitled An Act relating to technical changes to the revised franchise tax.

(Chisum in the chair)

### CSHB 3928 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BRANCH: Mr. Keffer, just a couple of questions. One, I was noticing in the HRO report on what other opponents say, on page 45, that it should amend the revised to include a super majority. It's my understanding that **HB 3** as we passed it in the special session has a two-thirds majority in it and we're not affecting that, right?

REPRESENTATIVE KEFFER: No, we are not.

BRANCH: Thank you for clarifying that. And just another, in terms of nomenclature, because I've heard a lot of people talk about a margins tax and perhaps lack of clarity, this is the revised franchise tax, the tax that goes back to the early 1900s. It's 171 of the tax code, and we're revising an old tax. That's what we did last year, right?

KEFFER: That's right.

BRANCH: And the basis is now part of margins, the modified gross receipts, but it's still the revised franchise tax. Is that right?

KEFFER: You're right.

BRANCH: And then you're going to take the small business exemption as proposed by this bill, which was \$300,000 under the current **HB 3** and expand that, double that—

KEFFER: Right. Yes.

BRANCH: —to \$600,000?

KEFFER: Yes, we are.

#### **Amendment No. 1**

Representative Keffer offered the following amendment to **CSHB 3928**:

Floor Packet Page No. 17

Amend **CSHB 3928** as follows:

- (1) Strike page 7, line 8, through page 8, line 7.
- (2) Renumber the subsequent SECTIONS of the bill appropriately.

Amendment No. 1 was adopted.

#### **Amendment No. 2**

Representative Coleman offered the following amendment to **CSHB 3928**:

Floor Packet Page No. 1

Amend **CSHB 3928** on page 1 by adding the following ARTICLE and SECTION and renumbering the subsequent ARTICLES and SECTIONS appropriately:

#### ARTICLE 1. LEGISLATIVE FINDINGS

SECTION 1.01. FINDINGS. The Legislature finds that:

(1) During the 79th Legislature, 3rd Called Session, 2006, the Legislature passed **HB 3** to restructure the state's franchise tax to expand the tax to include newly taxed entities and change how the tax is calculated;

(2) **HB 3** was part of a package of bills whose intent was to provide a long-term solution to the school finance problem facing the state of Texas;

(3) The new taxes generated by **HB 3** were to be appropriated to the newly formed Property Tax Relief Fund.

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

- (1) make changes to the revised franchise tax.

**Amendment No. 3**

Representative Coleman offered the following amendment to Amendment No. 2:

Amend Amendment No. 2 by striking the language after "ARTICLE 1. LEGISLATIVE FINDINGS" and inserting the following:

SECTION 1.01. FINDINGS. The Legislature finds that:

(1) during the 79th Legislature, 3rd Called Session, 2006, the Legislature passed **HB 3** to restructure the state's franchise tax to expand the tax to include newly taxed entities and change how the tax is calculated;

(2) the intent of this Act is to make corrections to **HB 3** of the 3rd Called Special Session of the 79th Legislature;

(3) **HB 3** was part of a package of legislation, along with **HB 1**, **HB 2**, **HB 4**, and **HB 5** of the 3rd Called Special Session of the 79th Legislature, known as the "tax reform plan;"

(4) **HB 3**, **HB 4**, and **HB 5** created a new business tax, increased the used motor vehicle sales tax, and raised the tax on cigarettes, respectively;

(5) the new tax dollars generated by **HB 3**, **HB 4**, and **HB 5** were directly dedicated, in accordance with **HB 2**, to a "Property Tax Relief Fund" to pay for reductions in property taxes required by the passage of **HB 1**;

(6) not a single dollar appropriated to the "Property Tax Relief Fund" was dedicated to provide a long term school finance solution, which means that not a single dollar raised by the tax bills will be used for the more than 4.3 million Texas students who attend classes in 1,037 independent school districts across the state of Texas;

(7) arguments were raised during the 3rd Called Special Session that the aforementioned legislation was inadequate to replace school property tax revenue and was not an even dollar-for-dollar tax swap, therefore requiring future Legislatures to spend from the state's general revenue fund in order to pay for the property tax cuts;

(8) the latest estimates by the Texas Comptroller of Public Accounts show that the state's new business tax could generate between \$500 million and \$900 million per fiscal year less than what was projected during the 3rd Called Special Session of the 79th Legislature;

(9) the property tax cuts appropriated by **HB 1** in the 3rd Called Special Session created a \$14.2 billion deficit in the Foundation School Fund, of which, according to the aforementioned estimates by the Comptroller, approximately \$7.5 billion will be replaced by taxes collected in the "Property Tax Relief Fund," thereby requiring the future appropriation of general revenue dollars to cover the remaining \$6.7 billion deficit that exists in the Foundation School Fund;

(10) appropriating \$6.7 billion in general revenue to pay for the promised property tax cuts further depletes existing areas of state government that have been forced to endure drastic budget cuts since 2003;

(11) the general revenue dollars would be better spent to increase the state's investments in providing affordable health care to all Texans, improving our public schools, lowering college tuition and electricity rates for Texas families, and many of the other important priorities of Texas citizens.



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

(1) make changes to the revised franchise tax that improve the legislation passed during the 3rd Called Special Session of the 79th Legislature; and

(2) ensure the tax dollars of Texas citizens are spent on all of Texans' priorities, and not just property tax cuts.

Amendment No. 3 was adopted.

(Krusee in the chair)

Representative Keffer moved to table Amendment No. 2, as amended.

A record vote was requested.

The motion to table prevailed by (Record 844): 103 Yeas, 36 Nays, 2 Present, not voting.

Yeas — 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; Eissler; Elkins; England; Escobar; Farabee; Flores; Flynn; Frost; Garcia; Gattis; Geren; Giddings; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hilderbran; Hill; Hodge; Homer; Hopson; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Kuempel; Laubenberg; Lucio; Macias; Madden; McCall; McClendon; Menendez; Merritt; Miller; Morrison; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pierson; Pitts; Puente; Quintanilla; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Truitt; Turner; Van Arsdale; Vaught; Villarreal; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; Eiland; Farias; Farrar; Gonzales; Gonzalez Toureilles; Hernandez; Herrero; Hochberg; Leibowitz; Mallory Caraway; Martinez; Martinez Fischer; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Raymond; Rodriguez; Thompson; Veasey; Vo.

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

Absent, Excused — Moreno; Mowery.

Absent — Gallego; Hartnett; Howard, D.; Latham; McReynolds; Pickett; Talton.

### STATEMENTS OF VOTE

When Record No. 844 was taken, my vote failed to register. I would have voted no.

Gallego

I was shown voting yes on Record No. 844. I intended to vote no.

Hodge

When Record No. 844 was taken, I was in the house but away from my desk. I would have voted yes.

D. Howard

(Speaker in the chair)

**Amendment No. 4**

Representative McCall offered the following amendment to **CSHB 3928**:

Floor Packet Page No. 2

Amend **CSHB 3928** as follows:

(1) On page 1, lines 5 and 6, strike "Subdivisions (8), (9), (10), and (17)" and substitute "Subdivisions (6), (8), (9), (10), (15), and (17)".

(2) On page 1, between lines 6 and 7, insert the following:

(6) "Client company" means:

(A) a person that contracts with a license holder under Chapter 91 [has the meaning assigned by Section 91.001], Labor Code, and is assigned employees by the license holder under that contract; or

(B) a client of a temporary employment service, as that term is defined by Section 93.001(2), Labor Code, to whom individuals are assigned for a purpose described by that subdivision.

(3) On page 1, line 8, strike "80 percent" and substitute "50 [80] percent".

(4) On page 1, line 10, strike "80 percent" and substitute "50 [80] percent".

(5) On page 1, line 14, strike "80 percent" and substitute "50 [80] percent".

(6) On page 1, lines 18 and 19, strike "80 percent" and substitute "50 percent".

(7) On page 1, line 20, strike "80 percent" and substitute "50 percent".

(8) On page 2, between lines 25 and 26, insert the following:

(15) "Staff leasing services company" means:

(A) a business entity that offers staff leasing services, as that term is defined [has the meaning assigned] by Section 91.001, Labor Code; or

(B) a temporary employment service, as that term is defined by Section 93.001, Labor Code.

(9) On page 20, line 25, strike "Sections 171.1013(a), (b), and (c)," and substitute "Sections 171.1013(a), (b), (c), and (e),".

(10) On page 22, between lines 17 and 18, insert the following:

(e) Subject to the other provisions of this section, in determining compensation, a taxable entity that is a client company that contracts with a staff leasing services company for assigned employees:

(1) shall include payments made to the staff leasing services company for wages and benefits for the assigned employees as if the assigned employees were actual employees of the entity;

(2) may not include an administrative fee charged by the staff leasing services company for the provision of the assigned employees if the fee is separately stated in the contract; and

(3) may not include any other amount in relation to the assigned employees, including payroll taxes, that is separately stated in the contract.

**Amendment No. 5**

Representative McCall offered the following amendment to Amendment No. 4:

Amend Amendment No. 4 to **CSHB 3928** by McCall (Prefiled amendment packet, page 2) as follows:

(1) Strike page 1, lines 15 through 24 of the amendment, substitute the following appropriately numbered Items, and renumber subsequent Items of the amendment accordingly:

On page 1, line 8, strike "80 percent or more," and substitute "more than 50 [80] percent [or more],".

On page 1, line 10, strike "80 percent or more," and substitute "more than 50 [80] percent [or more],".

On page 1, lines 14 and 15, strike "80 percent or more," and substitute "more than 50 [80] percent [or more],".

On page 1, lines 18 and 19, strike "80 percent or more," and substitute "more than 50 percent,".

On page 1, lines 20 and 21, strike "80 percent or more," and substitute "more than 50 percent,".

(2) Strike page 2, lines 4 through 22 of the amendment.

Amendment No. 5 was adopted.

**Amendment No. 6**

Representative Chisum offered the following amendment to Amendment No. 4:

Amend Amendment No. 4 by McCall to **CSHB 3928** by adding the following appropriately numbered items to read as follows and renumbering subsequent items accordingly:

On page 9, lines 12 and 13, strike "Sections 171.002(a), (b), (c), and (d), Tax Code, as effective January 1, 2008, are amended" and substitute "Section 171.002, Tax Code, as effective January 1, 2008, is amended by amending Subsections (a), (b), (c), and (d) and adding Subsection (c-2)".

On page 10, line 3, between "(3)" and "the", insert "except as provided by Subsection (c-2),".

(3) On page 10, between lines 5 and 6, insert the following:

(c-2) A taxable entity that is a retail electric provider and that does not provide and is not affiliated with an entity that provides transmission and distribution utility service is primarily engaged in retail or wholesale trade.

Amendment No. 6 was adopted.

Amendment No. 4, as amended, was adopted.

**Amendment No. 7**

Representative Chisum offered the following amendment to **CSHB 3928**:  
Floor Packet Page No. 4

Amend **CSHB 3928** as follows:

(1) On page 1, line 6, strike "Subdivisions (11-a) and (13-a)" and substitute "Subdivision (11-a)".

(2) On page 2, strike lines 23 through 25.

A record vote was requested.

Amendment No. 7 was adopted by (Record 845): 104 Yeas, 32 Nays, 1 Present, not voting.

Yeas — Anderson; Aycocock; Berman; Bohac; Bonnen; Branch; Brown, F.; Callegari; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dutton; Eiland; Eissler; Elkins; Farabee; Flores; Flynn; Frost; Garcia; Gattis; Geren; Giddings; Gonzales; 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.; King, T.; Kolkhorst; Krusee; Kuempel; Laubenberg; Lucio; Macias; Madden; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Murphy; O'Day; Ortiz; Parker; Patrick; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Taylor; Truitt; Turner; Van Arsdale; Vaught; Villarreal; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Chavez; Coleman; Davis, Y.; Dukes; Dunnam; Farias; Farrar; Gallego; Hernandez; Herrero; Hochberg; Hodge; Leibowitz; Mallory Caraway; Martinez; Martinez Fischer; Miles; Naishtat; Noriega; Olivo; Paxton; Rodriguez; Smithee; Thompson; Veasey; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno; Mowery.

Absent — Bailey; Brown, B.; Chisum; England; Escobar; Gonzalez Tourelles; Latham; Oliveira; Orr; Otto; Talton.

#### STATEMENTS OF VOTE

When Record No. 845 was taken, I was in the house but away from my desk. I would have voted yes.

B. Brown

When Record No. 845 was taken, I was in the house but away from my desk. I would have voted yes.

England

I was shown voting no on Record No. 845. I intended to vote yes.

Gallego

When Record No. 845 was taken, I was in the house but away from my desk. I would have voted yes.

Oliveira

**Amendment No. 8**

Representative Swinford offered the following amendment to **CSHB 3928**:  
Floor Packet Page No. 11

Amend **CSHB 3928** as follows:

(1) On page 2, line 15, strike "or".

(2) On page 2, line 17, between "78c" and the period, insert:

; or

(D) provides financing to unrelated parties solely for agricultural production

(3) On page 20, line 24, after the period, insert:

For purposes of this subsection, an entity engaged in lending to unrelated parties solely for agricultural production offers loans to the public.

Amendment No. 8 was adopted.

**Amendment No. 9**

Representative McCall offered the following amendment to **CSHB 3928**:  
Floor Packet Page No. 9

Amend **CSHB 3928** as follows:

(1) On page 1, line 8, strike "80 percent" and substitute "50 [~~80~~] percent".

(2) On page 1, line 10, strike "80 percent" and substitute "50 [~~80~~] percent".

(3) On page 1, line 14, strike "80 percent" and substitute "50 [~~80~~] percent".

(4) On page 1, lines 18 and 19, strike "80 percent" and substitute "50 percent".

(5) On page 1, line 20, strike "80 percent" and substitute "50 percent".

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

SECTION \_\_\_\_\_. Chapter 171, Tax Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. TAX CREDIT FOR CERTAIN ART DONATIONS

Sec. 171.521. ENTITLEMENT TO CREDIT. A taxable entity is entitled to a credit in the amount and under the conditions and limitations provided by this subchapter against the tax imposed under this chapter.

Sec. 171.522. QUALIFICATION. A taxable entity qualifies for a credit under this subchapter if the taxable entity donates to an art museum in this state that is open to the public a work of art that:

(1) the taxable entity has owned for at least five years; and

(2) the museum intends to include in the museum's permanent collection.

Sec. 171.523. AMOUNT; LIMITATIONS. (a) The amount of the credit is equal to the total appraised value of each work of art described by Section 171.522 that is donated during the privilege period.

(b) The credit claimed for each privilege period may not exceed the amount of franchise tax due, before any other applicable tax credits, for the privilege period.

(c) A taxable entity may claim a credit under this subchapter for an expenditure made during an accounting period only against the tax owed for the corresponding privilege period.

(d) A taxable entity may not carry over an expenditure made during a privilege period to a subsequent privilege period.

(e) A taxable entity may not convey, assign, or transfer a credit under this subchapter to another entity unless all of the assets of the taxable entity are conveyed, assigned, or transferred in the same transaction.

Sec. 171.524. APPLICATION FOR CREDIT. A taxable entity must apply for a credit under this subchapter on or with the tax report for the period for which the credit is claimed.

Sec. 171.525. RULES. The comptroller shall adopt rules necessary to implement this subchapter.

### **Amendment No. 10**

Representative McCall offered the following amendment to Amendment No. 9:

(2) On page 1, line 21 of the amendment, between "QUALIFICATION." and "A taxable", insert "(a)".

(3) On page 1, line 25 of the amendment, between "taxable entity" and "has owned", insert "acquired before January 1, 2002, and".

(3) On page 1, between lines 28 and 29 of the amendment, insert the following:

(b) A taxable entity that is a member of an affiliated group may not claim a credit under this section for art donated to a museum that is a member of that affiliated group.

Amendment No. 10 was adopted.

Amendment No. 9, as amended, was adopted.

### **CSHB 3928 - POINT OF ORDER**

Representative Dunnam raised a point of order against further consideration of **CSHB 3928** under Rule 4, Section 18(c) and Rule 4, Section 32(c) of the House Rules on the grounds that the committee minutes and bill analysis are incorrect.

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

Mr. Dunnam raises a point of order against further consideration **CSHB 3928**, arguing that the minutes were not timely filed. Specifically, Mr. Dunnam argues that the minutes were due on Good Friday, April 6, 2007, or the Monday following Easter, April 9, 2007. Mr. Dunnam specifically argues that the only holidays that the state may recognize are the legal holidays noted in Section 662.003(a) or (b), Government Code.

This interpretation is incorrect. First, the House Rules refer only to "holidays", and not legal holidays under Section 662.003, Government Code.

Second, the provisions of Section 662.003 are not binding on the house. In the provision directly before Section 622.003, which is not cited by Mr. Dunnam, the section notes that "this subchapter applies to a state employee of the house of representatives or the senate only at the discretion of the presiding officer or the administration committee of each respective house."

In this case, such discretion was exercised. On March 23, 2007, the speaker of the house wrote a memo given to all house members noting that the Speaker's Office and House Business Office would be closed Friday, April 6 and Monday, April 9 in the observance of Easter.

On April 4, 2007, the committee coordinator issued a memorandum noting that the Committee Coordinator's Office would be closed on the same days, in accordance with the decision by the speaker to close the House Business Office. The notice, posted on the door of the Committee Coordinator's Office and on all bulletin boards on which announcements are normally placed, clearly stated the closing. Accordingly, because the offices were properly closed for a holiday which was properly announced, the minutes were timely filed and the point of order is respectfully overruled.

Additionally, Mr. Dunnam raises a point of order against further consideration of **CSHB 3928** under Rule 4, Section 32(c) of the House Rules. The chair finds that the amendatory language for Section 171.0003 is properly treated in the bill analysis and is not misleading. The point of order is overruled.

### **Amendment No. 11**

Representative Y. Davis offered the following amendment to **CSHB 3928**:  
Floor Packet Page No. 12

Amend **CSHB 3928** as follows:

- (1) On page 3, line 9, delete "[~~(i)~~]" before the word "are" and insert [(i)].
- (2) On page 3, delete line 12.
- (3) On page 3, line 13, before the word "are" insert [(ii)].
- (4) On page 3, line 16, renumber the subsection as "[(B)]".

Amendment No. 11 was adopted.

### **POINT OF ORDER**

Representative Thompson raised a point of order against further consideration of the calendar under Rule 6, Sections 15 and 16 of the House Rules.

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

House practice dictates that a member will make a motion on the floor to postpone a bill to a specific time for future consideration today or, more generally, to the end of a specific calendar (i.e. end of third readings or end of the calendar). When postponing a bill, the author may also choose to postpone to a specific date/time on another calendar day. The postponement of a bill does not

cause the bill to lose its specific calendar placement category. The specific categories are assigned by the Calendars Committee in the original meeting to place the measures.

An example of this can be seen when a bill is postponed to another date and time. The "postponed business" is listed in a calendar category with a description of what time the measure is to appear as postponed (i.e. Tuesday, May 1, 2007, at 10 a.m.). No relation to the placement category is displayed in the postponed business categories on the supplemental calendar, but this does not mean the measure loses its calendar standing. Postponed bills to a specific time are displayed chronologically in the order they have been postponed (Rule 7, Section 16). The postponed business categories also do not give preference to readings. Second and third readings are mixed together according to when they were originally postponed. Once a bill in a postponed category is passed on second reading, it will then appear within its originally designated category on third reading in the next supplemental calendar. If a measure has been passed on third reading it obviously will not appear on the next supplemental calendar.

In the case of a measure being postponed to the end of the current day's calendar, or to the end of third readings, the document will appear at the end of the category as it was originally placed (i.e. major state or general state) on the next day's supplemental calendar. In today's example, **CSHB 626** was postponed to the end of Monday's calendar and then not considered. Normal house practice dictates that the bill will be positioned at the end of the business within its assigned category, ahead of any new business. **CSHB 626** should be placed as the first bill in the Major State Calendar, Second Readings, ahead of any new major state business from Tuesday's Daily Calendar. No other major state second readings were postponed to the end of the calendar for Tuesday, so **CSHB 626** appears as the first bill in the Major State Calendar, Second Readings category. If the bill passes to third reading, it will appear on Wednesday's Supplemental Calendar in the Major State Calendar, Third Readings category in the order it was considered among all major state second readings on the previous day.

Accordingly, the point of order is overruled.

### **Amendment No. 12**

Representative Y. Davis offered the following amendment to **CSHB 3928**:

Floor Packet Page No. 14

Amend **CSHB 3928** as follows:

- (1) On page 4, line 13, after the underlined semicolon, add "or".
- (2) On page 4, strike lines 14-15 and substitute
  - (3) ~~a passive entity as defined by Section 171.0003; or~~  
~~[(4)]~~ an entity that is exempt from taxation under
- (3) Strike SECTIONS 3, 4, and 5 of the bill (page 7, line 8, through page 8, line 26), and renumber subsequent SECTIONS accordingly.
- (4) On page 10, line 11, strike "\$600,000" and substitute "\$650,000".
- (5) On page 11, line 9, strike "(e)".
- (6) On page 12, lines 12 and 13, strike "and a passive entity, as described by Section 171.0003".



(7) On page 13, lines 26 and 27, strike "and a passive entity, as described by Section 171.0003".

(8) On page 14, strike lines 20-25.

(9) On page 40, strike lines 11-14 and substitute the following:

- (1) Section 171.0003, as effective January 1, 2008;
- (2) Section 171.0004, as effective January 1, 2008;
- (3) Section 171.0011(e), as effective January 1, 2008;
- (4) Section 171.1014(g), as effective January 1, 2008; and
- (5) Section 171.2035, as effective January 1, 2008.

Representative Otto moved to table Amendment No. 12.

A record vote was requested.

The motion to table prevailed by (Record 846): 104 Yeas, 16 Nays, 1 Present, not voting.

Yeas — Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; England; Farabee; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Homer; Hopson; Howard, C.; Howard, D.; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; Mallory Caraway; McReynolds; Menendez; Merritt; Miller; Morrison; Murphy; 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; Vaught; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Coleman; Davis, Y.; Escobar; Farias; Hernandez; Herrero; Hill; Hochberg; Leibowitz; Miles; Naishtat; Noriega; Thompson; Veasey.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno; Mowery.

Absent — Burnam; Castro; Chavez; Corte; Dunnam; Farrar; Flores; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Hilderbran; Hodge; Hughes; Isett; Jackson; Martinez; Martinez Fischer; McCall; McClendon; O'Day; Olivo; Ortiz; Pierson; Rodriguez; Villarreal; Vo.

### STATEMENTS OF VOTE

When Record No. 846 was taken, I was in the house but away from my desk. I would have voted yes.

Corte

I was shown voting yes on Record No. 846. I intended to vote no.

Elkins

When Record No. 846 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

I was shown voting yes on Record No. 846. I intended to vote no.

Kuempel

When Record No. 846 was taken, I was temporarily out of the house chamber. I would have voted yes.

Olivo

When Record No. 846 was taken, my vote failed to register. I would have voted yes.

Pierson

### **Amendment No. 13**

Representative Y. Davis offered the following amendment to **CSHB 3928**:  
Floor Packet Page No. 19

Amend **CSHB 3928** as follows:

- (1) On page 8, line 13, insert after the ";" insert "and"
- (2) On page 8, line 17, after the word "business" ~~delete "~~and~~",~~ and insert " ."
- (3) On page 8, delete lines 18-20.

Amendment No. 13 was withdrawn.

### **Amendment No. 14**

Representative Jackson offered the following amendment to **CSHB 3928**:  
Floor Packet Page No. 20

Amend **CSHB 3928** as follows:

- (1) On page 8, line 22, strike "Subsection (c)" and substitute "Subsections (c) and (d)".

- (2) On page 8, between lines 26 and 27, insert:

(d) The tax imposed under this chapter is imposed on a taxable entity itself and not on those persons who purchase goods or services from the taxable entity. A taxable entity may not separately state the tax, or an amount purporting to be based on the imposition of the tax, as a fee, charge, reimbursement, or other item on an invoice.

### **Amendment No. 15**

Representative Jackson offered the following amendment to Amendment No. 14:

Amend the Jackson amendment (amendment packet, page 20) on page 1 by striking lines 8-10 and substituting "separately state this tax as an item on an invoice."

A record vote was requested.

Amendment No. 15 failed of adoption by (Record 847): 15 Yeas, 102 Nays, 1 Present, not voting.

Yeas — Bailey; Berman; Bohac; Crabb; Eissler; Elkins; Flynn; Harless; Hill; Kuempel; Macias; Parker; Patrick; Riddle; Smithee.

Nays — Allen; Alonzo; Anchia; Anderson; Aycock; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Cohen; Coleman; Cook, B.; Cook, R.; Creighton; Darby; Davis, J.; Davis, Y.; Delisi; Driver; Dukes; Dunnam; Eiland; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Jones; King, P.; King, T.; Kolkhorst; Krusee; Laubenberg; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McReynolds; Menendez; Merritt; Miles; Miller; Murphy; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Otto; Paxton; Pickett; Puente; Raymond; Rodriguez; Rose; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Talton; Turner; Veasey; Villarreal; Vo; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno; Mowery.

Absent — Chisum; Christian; Corte; Crownover; Deshotel; Dutton; Goolsby; Hilderbran; Hughes; Isett; Jackson; Keffer; King, S.; Latham; McCall; McClendon; Morrison; O'Day; Peña; Phillips; Pierson; Pitts; Quintanilla; Ritter; Taylor; Thompson; Truitt; Van Arsdale; Vaught; West.

### STATEMENTS OF VOTE

When Record No. 847 was taken, my vote failed to register. I would have voted no.

S. King

I was shown voting yes on Record No. 847. I intended to vote no.

Parker

### Amendment No. 16

Representative Smithee offered the following amendment to Amendment No. 14:

Amend the Jackson amendment (Amendment packet, page 20) on page 1 of the amendment, after the period, by inserting:

If this subsection is declared invalid or unenforceable by any court, or if a taxing entity violates this subsection:

(1) the taxable entity:

(A) holds the entire amount of the fee, charge, reimbursement, or other item collected in trust for the benefit of the state; and

(B) is liable to the state for the entire amount of the fee, charge, reimbursement, or other item collected plus any accrued penalties and interest on the amount collected; and

(2) the remission of the amount collected from a third party under this subsection is:

(A) a voluntary payment of tax by the third party; and

(B) in addition to the amount otherwise owed and payable by the taxable entity under this chapter.

A record vote was requested.

Amendment No. 16 was adopted by (Record 848): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno; Mowery.

Absent — Creighton; Davis, Y.; Howard, C.; King, S.

#### STATEMENTS OF VOTE

When Record No. 848 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

When Record No. 848 was taken, my vote failed to register. I would have voted yes.

S. King

Amendment No. 14, as amended, was withdrawn.

#### Amendment No. 17

Representatives Isett and Chisum offered the following amendment to CSHB 3928:

Floor Packet Page No. 23

Amend **CSHB 3928** as follows:

(1) On page 9, lines 12 and 13, strike "Sections 171.002(a), (b), (c), and (d), Tax Code, as effective January 1, 2008, are amended" and substitute "Section 171.002, Tax Code, as effective January 1, 2008, is amended by amending Subsections (a), (b), (c), and (d) and adding Subsection (c-2)".

(2) On page 10, line 3, between "(3)" and "the", insert "except as provided by Subsection (c-2).".

(3) On page 10, between lines 5 and 6, insert the following:

(c-2) A taxable entity that is a retail electric provider with retail sales of at least 60 million megawatt-hours per year and that does not provide and is not affiliated with an entity that provides transmission and distribution utility service is primarily engaged in retail or wholesale trade.

(4) Add the following appropriately numbered section to the bill and renumber the remaining sections of the bill appropriately:

SECTION \_\_\_\_\_. Subchapter B, Chapter 171, Tax Code, is amended by adding Section 171.0511 to read as follows:

Sec. 171.0511. UNRELATED BUSINESS INCOME. Notwithstanding any other provision of this chapter, an entity is subject to the franchise tax on its unrelated business taxable income, as defined by Section 512, Internal Revenue Code.

Amendment No. 17 was withdrawn.

### **Amendment No. 18**

Representative Pitts offered the following amendment to **CSHB 3928**:

Floor Packet Page No. 26

Amend **CSHB 3928** as follows:

(1) On page 10, line 11, strike "\$600,000" and substitute "\$ \_\_\_\_".

(2) On page 12, line 24, strike "and" and substitute "~~[and]~~".

(3) On page 12, line 25, strike "(vi) to" and substitute the following:

(vi) to the extent included in Subsection (c)(1)(A) but not subtracted as a cost of goods sold, depreciation used in the determination of gain or loss on the disposition of real property from which 80 percent or more of the gross income from the property is rental income; and

(vii) to

(4) On page 14, line 8, strike "and" and substitute "~~[and]~~".

(5) On page 14, line 9, strike "(v) to" and substitute the following:

(v) to the extent included in Subsection (c)(2)(A) but not subtracted as a cost of goods sold, depreciation used in the determination of gain or loss on the disposition of real property from which 80 percent or more of the gross income from the property is rental income; and

(vi) to

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

SECTION \_\_\_\_\_. Section 171.103(b), Tax Code, as effective January 1, 2008, is amended to read as follows:

(b) A combined group shall include in its gross receipts computed under Subsection (a) the gross receipts of each taxable entity that is a member of the combined group ~~[and that has a nexus with this state for the purpose of taxation]~~.

(7) On page 25, strike lines 5-19 and substitute the following:

(b) In apportioning margin, receipts derived from transactions between individual members of a combined group that are excluded under Section 171.1014(c)(3) may not be included in the receipts of the taxable entity from its business done in this state as determined under Section 171.103~~[- except that receipts derived from the sale of tangible personal property between individual members of a combined group where one member party to the transaction does not have nexus in this state shall be included in the receipts of the taxable entity from its business done in this state as determined under Section 171.103 to the extent that the member of the combined group that does not have nexus in this state sells the tangible personal property without modification to a purchaser in this state]~~.

Amendment No. 18 was withdrawn.

#### **Amendment No. 19**

Representative Otto offered the following amendment to **CSHB 3928**:

Floor Packet Page No. 28

Amend **CSHB 3928** as follows:

(1) On page 11, line 9, between "(e)," and "(g-3)", insert "(g)".

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

(g) A taxable entity shall exclude from its total revenue, to the extent included under Subsection (c)(1)(A), (c)(2)(A), or (c)(3), only the following flow-through funds that are mandated by contract to be distributed to other entities:

(1) sales commissions to nonemployees, including split-fee real estate commissions;

(2) the tax basis as determined under the Internal Revenue Code of securities underwritten; and

(3) subcontracting payments handled by the taxable entity to provide services, labor, or materials in connection with the actual or proposed design, construction, remodeling, or repair of improvements on real property, technical studies or analyses of real property, or the location of the boundaries of real property.

Amendment No. 19 was adopted.

#### **Amendment No. 20**

Representative Otto offered the following amendment to **CSHB 3928**:

Floor Packet Page No. 31

Amend **CSHB 3928** as follows:

(1) On page 11, line 9, between "(g-3)," and "(n)", insert "(h)".

(2) On page 11, line 9, strike "Subsection (t)" and substitute "Subsections (g-4) and (t)".

(3) On page 15, between lines 24 and 25, insert:

(g-4) A taxable entity that is a pharmacy cooperative shall exclude from its total revenue, to the extent included under Subsection (c)(1)(A), (c)(2)(A), or (c)(3), flow-through funds from rebates from pharmacy wholesalers that are distributed to the pharmacy cooperative's shareholders.

(h) If the taxable entity belongs to an affiliated group, the taxable entity may not exclude payments described by Subsection (f), (g), (g-1), (g-2), ~~(g-3)~~ (g-3), or (g-4) that are made to entities that are members of the affiliated group.

Amendment No. 20 was adopted.

### **Amendment No. 21**

Representative Otto offered the following amendment to **CSHB 3928**:

Floor Packet Page No. 32

Amend **CSHB 3928** on page 11 by striking lines 13-15 and substituting the following:

"form is the amount entered to the extent the amount entered complies with federal income tax law and includes the corresponding amount entered on a variant of the form, or a subsequent form, with a different line number to the extent the amount entered complies with federal income tax law. [The  
~~comptroller shall adopt rules as"~~

Amendment No. 21 was adopted.

### **Amendment No. 22**

Representative Smithee offered the following amendment to **CSHB 3928**:

Floor Packet Page No. 34

Amend **CSHB 3928** as follows:

(1) On page 15, strike lines 20-22 and substitute:

(3) ~~[the actual out of pocket expenses of the attorney, not to exceed]~~ \$500 per pro bono services case handled by the attorney, ~~[of providing pro bono legal services to a person,]~~ but only if the attorney maintains records of the pro bono

(2) On page 40, strike lines 12-14 and substitute:

(2) Section 171.1011(p)(4-b), as effective January 1, 2008;

(3) Section 171.1014(g), as effective January 1, 2008; and

(4) Section 171.2035, as effective January 1, 2008.

Amendment No. 22 was adopted.

### **Amendment No. 23**

Representative Y. Davis offered the following amendment to **CSHB 3928**:

Floor Packet Page No. 35

Amend **CSHB 3928** as follows:

(1) On page 16, delete lines 23-24 and insert the following:

"(t) The comptroller shall adopt rules as necessary to implement the provisions prescribed by this section."

Amendment No. 23 was withdrawn.

#### **Amendment No. 24**

Representative Phillips offered the following amendment to **CSHB 3928**:  
Floor Packet Page No. 44

Amend **CSHB 3928** as follows:

(1) On page 20, lines 25 through 26, strike "Sections 171.1013(a), (b), and (c), Tax Code, as effective January 1, 2008, are amended" and substitute "Section 171.1013, Tax Code, as effective January 1, 2008, is amended by amending Subsections (a), (b), and (c) and adding Subsections (a-1) and (a-2)".

(2) On page 21, between lines 19-20, insert the following:

(a-1) Notwithstanding the actual amount of wages and cash compensation paid by a taxable entity to its officers, directors, owners, partners, and employees, and notwithstanding Subsection (c), a taxable entity may not include under Subsection (a)(1) more than an amount equal to the product of \$300,000, or the amount determined under Section 171.006, per 12-month period on which margin is based, multiplied by the number of natural persons owning an interest in the partnership.

(a-2) For purposes of Subsection (a-1), the number of natural persons owning an interest in a partnership is the sum of the number of partners in the partnership who are natural persons and the number of natural persons who own an interest, directly or indirectly, in an entity that is a partner in the partnership, except that any natural person who is a partner and who also directly or indirectly owns an interest in an entity that is a partner in the partnership may only be counted once in determining the number of natural persons owning an interest in the partnership.

(3) On page 24, line 13, strike "pay the tax on the taxable margin" and substitute "include, for purposes of calculating its own taxable margin, the total revenue [pay the tax on the taxable margin]".

(4) On page 24, line 16, strike "taxable margin" and substitute "total revenue [taxable margin]".

(5) On page 24, line 18, between "margin" and the comma, insert "calculation".

(6) On page 24, line 18, strike "profits" and substitute "ownership [profits]".

(7) On page 24, line 23, strike "taxable margin" and substitute "total revenue [taxable margin]".

#### **Amendment No. 25**

Representative Phillips offered the following amendment to Amendment No. 24:

Amend Amendment No. 24 by Phillips to **CSHB 3928** (page 44 of the amendment packet), by adding the following appropriately numbered item to read as follows and renumbering subsequent items accordingly:



( ) On page 24, strike lines 4-6 and substitute the following:  
interests in one taxable entity treated as a partnership or ~~[partnership, trust, or limited liability company that is treated for federal income taxes as a partnership or a limited liability company treated as]~~ an S corporation for federal

Amendment No. 25 was adopted.

Amendment No. 24, as amended, was adopted.

#### **Amendment No. 26**

Representative Phillips offered the following amendment to **CSHB 3928**:  
Floor Packet Page No. 47

Amend **CSHB 3928** on page 21, lines 6-7, by striking "partnerships and from trusts and limited liability companies treated as partnerships" and substituting:

a taxable entity treated as a partnership ~~[partnerships and from trusts and limited liability companies treated as partnerships]~~

Amendment No. 26 was adopted.

#### **Amendment No. 27**

Representative Otto offered the following amendment to **CSHB 3928**:  
Floor Packet Page No. 50

Amend **CSHB 3928** as follows:

(1) On page 32, line 12, strike "Section 171.3015" and substitute "Sections 171.3015 and 171.3125".

(2) On page 32, between lines 17 and 18, insert:

Sec. 171.3125. REVIVAL OF CERTIFICATE OR REGISTRATION OF TAXABLE ENTITY AFTER FORFEITURE BY SECRETARY OF STATE. (a) The secretary of state may, using the same procedures the secretary uses in relation to the revival of a corporation's charter or certificate, revive the certificate or registration of a taxable entity.

(b) The secretary of state may adopt rules to implement this section.

Amendment No. 27 was adopted.

#### **Amendment No. 28**

Representative Dunnam offered the following amendment to **CSHB 3928**:  
Floor Packet Page No. 51

Amend **CSHB 3928** (House Committee Printing) as follows:

On page 38, between lines 25 and 26, insert the following and renumber succeeding sections accordingly:

SECTION 31, New section 171.213, Tax Code, to read as follows:

§ 171.213. BIENNIAL REPORT BY COMPTROLLER. (a) Before the beginning of each regular session of the legislature, the comptroller shall submit to the governor, the lieutenant governor, and the speaker of the house of representatives a report that states:

(1) the total amount of gross revenue reported by entities filing annual reports under this chapter, including specific categories of gross revenue;

(2) the total amount of deductions from gross revenue claimed by entities filing annual reports under this chapter, including specific categories of deductions;

(3) the total cost of goods sold reported by entities filing annual reports under this chapter, including details of the direct costs of acquiring or producing goods and the costs related to the acquisition and production of goods;

(4) the total compensation reported by entities filing annual reports under this chapter, including wages and cash compensation, employee benefits, active duty military compensation, and undocumented worker compensation;

(5) the margin reported by entities filing annual reports under this chapter, including the method by which this figure was calculated;

(6) the apportionment factor reported by entities filing annual reports under this chapter;

(7) the taxable margin reported by entities filing annual reports under this chapter, including the method by which this figure was calculated;

(8) the tax due reported by entities filing annual reports under this chapter, including the tax rate applied;

(9) tax credits claimed by entities filing annual reports under this chapter; and

(10) the net tax due reported by entities filing annual reports under this chapter.

(b) The report shall, to the extent possible, categorize the information required by this section by

(1) the two-digit standard industrial classification or North American industrial classification of entities filing annual reports under this chapter, and

(2) the gross revenue reported by entities filing annual reports under this chapter

(c) The comptroller may not include in the report information that is confidential by law.

Amendment No. 28 was withdrawn.

### **Amendment No. 29**

Representative Y. Davis offered the following amendment to **CSHB 3928**:  
Floor Packet Page No. 53

Amend **CSHB 3928** as follows:

(1) On page 40, delete SECTION 32 and renumbering the subsequent SECTIONS of this bill accordingly.

Amendment No. 29 was withdrawn.

### **Amendment No. 30**

Representative Goolsby offered the following amendment to **CSHB 3928**:  
Floor Packet Page No. 60

Amend **CSHB 3928** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter B, Chapter 171, Tax Code, is amended by adding Section 171.089 to read as follows:

Sec. 171.089. EXEMPTION: BENEFITS CONSORTIUMS FOR CERTAIN PRIVATE EDUCATIONAL INSTITUTIONS. A benefits consortium formed under Chapter 2000, Education Code, is exempted from the franchise tax.

Amendment No. 30 was withdrawn.

### **Amendment No. 31**

On behalf of Representative Eissler, Representative Otto offered the following amendment to **CSHB 3928**:

Floor Packet Page No. 61

Amend **CSHB 3928** by adding the following section:

SECTION \_\_\_\_\_. Amend Chapter 171, Tax Code, as effective January 1, 2008, by adding the following new Section 171.2125:

Sec. 171.2125. CALCULATING COST OF GOODS OR COMPENSATION IN STAFF LEASING ARRANGEMENTS. In calculating cost of goods sold or compensation, a taxable entity that is a client company of a staff leasing services company shall rely on information provided by the staff leasing services company on a form promulgated by the Comptroller or an invoice.

Amendment No. 31 was adopted.

### **Amendment No. 32**

Representative Smithee offered the following amendment to **CSHB 3928**:

Floor Packet Page No. 62

Amend **CSHB 3928** by adding the following SECTION and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter H, Chapter 171, Tax Code, is amended by adding Section 171.356 to read as follows:

Sec. 171.356. BILLING OR INVOICING THE TAX AS A FEE, CHARGE, REIMBURSEMENT, OR OTHER ITEM. Any person who includes in a bill or invoice a fee, charge, reimbursement, or other item and represents in the bill or invoice that the fee, charge, reimbursement, or other item is for the purpose of full or partial payment or reimbursement of the tax under this chapter:

(1) holds the entire amount of the fee, charge, reimbursement, or other item collected in trust for the benefit of the state; and

(2) is liable to the state for the entire amount of the fee, charge, reimbursement, or other item collected plus any accrued penalties and interest on the amount collected.

(3) the remission of the amount collected from a third party buyer hereunder shall be deemed to be a voluntary payment of tax by the third party buyer, and shall be in addition to the amount otherwise owed and payable by the seller under this chapter.

**AMENDMENT NO. 32 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE KUEMPEL: Thank you, Mr. Smithee. I guess I'm trying to get squared in my mind, Mr. Smithee. Next year when the companies start collecting, paying the margins tax, they will want to recover that cost, and now you're going to prohibit that?

REPRESENTATIVE SMITHEE: No, no, it doesn't at all. If you read the amendment, it doesn't. I know that's on their talking points, but it doesn't do that.

KUEMPEL: Okay, take me through what it does do, then.

SMITHEE: All it does is they can't be false, misleading, and deceptive by representing to the consumer that it's the consumer's tax, by charging it as a line-item transactional tax when it's not.

KUEMPEL: So you're saying that they can recover this tax when they start paying the margins tax next year, that they'll be able to recover whatever that dollar amount is and keep that amount?

SMITHEE: Sure, they'll do it the same way your plumber will do it, your electrician, your lawyer, your doctor. If they need to cover their cost to goods sold, or their cost of services sold, they'll simply adjust their rates. They'll do it honestly just like the rest of Texans. So we're going to treat them no better or no worse than any other Texan.

KUEMPEL: Well, all companies are not charging that tax at this moment.

SMITHEE: Just one is charging, and that's the one I'm concerned about.

KUEMPEL: Are they still charging the tax?

SMITHEE: You mentioned to me that they might not be, that they may have stopped, I assume until the session's over, but if they haven't, if they're not, if the other companies don't, then why have 100 or 200 lobbyists been working this so hard? If this is a non-issue, what do they care?

KUEMPEL: Well, I think that a lot of times we pass laws down here that are non-issues to everybody until there's an interpretation, and once it's an interpretation that is other than what we believe it should be, then we create real problems. I just want to make sure that when they do collect their margins tax, which we are putting on them, that they're going to be able to recoup that cost without sending it to the State of Texas.

SMITHEE: Well, I was really careful to write this so that nobody can misinterpret it, okay?

KUEMPEL: I certainly appreciate your forthrightness, Mr. Smithee, but I've been here too long to believe that somebody cannot misinterpret what we intended it to be. I see it all the time and I've seen it for a number of years.

SMITHEE: And I have no doubt that the cell phone companies will land, somehow, will land on their feet and will survive despite this amendment. It's going to be difficult, but I think they're going to make it.

KUEMPEL: I don't doubt that, but there's an old Seguin colloquialism, Mr. Smithee, when you see a turtle sitting on top of a fence post, you've got to figure somebody put it there. And I am getting very nervous.

### **Amendment No. 33**

Representative Haggerty offered the following amendment to Amendment No. 32:

Amend Amendment No. 32 by Smithee to **CSHB 3928** (page 62 of the amendment packet) on page 1, by striking lines 10-20 and substituting the following:

reimbursement of the tax under this chapter is liable to the state for the entire amount of the fee, charge, reimbursement, or other item collected plus any accrued penalties and interest on the amount collected and that amount shall be credited toward the person's tax liability under this chapter.

### **REMARKS ORDERED PRINTED**

Representative Kuempel moved to print remarks between Representative Smithee and Representative Kuempel.

The motion prevailed.

Representative Smithee moved to table Amendment No. 33.

A record vote was requested.

The motion to table prevailed by (Record 849): 85 Yeas, 61 Nays, 2 Present, not voting.

Yeas — Alonzo; Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Brown, B.; Callegari; Castro; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farabee; Flynn; Garcia; Gattis; Giddings; Gonzalez Toureilles; Guillen; Hancock; Hardcastle; Harper-Brown; Hartnett; Heflin; Hill; Hochberg; Homer; Hughes; Isett; Jackson; Jones; Keffer; King, S.; Kolkhorst; Krusee; Latham; Laubenberg; Macias; Madden; Mallory Caraway; Martinez Fischer; McCall; McReynolds; Miller; Morrison; O'Day; Orr; Paxton; Phillips; Pierson; Pitts; Puente; Riddle; Rose; Smithee; Solomons; Strama; Swinford; Talton; Thompson; Truitt; Turner; Van Arsdale; Vaught; Villarreal; Vo; West; Zedler; Zerwas.

Nays — Allen; Anchia; Bolton; Branch; Brown, F.; Burnam; Chavez; Coleman; Creighton; Davis, Y.; Dunnam; England; Escobar; Farias; Farrar; Flores; Frost; Gallego; Geren; Gonzales; Goolsby; Haggerty; Hamilton; Harless; Hernandez; Herrero; Hilderbran; Hodge; Hopson; Howard, C.; Howard, D.; King, P.; King, T.; Kuempel; Leibowitz; Lucio; Martinez; McClendon;

Menendez; Merritt; Miles; Murphy; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Otto; Parker; Peña; Pickett; Quintanilla; Raymond; Ritter; Rodriguez; Smith, T.; Smith, W.; Straus; Taylor; Veasey; Woolley.

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

Absent, Excused — Moreno; Mowery.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 849. I intended to vote no.

Giddings

I was shown voting yes on Record No. 849. I intended to vote no.

Thompson

(Mowery now present)

A record vote was requested.

Amendment No. 32 was adopted by (Record 850): 131 Yeas, 14 Nays, 1 Present, not voting.

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

Nays — Elkins; Escobar; Geren; Gonzales; Haggerty; Harless; Howard, D.; King, P.; King, T.; Noriega; Oliveira; Parker; Quintanilla; Straus.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno.

Absent — Flores; Menendez; Turner.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 850. I intended to vote no.

Christian

I was shown voting yes on Record No. 850. I intended to vote no.

Flynn

I was shown voting yes on Record No. 850. I intended to vote no.

Gallego

I was shown voting yes on Record No. 850. I intended to vote no.

Garcia

I was shown voting no on Record No. 850. I intended to vote yes.

Geren

I was shown voting no on Record No. 850. I intended to vote yes.

D. Howard

I was shown voting yes on Record No. 850. I intended to vote no.

Kuempel

When Record No. 850 was taken, my vote failed to register. I would have voted yes.

Menendez

I was shown voting yes on Record No. 850. I intended to vote no.

Merritt

I was shown voting no on Record No. 850. I intended to vote yes.

Parker

#### **Amendment No. 34**

Representative Smithee offered the following amendment to **CSHB 3928**:

Floor Packet Page No. 63

Amend **CSHB 3928** by adding the following SECTION and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter H, Chapter 171, Tax Code, is amended by adding Section 171.356 to read as follows:

Sec. 171.356. BILLING OR INVOICING THE TAX AS A FEE, CHARGE, REIMBURSEMENT, OR OTHER ITEM. Any person who includes in a bill or invoice a fee, charge, reimbursement, or other item and represents in the bill or invoice that the fee, charge, reimbursement, or other item is for the purpose of full or partial payment of the tax under this chapter:

(1) holds the entire amount of the fee, charge, reimbursement, or other item collected in trust for the benefit of the state; and

(2) is liable to the state for the entire amount of the fee, charge, reimbursement, or other item collected plus any accrued penalties and interest on the amount collected.

Amendment No. 34 was withdrawn.

**Amendment No. 35**

Representative Callegari offered the following amendment to **CSHB 3928**:  
Floor Packet Page No. 58

Amend **CSHB 3928** by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 171, Tax Code, is amended by adding Section 171.0025 to read as follows:

Sec. 171.0025. ANNUAL RATE ADJUSTMENTS TO MAINTAIN SCHOOL DISTRICT MAINTENANCE AND OPERATIONS TAX RATES. (a) Beginning with the calendar year following the first tax year in which the average school district maintenance and operations tax rate is equal to or less than 70 cents per \$100 of taxable value of property, the rates of the franchise tax provided by Sections 171.002(a) and (b) are adjusted in accordance with Subsection (c) by the percentage that is necessary to provide for the deposit to the credit of the property tax relief fund as required by Section 171.4011 of an amount of revenue sufficient to maintain the average school district maintenance and operations tax rate at the rate of 70 cents per \$100 of taxable value of property, except that the rates of the franchise tax may not be increased to rates that exceed the rates provided by Sections 171.002(a) and (b).

(b) The rates provided by Sections 171.002(a) and (b) must be adjusted under this section by equal percentages.

(c) Not later than November 1 of each year, the Legislative Budget Board shall;

(1) determine using information provided by the Texas Education Agency the average school district maintenance and operations tax rate for that year; and

(2) beginning in the first year in which the computation under Subdivision (1) indicates that the average school district maintenance and operations tax rate is equal to or less than 70 cents per \$100 of taxable value of property and in each subsequent year:

(A) compute the new franchise tax rates as provided by this section;

(B) submit the new franchise tax rates to the secretary of state for publication in the Texas Register; and

(C) notify the comptroller of the applicable new franchise tax rates.

(d) The new franchise tax rates computed under Subsection (c) take effect on the January 1 following the date the computation is made and apply to reports originally due on or after that date.

(e) Section 171.003 does not apply to an increase in a franchise tax rate under this section.

SECTION \_\_\_\_\_. Section 171.003(a), Tax Code, is amended to read as follows:



(a) Except as provided by Section 171.0025, an ~~Am~~ increase in a rate provided by Section 171.002(a) or (b) takes effect only if approved by a majority of the registered voters voting in a statewide referendum held on the question of increasing the rate. The referendum must specify the increased rate or rates.

### **Amendment No. 36**

Representative Callegari offered the following amendment to Amendment No. 35:

Amend the Callegari amendment to **CSHB 3928** (page 58 of the amendment packet) as follows:

(1) On page 1 of the amendment, lines 10 and 17, strike "70 cents" both places it appears and substitute "50 cents".

(2) On page 2 of the amendment, line 2, strike "70 cents" and substitute "50 cents".

(3) On page 2 of the amendment, following line 23, insert the following:

SECTION \_\_\_\_\_. Section 403.109, Government Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) Subject to Subsection (c-1), beginning ~~Beginning~~ in the state fiscal year that begins after the first tax year in which the average school district maintenance and operations tax rate is not more than \$1.00 per \$100 of taxable value, any money remaining in the fund after a sufficient amount of money is appropriated in that state fiscal year to maintain an average school district maintenance and operations tax rate of \$1.00 per \$100 of taxable value may be appropriated only as follows:

(1) two-thirds of the money appropriated from the fund may be appropriated only for a purpose that will result in a further reduction of the average school district maintenance and operations tax rate; and

(2) one-third of the money appropriated from the fund may be appropriated only for the purpose of increasing the level of equalization of school district enrichment tax effort to the extent that limits reliance by school districts on local property tax effort and decreases the enrichment tax rates of districts.

(c-1) Beginning in the state fiscal year that begins after the first tax year in which the average school district maintenance and operations tax rate is not more than 50 cents per \$100 of taxable value, any money remaining in the fund after a sufficient amount of money is appropriated in that state fiscal year to maintain an average school district maintenance and operations tax rate of 50 cents per \$100 of taxable value may be appropriated only as follows:

(1) one third of the money appropriated from the fund may be appropriated only for a purpose that will result in a further reduction of the average school district maintenance and operations tax rate;

(2) one-third of the money appropriated from the fund may be appropriated only for the purpose of increasing the level of equalization of school district enrichment tax effort to the extent that limits reliance by school districts on local property tax effort and decreases the enrichment tax rates of districts; and

(3) one-third of the money appropriated from the fund may be appropriated only for the purpose of reducing franchise tax rates under Chapter 171, Tax Code.

Amendment No. 36 was adopted.

Amendment No. 35, as amended, was adopted.

**Amendment No. 37**

Representative Dunnam offered the following amendment to **CSHB 3928**:  
Floor Packet Page No. 51

Amend **CSHB 3928** (House Committee Printing) as follows:

On page 38, between lines 25 and 26, insert the following and renumber succeeding sections accordingly:

SECTION 31, New section 171.213, Tax Code, to read as follows:

§ 171.213. BIENNIAL REPORT BY COMPTROLLER. (a) Before the beginning of each regular session of the legislature, the comptroller shall submit to the governor, the lieutenant governor, and the speaker of the house of representatives a report that states:

(1) the total amount of gross revenue reported by entities filing annual reports under this chapter, including specific categories of gross revenue;

(2) the total amount of deductions from gross revenue claimed by entities filing annual reports under this chapter, including specific categories of deductions;

(3) the total cost of goods sold reported by entities filing annual reports under this chapter, including details of the direct costs of acquiring or producing goods and the costs related to the acquisition and production of goods;

(4) the total compensation reported by entities filing annual reports under this chapter, including wages and cash compensation, employee benefits, active duty military compensation, and undocumented worker compensation;

(5) the margin reported by entities filing annual reports under this chapter, including the method by which this figure was calculated;

(6) the apportionment factor reported by entities filing annual reports under this chapter;

(7) the taxable margin reported by entities filing annual reports under this chapter, including the method by which this figure was calculated;

(8) the tax due reported by entities filing annual reports under this chapter, including the tax rate applied;

(9) tax credits claimed by entities filing annual reports under this chapter; and

(10) the net tax due reported by entities filing annual reports under this chapter.

(b) The report shall, to the extent possible, categorize the information required by this section by

(1) the two-digit standard industrial classification or North American industrial classification of entities filing annual reports under this chapter, and

(2) the gross revenue reported by entities filing annual reports under this chapter

(c) The comptroller may not include in the report information that is confidential by law.

**Amendment No. 38**

Representative Dunnam offered the following amendment to Amendment No. 37:

Amend the Dunnam amendment (Amendment packet, pages 51-52) by striking page 1, lines 4, through page 2, line 19, and substituting the following:

SECTION \_\_\_\_\_. Subchapter E, Chapter 171, Tax Code, is amended by adding Section 171.213 to read as follows:

Sec. 171.213. BIENNIAL REPORT BY COMPTROLLER. (a) Before the beginning of each regular session of the legislature, the comptroller shall submit to the governor, the lieutenant governor, and the speaker of the house of representatives a report:

(1) that states:

(A) the total compensation reported by entities filing annual reports under this chapter, including wages and cash compensation, employee benefits, active duty military compensation, and undocumented worker compensation;

(B) the margin reported by entities filing annual reports under this chapter, including the method by which this figure was calculated;

(C) the apportionment factor reported by entities filing annual reports under this chapter;

(D) the taxable margin reported by entities filing annual reports under this chapter, including the method by which this figure was calculated;

(E) the tax due reported by entities filing annual reports under this chapter, including the tax rate applied;

(F) tax credits claimed by entities filing annual reports under this chapter; and

(G) the net tax due reported by entities filing annual reports under this chapter; and

(2) that states, to the extent the comptroller otherwise has collected the information:

(A) the total amount of gross revenue reported by entities filing annual reports under this chapter, including specific categories of gross revenue;

(B) the total amount of deductions from gross revenue claimed by entities filing annual reports under this chapter, including specific categories of deductions; and

(C) the total cost of goods sold reported by entities filing annual reports under this chapter, including details of the direct costs of acquiring or producing goods and the costs related to the acquisition and production of goods.

(b) The report shall, to the extent possible, categorize the information required by this section using:

(1) the two-digit standard industrial classification or North American industrial classification of entities filing annual reports under this chapter; and

(2) the gross revenue reported by entities filing annual reports under this chapter.

(c) The comptroller may not include in the report information that is confidential by law.

Amendment No. 38 was adopted.

Amendment No. 37, as amended, was adopted.

**Amendment No. 39**

Representative Coleman offered the following amendment to **CSHB 3928**:  
Floor Packet Page No. 64

Amend **CSHB 3928** as follows:

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

SECTION \_\_\_\_\_. (a) Chapter 171, Tax Code, is amended by adding Subchapter Y to read as follows:

SUBCHAPTER Y. TAX CREDIT FOR INSTALLATION OF  
RESIDENTIAL SOLAR ELECTRIC SYSTEMS

Sec. 171.961. DEFINITIONS. In this section:

(1) "Commission" means the Public Utility Commission of Texas.

(2) "Participant" means a taxable entity that participates in the pilot program established under Section 171.964.

(3) "Solar electric system" means a device that:

(A) uses solar resources to generate electricity;

(B) has a generating capacity of not more than 1,000 kilowatts; and

(C) is installed with a five-year warranty against breakdown or undue degradation.

Sec. 171.962. ENTITLEMENT TO CREDIT. A taxable entity is entitled to a credit in the amount and under the conditions and limitations provided by this subchapter against the tax imposed under this chapter.

Sec. 171.963. QUALIFICATION. A taxable entity qualifies for a credit under this subchapter if:

(1) the taxable entity's primary business activity is the building of residential housing developments;

(2) the taxable entity is selected to participate in the pilot program established under Section 171.964; and

(3) as a participant in the pilot program, the taxable entity establishes one new residential housing development in which every house in the development is equipped with solar electric systems.

Sec. 171.964. PILOT PROGRAM FOR RESIDENTIAL SOLAR ELECTRIC SYSTEMS. (a) The commission shall develop by rule and implement a pilot program under which a taxable entity that is a residential housing builder or developer is eligible for a credit against the tax imposed under this chapter for the cost of installing solar electric systems in each house in a new residential housing development the builder or developer establishes during the period of the pilot program.

(b) Not more than four taxable entities may participate in the pilot program. The commission shall select the participants through a competitive bidding process.

(c) In developing the pilot program, the commission shall establish:

(1) the period during which the program will operate; and

(2) in consultation with the comptroller, procedures by which a participant may establish the amounts expended during an accounting period for the cost of installing solar electric systems in the housing development.

Sec. 171.965. AMOUNT; LIMITATIONS. (a) Subject to Subsection (b), the amount of the credit is equal to the amounts expended by a participant for the cost of installing solar electric systems in the new housing development established by the participant.

(b) The credit claimed for each privilege period may not exceed the amount of franchise tax due, before any other applicable tax credits, for the privilege period. A taxable entity may not claim the credit for more than two successive privilege periods, and the total credit claimed for two successive privilege periods may not exceed \$5 million.

(c) A taxable entity may claim a credit under this subchapter for an expenditure made during an accounting period only against the tax owed for the corresponding privilege period.

(d) A taxable entity may not carry over an expenditure made during a privilege period to a subsequent privilege period.

(e) A taxable entity may not convey, assign, or transfer a credit under this subchapter to another entity unless all of the assets of the taxable entity are conveyed, assigned, or transferred in the same transaction.

Sec. 171.966. APPLICATION FOR CREDIT. A taxable entity must apply for a credit under this subchapter on or with the tax report for the period for which the credit is claimed.

Sec. 171.967. RULES. The comptroller shall adopt rules necessary to implement this subchapter.

Sec. 171.968. EXPIRATION. This subchapter expires January 1, 2011.

(b) The Public Utility Commission of Texas shall implement the pilot program for residential solar electric systems under Section 171.964, Tax Code, as added by this section, as soon as possible after the effective date of this section.

(2) On page 10, line 11, strike "\$600,000" and substitute "\$575,000".

#### **Amendment No. 40**

Representative Coleman offered the following amendment to Amendment No. 39:

Amend Floor Amendment No. 39 as follows:

(1) On page 2, line 16, strike "four" and substitute "two."

(2) On page 3, line 5, strike "5" and substitute "8."

(3) On page 2, line 15 between "program" and "The" insert the following:  
"The commission shall ensure participants are from different areas of the state."

(3) On page 2, line 16 insert the following sections:

"(d) The commission shall collect data on the pilot program on but not limited to the following:

(1) the monetary amount of the average monthly electricity bill offset by solar electric systems.

(2) customer satisfaction with solar electric systems;

(3) the amount of annual load offset by solar electric systems;

(4) net metering in the subdivision and which net metering regime would produce the best results for homes in the subdivision; and

(5) emissions which would have been created if the electricity the customers used had been generated by a coal-fired power plant.

(e) The commission shall report to the legislature on the data collected in Subsection (d) one year after the start of the program."

Amendment No. 40 was withdrawn.

Amendment No. 39 was withdrawn.

#### **Amendment No. 41**

Representative Paxton offered the following amendment to **CSHB 3928**:

Floor Packet Page No. 67

Amend **CSHB 3928**, by inserting the following SECTION:

SECTION \_\_\_\_ Amend Chapter 171, Tax Code by adding the following new section:

Section 171. \_\_\_\_ "SMALL BUSINESS TAX ADVISORY COMMITTEE

(a) PURPOSE The Small Business Tax Advisory Committee will conduct an annual study of the effects of the tax levied under this Chapter on small businesses in the state. The study must take into consideration:

(1) job growth or loss attributable to the franchise tax;

(2) the impact of the franchise tax on wages;

(3) the number of business that ceased to operate due to the franchise tax, if any; and,

(4) the number of businesses that changed business organization to avoid payment of the franchise tax, if any;

(5) the number of businesses that relocated their operations, headquarters, or other facilities due to the franchise tax, if any; and,

(6) any other items posed by the comptroller.

(b) The comptroller shall chair the small business tax advisory committee and shall appoint:

(1) at the direction of the speaker of the house, one member of the house of representatives;

(2) at the direction of the lieutenant governor, one member of the senate;

(3) at least one certified public accountant; and,

(4) at least three small business owners.

(c) The comptroller, by rule, shall establish procedures for the functions of the advisory committee, including a report to be issued to the speaker of the house of representatives, the lieutenant governor, and the governor by no later than January 1, 2009.

Amendment No. 41 was adopted.

#### **Amendment No. 42**

Representative Y. Davis offered the following amendment to **CSHB 3928**:  
Floor Packet Page No. 35

Amend **CSHB 3928** as follows:

(1) On page 16, delete lines 23-24 and insert the following:

"(t) The comptroller shall adopt rules as necessary to implement the provisions prescribed by this section."

#### **Amendment No. 43**

Representative Bonnen offered the following amendment to Amendment No. 42:

Amend Amendment No. 42 by Y. Davis to **CSHB 3928** (page 35 of the amendment packet) on page 1, line 5, by striking "implement the provisions prescribed by this section" and substituting "implement the legislative intent of the provisions prescribed by this section".

Amendment No. 43 was adopted.

Amendment No. 42, as amended, was adopted.

#### **Amendment No. 44**

Representative Isett offered the following amendment to **CSHB 3928**:  
Floor Packet Page No. 5

Amend **CSHB 3928** as follows:

(1) On page 1, line 8, strike "80 percent" and substitute "50 [~~80~~] percent".

(2) On page 1, line 10, strike "80 percent" and substitute "50 [~~80~~] percent".

(3) On page 1, line 14, strike "80 percent" and substitute "50 [~~80~~] percent".

(4) On page 1, lines 18 and 19, strike "80 percent" and substitute "50 percent".

(5) On page 1, line 20, strike "80 percent" and substitute "50 percent".

(6) On page 10, line 11, strike "\$600,000" and substitute "\$1 million".

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

SECTION \_\_\_\_\_. Section 171.103(b), Tax Code, as effective January 1, 2008, is amended to read as follows:

(b) A combined group shall include in its gross receipts computed under Subsection (a) the gross receipts of each taxable entity that is a member of the combined group [~~and that has a nexus with this state for the purpose of taxation~~].

(7) On page 25, strike lines 5-19 and substitute the following:

(b) In apportioning margin, receipts derived from transactions between individual members of a combined group that are excluded under Section 171.1014(c)(3) may not be included in the receipts of the taxable entity from its business done in this state as determined under Section 171.103~~[-except that receipts derived from the sale of tangible personal property between individual members of a combined group where one member party to the transaction does not have nexus in this state shall be included in the receipts of the taxable entity from its business done in this state as determined under Section 171.103 to the extent that the member of the combined group that does not have nexus in this state resells the tangible personal property without modification to a purchaser in this state].~~

#### **Amendment No. 45**

Representatives Isett, McCall, and Pitts offered the following amendment to Amendment No. 44:

Amend the Isett Amendment (Amendment packet, page 5) as follows:

(1) On page 1, strike lines 2-11 of the amendment.

(2) On page 1, line 13, strike "\$1 million" and substitute "\$1.09 million".

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

(6A) On page 12, line 24, strike "and" and substitute "[~~and~~]".

(6B) On page 12, line 25, strike "(vi) to" and substitute the following:

(vi) to the extent included in Subsection (c)(1)(A) but not subtracted as a cost of goods sold, depreciation used in the determination of gain or loss on the disposition of real property from which 80 percent or more of the gross income from the property is rental income; and

(vii) to

(6C) On page 14, line 8, strike "and" and substitute "[~~and~~]".

(6D) On page 14, line 9, strike "(v) to" and substitute the following:

(v) to the extent included in Subsection (c)(2)(A) but not subtracted as a cost of goods sold, depreciation used in the determination of gain or loss on the disposition of real property from which 80 percent or more of the gross income from the property is rental income; and

(vi) to

(6E) On page 11, line 9, strike "adding Subsection (t)" and substitute "adding Subsections (t) and (u)".

(6F) On page 16, between lines 24 and 25, insert:

(u) A taxable entity may exclude from total revenue the actual cost paid by the taxable entity for a vaccine administered by:

(1) a physician licensed under Subtitle B, Title 3, Occupations Code, or by a person directed by the physician; or

(2) an advanced practice nurse licensed and authorized to practice under Subtitle E, Title 3, Occupations Code, or by a person directed by the advanced practice nurse.

(6G) On page 17, between lines 8 and 9, insert an appropriately numbered section and renumber the remaining sections of the bill appropriately:



SECTION \_\_\_\_\_. Section 171.1011(p), Tax Code, as effective January 1, 2008, is amended by adding Subdivision (8) to read as follows:

(8) "Vaccine" means a preparation of dead, or live attenuated, viruses or bacteria used to prevent an infectious disease by inducing active immunity.

Amendment No. 45 was adopted.

Representative Otto moved to table Amendment No. 44, as amended.

A record vote was requested.

The motion to table prevailed by (Record 851): 84 Yeas, 60 Nays, 1 Present, not voting.

Yeas — Alonzo; Anchia; Anderson; Aycocck; Berman; Bonnen; Branch; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Eissler; England; Escobar; Flynn; Frost; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Heflin; Herrero; Hill; Hochberg; Homer; Hopson; Howard, C.; Howard, D.; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Kuempel; Latham; Leibowitz; Lucio; Madden; McReynolds; Miller; Morrison; Mowery; Murphy; Noriega; O'Day; Oliveira; Ortiz; Otto; Patrick; Peña; Puente; Quintanilla; Ritter; Rose; Smith, T.; Smith, W.; Strama; Straus; Swinford; Taylor; Truitt; Turner; Van Arsdale; Vaught; Woolley; Zedler; Zerwas.

Nays — Allen; Bailey; Bohac; Bolton; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Christian; Cohen; Coleman; Davis, Y.; Dunnam; Eiland; Elkins; Farabee; Farias; Flores; Gallego; Haggerty; Harper-Brown; Hernandez; Hilderbran; Hodge; Hughes; Isett; King, T.; Krusee; Laubenberg; Macias; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Merritt; Miles; Naishtat; Olivo; Orr; Parker; Paxton; Phillips; Pickett; Pierson; Pitts; Raymond; Riddle; Rodriguez; Smithee; Solomons; Talton; Thompson; Veasey; Villarreal; Vo; West.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Moreno.

Absent — Creighton; Dutton; Farrar; Guillen.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 851. I intended to vote no.

Alonzo

When Record No. 851 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

I was shown voting yes on Record No. 851. I intended to vote no.

Frost

I was shown voting yes on Record No. 851. I intended to vote no.

Gonzalez Toureilles

When Record No. 851 was taken, I was in the house but away from my desk. I would have voted yes.

Guillen

I was shown voting no on Record No. 851. I intended to vote yes.

Villarreal

### **CSHB 3928 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE Y. DAVIS: Representative Otto, thanks for agreeing to do this. We wanted to go back and visit the amendment I had relative to board of directors and what the intent was. I pulled down the amendment, but I wanted to make sure that we establish what the intent was so that it's very clear in the bill.

REPRESENTATIVE OTTO: Right.

Y. DAVIS: And as you understand it, the board of directors would not be taxed because of?

OTTO: Basically, the mere fact that you serve as a director, on a board, does not constitute a trade or business. And that is in keeping with how the internal revenue service treats that type of service as well.

Y. DAVIS: And one of the things that has been brought to me is that sometimes these folks on board of directors, beyond just board of directors in an advisory but more management, more involved in the operations of management of the entity, and I was trying to make sure that we were not excluding that kind of performance as part of the operations of the business, I guess.

OTTO: That's correct, but in those instances where you have someone who serves in both capacities, sort of a dual capacity, the director fees and the payments that they receive are still not treated as a trade or business.

Y. DAVIS: And I just want to make sure that's what we're trying to do.

### **REMARKS ORDERED PRINTED**

Representative Y. Davis moved to print remarks between Representative Otto and Representative Y. Davis.

The motion prevailed.

A record vote was requested.

**CSHB 3928**, as amended, was passed to engrossment by (Record 852): 144 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, 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; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Talton.

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

Absent, Excused — Moreno.

Absent — Burnam; Pierson.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 852. I intended to vote no.

Merritt

When Record No. 852 was taken, my vote failed to register. I would have voted yes.

Pierson

I was shown voting present, not voting on Record No. 852. I intended to vote yes.

Smithee

#### REASON FOR VOTE

The key provisions of **CSHB 3928** eliminate double taxation for partnerships and continue to exempt sole proprietorships, which represent the vast majority of small businesses. And most importantly, it doubles the business tax exemption from \$300,000 to \$600,000, unleashing 60,000 more businesses in Texas from the newly created business activity tax.

Small businesses represent the economic engine of the State of Texas, including job creation in each of our districts and job security for many of our constituents. Giving small entrepreneurs a fighting chance is fundamental to supporting a strong Texas economy. Those of you who own and operate or have owned and operated a business of your own fully understand that the more the government increases the tax burden on the small businessman, the tougher the hurdle becomes for that small business to survive. This bill is a major victory for the little guy and all who depend upon the success of the small businesses of Texas.

Creighton

**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).

**LEAVE OF ABSENCE GRANTED**

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

Gattis on motion of Homer.

**POSTPONED BUSINESS**

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

**SB 1580 ON SECOND READING**

**(Haggerty, Madden, and Hodge - House Sponsors)**

**SB 1580**, A bill to be entitled An Act relating to the provision of pay telephone service to inmates confined in facilities operated by the Texas Department of Criminal Justice.

**SB 1580** was considered in lieu of **CSHB 1888**.

**SB 1580** 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. Members registering votes are as follows: Bohac, Laubenberg, and Riddle recorded voting no.)

**CSHB 1888 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Haggerty moved to lay **CSHB 1888** on the table subject to call.

The motion prevailed.

**HB 2813 - RECOMMITTED**

Representative Hughes moved to recommit **HB 2813** to the Committee on Law Enforcement.

The motion prevailed.

**CSHB 626 ON SECOND READING**

**(by P. King, Christian, Macias, Paxton, Crabb, et al.)**

**CSHB 626**, A bill to be entitled An Act relating to the procedures for registering to vote.

**CSHB 626** was read second time earlier today and was postponed until this time.

**Amendment No. 1**

Representative Anchia offered the following amendment to **CSHB 626**:

Amend **CSHB 626** on page 1, line 3, by striking the enacting clause of the bill.

### CSHB 626 - POINT OF ORDER

Representative Thompson raised a point of order against further consideration of **CSHB 626** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

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

The point of order is overruled. The chair finds that the bill analysis complies with Rule 4, Section 32(c), and is not materially or substantially misleading.

(Krusee in the chair)

Representative Hochberg moved to extend speaking time on **CSHB 626**.

A record vote was requested.

The motion to extend time prevailed by (Record 853): 89 Yeas, 33 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bailey; Bonnen; Branch; Brown, B.; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Hamilton; Hancock; Hartnett; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Isett; Jones; King, S.; King, T.; Kuempel; Leibowitz; Lucio; Mallory Caraway; McClendon; McReynolds; Menendez; Miles; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Peña; Pickett; Puente; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Solomons; Strama; Straus; Swinford; Talton; Turner; Van Arsdale; Vaught; Veasey; Vo; Woolley; Zerwas.

Nays — Aycock; Berman; Bohac; Bolton; Callegari; Chisum; Christian; Corte; Driver; Eissler; Flynn; Haggerty; Hardcastle; Harless; Harper-Brown; Hilderbran; Howard, C.; Jackson; Keffer; Latham; Laubenberg; Macias; Miller; Paxton; Phillips; Pierson; Pitts; Riddle; Smith, W.; Smithee; Truitt; West; Zedler.

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

Absent, Excused — Gattis; Moreno.

Absent — Anderson; Brown, F.; Cook, B.; Crabb; Crownover; Eiland; Goolsby; Heflin; Hill; Hughes; King, P.; Kolkhorst; Madden; Martinez; Martinez Fischer; McCall; Merritt; Morrison; Mowery; Quintanilla; Taylor; Thompson; Villarreal.

### STATEMENT OF VOTE

When Record No. 853 was taken, I was in the house but away from my desk. I would have voted yes.

Heflin

(Speaker in the chair)

Representative Hochberg moved to extend speaking time on **CSHB 626**.

A record vote was requested.

The motion to extend time prevailed by (Record 854): 74 Yeas, 42 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bailey; Bolton; Branch; Brown, F.; Burnam; Castro; Chavez; Cohen; Coleman; Creighton; Crownover; Davis, J.; Davis, Y.; Dunnam; Dutton; England; Escobar; Farabee; Farias; Farrar; Flores; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Hamilton; Hernandez; Herrero; Hill; Homer; Howard, D.; King, P.; King, S.; King, T.; Kuempel; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miles; Morrison; Mowery; Naishtat; Noriega; O'Day; Oliveira; Olivo; Ortiz; Pierson; Puente; Raymond; Ritter; Rodriguez; Strama; Straus; Talton; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; Woolley.

Nays — Aycock; Berman; Bohac; Brown, B.; Callegari; Chisum; Christian; Corte; Darby; Delisi; Driver; Eissler; Elkins; Flynn; Goolsby; Hancock; Harless; Harper-Brown; Hartnett; Heflin; Howard, C.; Isett; Jackson; Keffer; Kolkhorst; Krusee; Laubenberg; Macias; Murphy; Orr; Otto; Parker; Paxton; Phillips; Pitts; Quintanilla; Smith, W.; Smithee; Solomons; West; Zedler; Zerwas.

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

Absent, Excused — Gattis; Moreno.

Absent — Anderson; Bonnen; Cook, B.; Cook, R.; Crabb; Deshotel; Dukes; Eiland; Frost; Gallego; Hardcastle; Hilderbran; Hochberg; Hodge; Hopson; Hughes; Jones; Latham; Martinez; McClendon; Miller; Peña; Pickett; Riddle; Rose; Smith, T.; Swinford; Taylor; Thompson; Van Arsdale.

### **CSHB 626 - REMARKS**

REPRESENTATIVE DUNNAM: We're talking about, or we're not talking about, the elephant in the room. I'm 43-years-old, and in my lifetime my fellow citizens have had people of my color prevent them from voting. It's something that happened in my state, in my county, and I'm not proud of it. When people attempted, and not just attempted, but did take away the voting rights of African Americans, they didn't say, "let's not let black folks vote." Nobody ever said that in the Jim Crow laws. They said, "it's a health issue, and we should have 'separate but equal.'" They said, "people should know who they're voting for, people should make intelligent choices, and so they should answer this test," that was given in Alabama during my lifetime. They didn't say, "let's not let black folks vote." They said, "here is a rationale for good state policy, and let's implement this policy, let's have a poll tax, because that poll tax is going to support our public schools, it's a good thing." They didn't say, "let's not let minorities vote." They didn't say, "let's not let minorities vote." They said, "let's keep a heritage in this nation, and you can vote if your grandfather voted." Nobody ever said it. Let's not be afraid to say it. It happened.

If you go over to the LBJ Memorial Library, you will see letter and document after document that tell us the history of the overwhelming attempts to keep minorities from voting in the United States of America. That's what this is about, and history repeats itself and it did so just four years ago, because a bill authored by my friend, Mr. King, this chamber adopted a bill that the United States Supreme Court said violated the voting rights of 1.5 million Texans in 2003. And so now we're going to say, "we need to determine citizenship." I do not want to have a noncitizen vote, you don't want to have a noncitizen vote. It's a pretext. Today it is a Class B misdemeanor for a noncitizen to vote. Today it is a Class B misdemeanor for me to help a noncitizen vote. How many people have been prosecuted for voting illegally, noncitizens in the State of Texas, in the last 100 years? None. But we have to fix it. But we have to fix it, because we don't want illegals voting. They're not voting. We just had an election contest, tried by this chamber in Mr. Vo's race. It was within 20 votes. They examined every ballot, every voter registration card, and you know what they found? They found an illegal person voted. He was a Norwegian, who checked on his box that he was not a citizen, and the registrar of Harris County sent him a ballot anyway, and he voted. His affidavit said he voted straight republican. That's true. That's true.

People say that discrimination in voting is a thing of the past, but in Ohio a mere one election ago, we had a gentleman say you couldn't accept voter registration cards because they were on the wrong weight of paper. The secretary of state, even though his office had sent out application registrations in the same weight paper that he was trying to disallow. In the State of Florida, 2,000 people who were eligible to vote were purged because they supposedly were felons. Their only crime was that they were disproportionately minority, and they were purged off the voter rolls.

This bill, and the amendment to follow, and I've read them, are, number one, overly broad, because they seek to solve a problem that does not exist. It is against the law right now. Anybody who signs their voter application card does so under the penalty of perjury. Prosecute them. We had an election contest that showed it's not happening. It is a solution in search of a problem, but the problem is they talk about, the problem is illegals voting. The problem is some people systematically want to lower minority participation in our elections. That's just the facts. That is what this is all about, you all know that, and I decided I should say it. I should say it.

This is unnecessary; it creates barriers to people who otherwise should be eligible to vote. We have, I heard, maybe, at the top, there's 25,000 people that are illegally voting. That's what somebody said in one of these meetings. There are 13 million registered voters—25,000 is like .0001 percent. So to catch these people that are illegally voting, we're going to hassle 13 million other people. Let me tell you what happens at the polls today, and you can ask Michelle Dunnam, because she was there on the last election. She stood in line for two hours in early voting at a polling place in the anglo part of town to vote. Two hours, and in front of her was a young African American lady. When she got up to the front after those two hours, she didn't have the right ID, even though her name was on the list, and they told her she had to come back, and then virtually immediately they

let an anglo person do exactly what that young black girl had gotten off work and stood for two hours to try to do. That happened in my hometown. I'm not proud of it, but we have to recognize it, and we have to say it exists. And things like this, it's just more sophisticated Jim Crow. It is.

This prevents and hinders people who would otherwise be eligible to vote from voting, and it can't be implemented. We don't have reciprocity with other states to go find out who's a citizen or not, we don't have the data to go over and find out who was born on an Army base at Reinheim in West Germany, who is a U.S. citizen, even though they were born in Germany. We don't have the data to do that. We don't have the data to do any of that. What is this? That's how some people had to find out to be eligible to vote. If you were black, in some places, you had to count and tell the registrar how many bubbles were in this bar of soap. Sounds like a fairy tale, doesn't it? It does. It happened, and we should stop it, and we ought to get on down the road on this deal. If we have people voting illegally, prosecute them. Put them in jail. But let's stop this.

REPRESENTATIVE HOCHBERG: Jim, the right to vote is really important, as you've just outlined, and as we all know in this chamber, how important it is. We wouldn't be here without people voting.

DUNNAM: That's right.

HOCHBERG: Before the state takes away your right to vote, whether you're a new voter or an established voter, whether you're just now registering or re-registering in our state because you've come from another, or whether you're in the military, shouldn't it have stronger evidence than the fact that one computer couldn't talk to another computer?

DUNNAM: That's not what it's about.

HOCHBERG: That's right.

DUNNAM: This is not about any of that stuff. This is not about masses of illegals voting. That young woman didn't sit in line for two hours because she was some illegal who wanted to vote. That's not what this is about. This is a mechanism that will result in lower minority participation in our elections. It will result in that. That's why we are seeing it systematically proposed across the nation. We all know that. I would ask that you vote no on the motion to table.

#### **REMARKS ORDERED PRINTED**

Representative Thompson moved to print remarks by Representative Dunnam.

The motion prevailed.

Representative P. King moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 855): 76 Yeas, 59 Nays, 1 Present, not voting.



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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gattis; Moreno.

Absent — Davis, Y.; Haggerty; Hartnett; Isett; Jones; Martinez; McCall; Menendez; Oliveira; Pierson; Swinford; Woolley.

### STATEMENTS OF VOTE

When Record No. 855 was taken, my vote failed to register. I would have voted no.

Y. Davis

I was shown voting yes on Record No. 855. I intended to vote no.

Garcia

When Record No. 855 was taken, I was in the house but away from my desk. I would have voted yes.

Isett

When Record No. 855 was taken, my vote failed to register. I would have voted no.

Menendez

When Record No. 855 was taken, I was in the house but away from my desk. I would have voted no.

Oliveira

When Record No. 855 was taken, my vote failed to register. I would have voted no.

Pierson

When Record No. 855 was taken, I was in the house but away from my desk. I would have voted yes.

Woolley

### LEAVES OF ABSENCE GRANTED

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

Martinez on motion of Gallego.

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

Haggerty on motion of Truitt.

### CSHB 626 - (consideration continued)

#### Amendment No. 2

Representative P. King offered the following amendment to **CSHB 626**:

Amend **CSHB 626** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 13.002(c), Election Code, is amended to read as follows:

(c) A registration application must include:

(1) the applicant's first name, middle name, if any, last name, and former name, if any;

(2) the month, day, and year of the applicant's birth;

(3) a statement that the applicant is a United States citizen and:

(A) if a natural born citizen, the city, county, and state of birth; or

(B) if a naturalized citizen, the place and date of taking the naturalization oath;

(4) a statement that the applicant is a resident of the county;

(5) a statement that the applicant has not been determined mentally incompetent by a final judgment of a court;

(6) a statement that the applicant has not been finally convicted of a felony or that the applicant is a felon eligible for registration under Section 13.001;

(7) the applicant's residence address or, if the residence has no address, the address at which the applicant receives mail and a concise description of the location of the applicant's residence;

(8) the following information:

(A) the applicant's Texas driver's license number or the number of a personal identification card issued by the Department of Public Safety or a statement by the applicant that the applicant has not been issued a driver's license or personal identification card; or

(B) if the applicant has not been issued a number described by Paragraph (A), the last four digits of the applicant's social security number or a statement by the applicant that the applicant has not been issued a social security number;

(9) if the application is made by an agent, a statement of the agent's relationship to the applicant; and

(10) the city and county in which the applicant formerly resided.

SECTION 2. Section 13.072, Election Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) Unless the registrar challenges the applicant, the registrar shall approve the application if:

(1) the registrar determines that an application complies with Section 13.002 and indicates that the applicant is eligible for registration; ~~and~~

(2) for an applicant who has not included a statement described by Section 13.002(c)(8) [~~13.002(e)(8)(C)~~], the registrar verifies with the secretary of state:

(A) the applicant's Texas driver's license number or number of a personal identification card issued by the Department of Public Safety; or

(B) the last four digits of the applicant's social security number;

and

(3) using the information provided under Section 13.002(c)(3), the registrar verifies with the secretary of state that the applicant is a United States citizen.

(e) The secretary of state shall adopt rules and enter into any necessary agreements to verify the citizenship of an applicant as required by Subsection (a)(3).

SECTION 3. The secretary of state shall adopt rules for the administration of Section 13.072(a)(3), Election Code, as added by this Act, as soon as practicable after this Act takes effect. For that purpose, the secretary of state may adopt the rules in the manner provided by law for emergency rules.

SECTION 4. The changes in law made by this Act to Sections 13.002 and 13.072, Election Code, apply only to an application for voter registration that is submitted on or after the effective date of this Act.

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

### **Amendment No. 3**

Representative P. King offered the following amendment to Amendment No. 2:

Amend Amendment No. 2 by King of Parker to **CSHB 626** as follows:

(1) On page 1, strike lines 10 through 14 and substitute the following: citizen and, unless the applicant was a registered voter in this state on September 1, 2007:

(A) if a citizen by birth, the city, county, state, and country of birth;

or

(B) if a naturalized citizen:

(i) the city, state, and year of taking the naturalization oath; or

(ii) the applicant's alien registration number;

(2) On page 3, line 1, following the period, add "The secretary of state shall adopt rules that provide that an applicant whose citizenship cannot be verified under this section may execute an affidavit stating that the applicant is a United States citizen. An affidavit executed under this subsection creates a rebuttable presumption that the applicant is a United States citizen."

Amendment No. 3 was adopted.

#### **Amendment No. 4**

Representative Villarreal offered the following amendment to Amendment No. 2:

Amend Amendment No. 2 by King of Parker to **CSHB 626** on page 3, line 11, by striking the text and substituting the following:

SECTION 5. (a) The secretary of state shall establish a master database of citizenship records to verify the citizenship of a person who submits an application for voter registration in this state.

(b) Except as provided by Subsection (c), this Act takes effect on certification by the secretary of state that the database required to be established by Subsection (a) of this section is operational.

(c) Subsection (a) of this section takes effect September 1, 2007.

Representative P. King moved to table Amendment No. 4.

A record vote was requested.

The motion to table prevailed by (Record 856): 81 Yeas, 63 Nays, 1 Present, not voting.

Yeas — Anderson; Aycocock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; England; Farabee; Flynn; Geren; Goolsby; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Howard, C.; Hughes; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Raymond; 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; Farias; Farrar; Flores; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez Fischer; McClendon; McReynolds; Menendez; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Puente; Quintanilla; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gattis; Haggerty; Martinez; Moreno.

Absent — Isett.

### STATEMENT OF VOTE

When Record No. 856 was taken, I was in the house but away from my desk. I would have voted yes.

Isett

### Amendment No. 5

Representative Alonzo offered the following amendment to Amendment No. 2:

Amend Amendment No. 2 to **CSHB 626** by P. King by adding the following appropriately numbered SECTION and by renumbering the existing SECTIONS as appropriate:

SECTION \_\_\_\_\_. Chapter 63, Election Code, is amended by adding Section 63.0091 to read as follows:

Sec. 63.0091. REGISTRATION AT POLLING PLACE; VOTING PROCEDURES. (a) This section applies to the conduct of voting and to the registration of voters notwithstanding and in addition to other applicable provisions of this code.

(b) A person who would be eligible to vote in an election under Section 11.001, but for the requirement to be a registered voter, shall be accepted for voting in the precinct of the person's residence if, on the day the person offers to vote, the person:

(1) submits a voter registration application that complies with Section 13.002; and

(2) presents proof of identification in a form described by Section 63.0101 that also establishes the person's residence.

(c) Persons voting under this section shall be processed separately at the polling place from persons who are voting under regular procedures.

(d) The secretary of state shall prescribe the procedures necessary to implement this section and to ensure the proper and orderly conduct of elections.

Representative P. King moved to table Amendment No. 5.

(Haggerty now present)

A record vote was requested.

The motion to table prevailed by (Record 857): 77 Yeas, 64 Nays, 1 Present, not voting.

Yeas — Anderson; Aycok; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; England; Farabee; Flynn; Geren; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Homer; Hopson; Howard, C.; Hughes; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Madden; McCall; Merritt; Miller; Mowery; Murphy; Orr; Otto;

Parker; 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; Farias; Farrar; Flores; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Howard, D.; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez Fischer; McClendon; McReynolds; Menendez; 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).

Absent, Excused — Gattis; Martinez; Moreno.

Absent — Isett; Macias; Morrison; O'Day; Patrick.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 857. I intended to vote yes.

Heflin

When Record No. 857 was taken, I was in the house but away from my desk. I would have voted yes.

Isett

### 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. 5).

### CSHB 626 - (consideration continued)

#### Amendment No. 6

Representative Villarreal offered the following amendment to Amendment No. 2:

Amend Amendment No. 2 by King of Parker to **CSHB 626** as follows:

(1) On page 1, lines 3 and 4, strike the text and substitute the following:

SECTION 1. Section 13.002, Election Code, is amended by amending Subsection (c) and adding Subsection (e) to read as follows:

(2) On page 1, line 10, between "and" and the colon, insert ", except as provided by Subsection (e)".

(3) On page 2, between lines 10 and 11, insert the following:

(e) If 10,000 or more applications for voter registration are initially rejected because the registrar was unable to verify the citizenship of an applicant for which citizenship was later established, a voter registrar may no longer require an applicant to provide the information under Subsections (c)(3)(A) or (B).

Representative P. King moved to table Amendment No. 6.

A record vote was requested.

The motion to table prevailed by (Record 858): 78 Yeas, 62 Nays, 1 Present, not voting.

Yeas — Anderson; Aycocock; 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; Flynn; Geren; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Merritt; Miller; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Ritter; Smith, T.; Smith, W.; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gattis; Martinez; Moreno.

Absent — Dutton; Elkins; England; Gallego; Morrison; Smithee.

### STATEMENT OF VOTE

When Record No. 858 was taken, I was in the house but away from my desk. I would have voted yes.

England

### Amendment No. 7

Representative Hochberg offered the following amendment to Amendment No. 2:

Amend Amendment No. 2 by P. King to **CSHB 626** striking the text of the amendment and substituting the following:

Amend **CSHB 626** by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter A, Chapter 13, Election Code, is amended by adding Section 13.0005 to read as follows:

Sec. 13.0005. REGISTRATION POLICY. It is the official policy of the State of Texas that a person who is not a United States citizen may not be allowed to register to vote in this state under any circumstances.

SECTION 2. Subchapter C, Chapter 13, Election Code, is amended by adding Section 13.0715 to read as follows:

Sec. 13.0715. REGISTRATION OF CERTAIN PERSONS; VOTING BY ILLEGAL ALIEN. (a) A registrar may not approve the registration application of a person who is not a United States citizen.

(b) A person who is not a United States citizen may not vote. A person may not assist a person who is not a United States citizen in voting. A violation of this subsection is a Class A misdemeanor.

Representative P. King moved to table Amendment No. 7.

A record vote was requested.

The motion to table prevailed by (Record 859): 80 Yeas, 59 Nays, 2 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cohen; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; England; Farabee; Flynn; Geren; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Harless; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; Merritt; 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; Burnam; Castro; Chavez; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Farias; Farrar; Flores; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez Fischer; McClendon; McReynolds; Menendez; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Peña; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

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

Absent, Excused — Gattis; Martinez; Moreno.

Absent — Coleman; Escobar; Harper-Brown; McCall; Miles; Pickett.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 859. I intended to vote no.

Bolton

I was shown voting yes on Record No. 859. I intended to vote no.

Cohen

#### Amendment No. 8

Representative Villarreal offered the following amendment to Amendment No. 2:



Amend **CSHB 626** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 191.0046, Health and Safety Code, is amended by adding Subsection (e) to read as follows:

(e) Notwithstanding any other provision of this title, the state registrar shall issue without a fee at least one certified copy of an individual's birth certificate to the individual on request.

Amendment No. 8 was withdrawn.

A record vote was requested.

Amendment No. 2, as amended, was adopted by (Record 860): 96 Yeas, 43 Nays, 1 Present, not voting.

Yeas — Anderson; Aycocock; 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; Eiland; Eissler; Elkins; Farabee; Flynn; Frost; Gallego; Geren; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Homer; Hopson; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; McReynolds; Merritt; Miller; Morrison; Mowery; Murphy; Naishtat; O'Day; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pitts; Puente; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; Vaught; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; Farias; Farrar; Flores; Garcia; Gonzales; Gonzalez Tourelles; Hernandez; Herrero; Hochberg; Hodge; Howard, D.; Leibowitz; Lucio; Mallory Caraway; Martinez Fischer; McClendon; Menendez; Miles; Noriega; Olivo; Ortiz; Pierson; Quintanilla; Raymond; Strama; Thompson; Turner; Veasey; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gattis; Martinez; Moreno.

Absent — England; Escobar; Giddings; King, T.; Pickett; Rodriguez; Villarreal.

### STATEMENTS OF VOTE

When Record No. 860 was taken, I was in the house but away from my desk. I would have voted yes.

England

I was shown voting yes on Record No. 860. I intended to vote no.

Gallego

I was shown voting yes on Record No. 860. I intended to vote no.

Guillen

I was shown voting yes on Record No. 860. I intended to vote no.

Naishtat

I was shown voting yes on Record No. 860. I intended to vote no.

Peña

When Record No. 860 was taken, I was in the house but away from my desk. I would have voted no.

Rodriguez

When Record No. 860 was taken, my vote failed to register. I would have voted no.

Villarreal

### **Amendment No. 9**

Representative Alonzo offered the following amendment to **CSHB 626**:

Amend **CSHB 626** by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. The changes in law made by this Act take effect only if:

(1) the United States District Court for the District of Columbia issues a declaratory judgment under 42 U.S.C. Section 1973c that this Act does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color or in contravention of the guarantees set forth in 42 U.S.C. Section 1973b(f)(2); or

(2) the secretary of state submits this Act to the United States Attorney General under 42 U.S.C. Section 1973c and the attorney general does not interpose an objection within the time provided by that section.

Amendment No. 9 was withdrawn.

### **Amendment No. 10**

Representative Strama offered the following amendment to **CSHB 626**:

Amend **CSHB 626** by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.012 to read as follows:

Sec. 31.012. ELECTION INTEGRITY TRAINING. The secretary of state shall annually conduct, in at least four different geographic regions of the state, election integrity training for election officers, law enforcement personnel, and prosecutors in detecting, investigating, and prosecuting instances of vote fraud involving the registration of and voting by persons who are not citizens.

SECTION 2. Subchapter A, Chapter 273, Election Code, is amended by adding Sections 273.005 and 273.006 to read as follows:

Sec. 273.005. ELECTION INTEGRITY TASK FORCE. Each district attorney or criminal district attorney in this state shall create an election integrity task force to investigate and prosecute instances of vote fraud involving the registration of and voting by persons who are not citizens.

Sec. 273.006. POST ELECTION INTEGRITY AUDIT. (a) Following the general election for state and county officers, the county clerk of each county shall conduct a post-election integrity audit to examine and investigate any evidence of vote fraud involving the registration of and voting by persons who are not citizens.

(b) The county clerk shall:

(1) not later than the 90th day after the date of the general election for state and county officers, file a report with the secretary of state and the commissioners court of the county providing details of the evidence collected in the audit; and

(2) refer any evidence of vote fraud collected under the audit to the district or criminal district attorney with jurisdiction in the county.

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

Representative P. King moved to table Amendment No. 10.

A record vote was requested.

The motion to table prevailed by (Record 861): 77 Yeas, 65 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; England; Farabee; Flynn; Geren; Goolsby; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Merritt; Miller; Morrison; 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; Farias; Farrar; Flores; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez Fischer; McClendon; McReynolds; Menendez; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Puente; Quintanilla; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gattis; Martinez; Moreno.

Absent — Heflin; Isett; Mowery; Raymond.

### STATEMENT OF VOTE

When Record No. 861 was taken, I was in the house but away from my desk. I would have voted yes.

Isett

A record vote was requested.

**CSHB 626**, as amended, was passed to engrossment by (Record 862): 87 Yeas, 59 Nays, 1 Present, not voting.

Yeas — Anderson; 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; Eiland; Eissler; Elkins; England; Farabee; Flynn; Geren; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Hopson; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; McReynolds; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pierson; Pitts; Riddle; Ritter; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; Vaught; West; Woolley; Zedler; Zerwas.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gattis; Martinez; Moreno.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 862. I intended to vote yes.

Jones

I was shown voting yes on Record No. 862. I intended to vote no.

Pierson

### CSHB 2173 ON SECOND READING

(by B. Cook, Truitt, Flynn, McClendon, and Kolkhorst)

**CSHB 2173**, A bill to be entitled An Act relating to the continuation and functions of the Prepaid Higher Education Tuition Board.

#### Amendment No. 1

Representative Dunnam offered the following amendment to **CSHB 2173**:

Amend **CSHB 2173** by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 54.642, Education Code, is amended by adding Subsection (d) to read as follows:

(d) Not later than December 1 of each even-numbered year, the board shall submit a report to the governor, lieutenant governor, speaker of the house of representatives, the appropriate committees of each house of the legislature, and the Texas Higher Education Coordinating Board, that reflects how the impact of tuition deregulation under Section 54.0513 on tuition rates has affected the program, including enrollment in the program.

Amendment No. 1 was adopted.

**CSHB 2173**, 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.)

**SCR 57 - ADOPTED**  
**(Isett and Jones - House Sponsors)**

Representative Driver moved to suspend all necessary rules to take up and consider at this time **SCR 57**.

The motion prevailed.

The following resolution was laid before the house:

**SCR 57**, Recognizing The Institute for Environmental and Human Health in Lubbock on the occasion of its 10th anniversary.

**SCR 57** was adopted.

**HR 1845 - ADOPTED**  
**(by Talton)**

Representative Driver moved to suspend all necessary rules to take up and consider at this time **HR 1845**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1845**, Commending Denton McDugle for his 18 years of service on the Deer Park City Council.

**HR 1845** was adopted.

**COMMITTEES GRANTED PERMISSION TO MEET**

Pursuant to House Rule 4, Section 9, Representative Truitt requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings, and that

for purposes of this motion, those house committees and subcommittees that are scheduled to meet upon adjournment today be considered to be scheduled to meet upon final recess today.

Permission to meet was granted.

#### **FIVE DAY POSTING RULE SUSPENDED**

Representative Truitt moved to suspend the five day posting rule to allow the Committee on Pensions and Investments to consider **SB 1626** and **SB 1913** at 8 a.m. Thursday, May 3 in E2.030.

The motion prevailed.

Representative Puente moved to suspend the five day posting rule to allow the Committee on Natural Resources to consider **HB 4112** and **HB 4127** at 2 p.m. or upon adjournment tomorrow in E2.012.

The motion prevailed.

#### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Madden requested permission for the Joint Select Committee on the Operation and Management of the Texas Youth Commission to meet while the house is in session, tomorrow, in E1.036, for a public hearing, to consider invited testimony.

Permission to meet was granted.

#### **FIVE DAY POSTING RULE SUSPENDED**

Representative Hilderbran moved to suspend the five day posting rule to allow the Committee on Culture, Recreation, and Tourism to consider **HB 4126** and **HCR 212** upon adjournment today in E2.014.

The motion prevailed.

#### **SB 482 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED**

On motion of Representative P. King, the house granted the request of the senate for the appointment of a conference committee on **SB 482**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 482**: P. King, chair; Turner, Miller, Straus, and Hartnett.

#### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Local and Consent Calendars, today, 3W.9, for a formal meeting, to set a calendar for 9 a.m. Friday, May 4.

Border and International Affairs, upon final recess today, Desk 30, for a formal meeting, to consider **SB 781** and **SB 1236**.

Calendars, during bill referral today, 3W.9, for a formal meeting, to consider a calendar.

**HR 1846 - ADOPTED**  
**(by Dutton)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 1846**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1846**, Honoring Harold Lloyd Hempstead of Houston on his retirement from Baker Oil Tools.

**HR 1846** 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. 6).

**PROVIDING FOR RECESS**

Representative Hardcastle moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 9 a.m. tomorrow in memory of Thomas Neely of Wilbarger County.

The motion prevailed.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING  
AND REFERRAL TO COMMITTEES  
RESOLUTIONS REFERRED TO COMMITTEES  
CORRECTIONS IN REFERRAL**

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

(Hamilton in the chair)

**RECESS**

In accordance with a previous motion, the house, at 8:48 p.m., recessed until 9 a.m. tomorrow.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

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

**List No. 1**

**HB 4128** (By Garcia), Relating to the election of directors of the San Patricio County Groundwater Conservation District and to the validation of certain acts of the district.

To Natural Resources.

**HB 4129** (By Raymond), Relating to the election of junior college district trustees by plurality vote.

To Higher Education.

**HB 4130** (By Coleman), Relating to the governance of certain state agencies.

To Higher Education.

**HB 4131** (By Strama), Relating to the authority of the New Sweden Municipal Utility District No. 2 and municipalities with extraterritorial jurisdiction in the district to enter into annexation and tax allocation agreements.

To Natural Resources.

**HB 4132** (By Strama), Relating to the authority of the New Sweden Municipal Utility District No. 1 and municipalities with extraterritorial jurisdiction in the district to enter into annexation and tax allocation agreements.

To Natural Resources.

**HB 4133** (By Guillen), Relating to the operation of the Duval County Juvenile Board.

To Juvenile Justice and Family Issues.

**HB 4134** (By Miles), Relating to the creation of the Harris County Improvement District No. 10; providing authority to impose a tax and issue bonds.

To Urban Affairs.

**HB 4135** (By Hilderbran), Relating to preservation of game and fish in McCulloch County.

To Culture, Recreation, and Tourism.

**HB 4136** (By Gallego), Relating to the jurisdiction of the statutory county court in Val Verde County.

To Judiciary.

**HCR 191** (By Rose), Authorizing the burial of Susana I. Aleman in the State Cemetery.

To Culture, Recreation, and Tourism.

**HCR 206** (By Delisi), Respectfully encouraging congress to direct the secretary of the United States Department of Health and Human Services to withdraw proposed rule CMS-2258-P.

To Public Health.



**HCR 220** (By Rose), Supporting the establishment of the Jacob's Well Natural Area and the associated missions of the Wimberley Valley Watershed Association.

To Culture, Recreation, and Tourism.

**HR 1671** (By Chisum), Granting the Texas DeMolay Association permission to use the house chamber on February 16 and 17, 2008.

To House Administration.

**SB 114** to Higher Education.

**SB 155** to Public Health.

**SB 201** to Higher Education.

**SB 246** to House Administration.

**SB 289** to Higher Education.

**SB 359** to Natural Resources.

**SB 380** to Insurance.

**SB 395** to Law Enforcement.

**SB 397** to Judiciary.

**SB 453** to Corrections.

**SB 518** to Defense Affairs and State-Federal Relations.

**SB 556** to Public Health.

**SB 603** to Public Health.

**SB 617** to Juvenile Justice and Family Issues.

**SB 634** to Criminal Jurisprudence.

**SB 665** to Licensing and Administrative Procedures.

**SB 689** to Agriculture and Livestock.

**SB 749** to Judiciary.

**SB 772** to Urban Affairs.

**SB 838** to Corrections.

**SB 839** to Corrections.

**SB 887** to Transportation.

**SB 947** to Appropriations.

**SB 984** to Licensing and Administrative Procedures.

**SB 987** to Financial Institutions.

**SB 997** to Culture, Recreation, and Tourism.

**SB 1009** to Business and Industry.

**SB 1013** to Energy Resources.

- SB 1032 to Transportation.
- SB 1098 to Human Services.
- SB 1123 to Urban Affairs.
- SB 1128 to Land and Resource Management.
- SB 1146 to Higher Education.
- SB 1186 to Public Health.
- SB 1198 to Corrections.
- SB 1234 to Higher Education.
- SB 1251 to Transportation.
- SB 1254 to Insurance.
- SB 1336 to Local Government Ways and Means.
- SB 1348 to Civil Practices.
- SB 1385 to Elections.
- SB 1404 to Judiciary.
- SB 1406 to Land and Resource Management.
- SB 1417 to Higher Education.
- SB 1434 to Elections.
- SB 1439 to Land and Resource Management.
- SB 1440 to County Affairs.
- SB 1446 to Higher Education.
- SB 1449 to Government Reform.
- SB 1456 to Public Education.
- SB 1475 to Licensing and Administrative Procedures.
- SB 1517 to Public Education.
- SB 1558 to Criminal Jurisprudence.
- SB 1561 to Agriculture and Livestock.
- SB 1566 to Public Health.
- SB 1587 to Appropriations.
- SB 1622 to Criminal Jurisprudence.
- SB 1668 to Culture, Recreation, and Tourism.
- SB 1669 to Culture, Recreation, and Tourism.
- SB 1682 to Human Services.
- SB 1696 to Public Health.
- SB 1699 to Higher Education.

**SB 1705** to Elections.

**SB 1719** to Appropriations.

**SB 1762** to Natural Resources.

**SB 1776** to Elections.

**SB 1782** to Civil Practices.

**SB 1796** to Criminal Jurisprudence.

**SB 1829** to Culture, Recreation, and Tourism.

**SB 1943** to Public Education.

**SB 1983** to Natural Resources.

**SCR 37** to Defense Affairs and State-Federal Relations.

**SCR 63** to Rules and Resolutions.

**SCR 67** to Rules and Resolutions.

**SJR 44** to Local Government Ways and Means.

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

**SB 1828** to Licensing and Administrative Procedures.

#### **SIGNED BY THE SPEAKER**

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

#### **Senate List No. 31**

**SB 430, SB 432, SCR 69**

#### **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, May 1, 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 747**

Watson

Relating to the authority of the Barton Springs-Edwards Aquifer Conservation District to charge certain fees and limit groundwater production during a drought.

**SB 979** West, Royce

Relating to the operation of property owners' associations.

**SB 1051** Zaffirini

Relating to course requirements for students enrolled in joint degree programs between certain general academic teaching institutions and foreign universities.

**SB 1347** Patrick, Dan

Relating to a mandatory DNA record for individuals convicted of certain offenses or adjudicated as having engaged in conduct constituting the commission of certain offenses.

**SB 1574** Duncan

Relating to the regulation by the Railroad Commission of Texas of the use of the surface of land in connection with certain activities associated with the exploration, development, or production of oil or gas, including the gathering of oil or gas by pipeline.

**SB 1731** Duncan

Relating to consumer access to health care information and consumer protection for services provided by or through health benefit plans, hospitals, ambulatory surgical centers, birthing centers, and other health care facilities; providing penalties.

**SB 1741** Shapiro

Relating to the creation of a state agency to perform the functions relating to the sex offender civil commitment program that are currently performed by the Council on Sex Offender Treatment.

**SB 1750** Whitmire

Relating to the issuance of an occupational license to certain applicants with criminal convictions.

**SB 1886** Williams

Relating to motor fuel taxes.

**SB 1933** Watson

Relating to the creation of the Texas State Music History Museum.

Respectfully,

Patsy Spaw

Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, May 1, 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:

**LOCAL AND UNCONTESTED CALENDAR**

**HB 178** Bailey SPONSOR: Gallegos  
Relating to the issuance and renewal of certain licenses for junkyards and automotive wrecking and salvage yards.

**HB 313** Pickett SPONSOR: Carona  
Relating to an exemption from registration in this state for certain foreign commercial motor vehicles.

**HB 368** Hartnett SPONSOR: Watson  
Relating to disposition of surplus computer equipment and the grant of money by the Office of Court Administration.

**HB 423** Corte, Frank SPONSOR: Carona  
Relating to requiring that medical examiners and justices of the peace report certain deaths that result from a motor vehicle accident to the Texas Department of Public Safety.

**HB 481** Jackson, Jim SPONSOR: Carona  
Relating to the transfer of a used motor vehicle.

**HB 484** Veasey SPONSOR: Brimer  
Relating to the designation of a portion of United States Highway 287 as the Dr. Martin Luther King, Jr., Freeway.

**HB 504** Naishtat SPONSOR: Wentworth  
Relating to payment for the provision of services by a metropolitan rapid transit authority to persons with disabilities in a unit of election that has withdrawn from the authority.

**HB 622** Hardcastle SPONSOR: Estes  
Relating to the application of the professional prosecutors law to the district attorney for the 46th Judicial District.

**HB 709** Puente SPONSOR: Nelson  
Relating to information regarding umbilical cord blood options.  
(Committee Substitute)

**HB 889** Delisi SPONSOR: Nichols  
Relating to certain actions that constitute unlawful acts against the Medicaid program.

**HB 1308** Hilderbran SPONSOR: Brimer  
Relating to deer breeding operations; providing a penalty.

**HB 1562** Bailey SPONSOR: Gallegos  
Relating to hours of labor in certain fire departments.

**HB 1763** Callegari SPONSOR: Janek  
Relating to the Harris County Board of Protective Services for Children and Adults.

**SB 221** Lucio

Relating to birth records of adopted children.

**SB 232** Harris

Relating to the rendition and issuance of an administrative qualified domestic relations order to enforce child support obligations.

**SB 361** Janek

Relating to the deadline for submitting a federal postcard application to the early voting clerk.

**SB 404** Zaffirini

Relating to the Bee Groundwater Conservation District.

**SB 415** Lucio

Relating to a risk assessment program for Type 2 diabetes and the creation of the Type 2 Diabetes Risk Assessment Program Advisory Committee.

**SB 429** Harris

Relating to a child support lien and notice of levy for the enforcement of child support obligations.

**SB 440** Deuell

Relating to the pendency of charges against a criminal defendant subjected to certain incompetency proceedings and to the maximum period for confining that defendant.

**SB 441** Deuell

Relating to procedures occurring after a determination of a defendant's incompetency to stand trial.

**SB 486** Shapiro

Relating to the Texas emerging technology fund.

**SB 537** West, Royce

Relating to the design and construction of a cenotaph in the State Cemetery to honor 19th-century African American members of the Texas Legislature.

**SB 637** Van de Putte

Relating to use of the money from the Texas Enterprise Fund to benefit small businesses.

**SB 654** Seliger

Relating to the management of certain public land; providing for penalties.

**SB 661** Wentworth

Relating to the administration, operation, financing, powers, and duties of the Hays Trinity Groundwater Conservation District.

**SB 703** Deuell

Relating to the regulation of dyslexia practitioners and therapists; imposing penalties.

**SB 707** Lucio

Relating to the powers and duties of the Rio Grande Regional Water Authority and the establishment of a member conference.

**SB 731** Carona

Relating to the eligibility of an establishment to be included on a specific information logo sign along a highway.

**SB 737** Williams

Relating to the amount of hazardous duty pay for certain state employees.

**SB 745** Seliger

Relating to the eligibility of persons convicted of certain offenses to possess or carry certain firearms.

**SB 789** Hegar

Relating to findings required for the issuance of a protective order for a victim of sexual assault.

**SB 817** Averitt

Relating to the use of personal leave by a public school employee.

**SB 827** West, Royce

Relating to the public schools eligible to receive certain grants from the Department of Agriculture.

**SB 876** Seliger

Relating to authorizing the Department of Public Safety of the State of Texas 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.

**SB 878** Gallegos

Relating to residential property exemptions from taxes, assessments, and impact fees in the Greater East End Management District.

**SB 986** Lucio

Relating to an urban land bank program in certain municipalities.

**SB 1040** Lucio

Relating to education and examination requirements for the issuance of a driver's license.

**SB 1042** West, Royce

Relating to providing supplemental financial assistance to certain grandparents.

**SB 1125** Gallegos

Relating to statutory probate court associate judges.

**SB 1177** Brimer

Relating to a pilot test of an advanced control technology for the reduction of nitrogen oxides emissions.

**SB 1215** Gallegos

Relating to the quantity of beer or malt liquor a distributor or wholesaler may withdraw from a retailer.

**SB 1217** Gallegos

Relating to fees for and terms of permits and licenses issued by the Texas Alcoholic Beverage Commission.

**SB 1230** Gallegos

Relating to the licensing of court interpreters.

- SB 1268** Nichols  
Relating to the conversion of a nontolled state highway or segment of the state highway system to a toll project.
- SB 1305** Wentworth  
Relating to service of process; creating a penalty.
- SB 1339** Estes  
Relating to allowing money in the disaster contingency fund to be used to provide assistance to producers of agricultural products affected by a disaster caused by severe drought or wildfire.
- SB 1351** West, Royce  
Relating to a requirement that the Texas Commission on Environmental Quality provide notice related to certain permit applications to certain local officials.
- SB 1360** Whitmire  
Relating to the procedural requirements for a political subdivision to adopt airport zoning regulations.
- SB 1365** Williams  
Relating to the regulation of staff leasing services.
- SB 1437** West, Royce  
Relating to the enforcement of municipal building and safety ordinances by occupants of the buildings; providing penalties.
- SB 1495** Zaffirini  
Relating to student fees at component institutions of The Texas A&M University System.
- SB 1523** Wentworth  
Relating to facilitating and supporting efforts of certain municipalities and counties to promote economic development by hosting certain major sporting or athletic events.
- SB 1549** Hinojosa  
Relating to health services districts.
- SB 1601** West, Royce  
Relating to the operation of the Joint Admission Medical Program and to admission to the program.
- SB 1619** Lucio  
Relating to the confidentiality of certain employment information, including unemployment compensation information; providing criminal penalties.
- SB 1632** Wentworth  
Relating to the authority of a dealer to conduct certain motor vehicle sales outside of a dealership.
- SB 1646** Duncan  
Relating to certain election practices and procedures; providing penalties.
- SB 1658** Nichols  
Relating to the authority of a pharmacist to fill certain prescriptions in the event of a disaster.
- SB 1709** Hegar



Relating to procedures to limit the carrying of handguns by persons other than peace officers on certain premises used for law enforcement.

**SB 1714** Seliger

Relating to regulation of dairy products.

**SB 1715** Seliger

Relating to the venue for certain crimes regarding insurance fraud.

**SB 1716** Seliger

Relating to a fee exemption for local law enforcement agencies in the licensing and registering of X-ray devices used for screening suspicious packages and other objects.

**SB 1737** West, Royce

Relating to certain requirements applicable to orders of expunction or nondisclosure of criminal history records and to the protection of information that is the subject of one of those orders; providing penalties.

**SB 1757** Ellis

Relating to certain real property transactions involving certain land banks.

**SB 1783** Janek

Relating to the waiting period for issuing a decree in certain suits for divorce.

**SB 1786** Carona

Relating to temporary cardboard tags on vehicles; providing penalties.

**SB 1792** Whitmire

Relating to including knowledge and skills related to personal safety among the essential knowledge and skills required for public school health courses.

**SB 1888** Hinojosa

Relating to an optional fee on registration of a vehicle in certain counties to fund transportation projects.

**SB 1896** Lucio

Relating to the distribution and redistribution of certain drugs.

**SB 1915** Shapleigh

Relating to local juvenile justice information systems.

**SB 1953** Hegar

Relating to the name, commissioners, and powers of the Aransas County Navigation District No. 1.

**SB 1977** Janek

Relating to the creation of Fort Bend County Municipal Utility District No. 189; providing authority to impose taxes and issue bonds; granting the power of eminent domain.

**SB 1981** Hegar

Relating to the terms of office for directors of the Lost Pines Groundwater Conservation District.

**SB 1986** Hegar

Relating to the powers and duties of the Cinco Southwest Municipal Utility District No. 1; providing authority to impose a tax and issue bonds.

**SB 1988**

Hegar

Relating to the powers and duties of the Cinco Southwest Municipal Utility District No. 3; providing authority to impose a tax and issue bonds.

**SB 2014**

Nichols

Relating to the creation of the Magnolia Woods Municipal Utility District No. 1 of Montgomery, Waller, and Grimes Counties; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

Respectfully,

Patsy Spaw

Secretary of the Senate

**Message No. 3**

## MESSAGE FROM THE SENATE

## SENATE CHAMBER

Austin, Texas

Tuesday, May 1, 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:

**HCR 204**

Darby

SPONSOR: Duncan

Commemorating the 75th anniversary of the founding of Shannon Medical Center in San Angelo.

**SB 127**

Shapleigh

Relating to the Communities In Schools program.

**SB 443**

Hinojosa

Relating to the authority of a school district board of trustees to create a criminal offense for violation of a district policy.

Respectfully,

Patsy Spaw

Secretary of the Senate

**Message No. 4**

## MESSAGE FROM THE SENATE

## SENATE CHAMBER

Austin, Texas

Tuesday, May 1, 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:

**HB 407** Chisum SPONSOR: Watson  
Relating to the establishment of a home-delivered meal grant program in the Department of Agriculture.  
(Amended)

**HB 733** Krusee SPONSOR: Carona  
Relating to the sale of certain used trucks; providing penalties.  
(Committee Substitute/Amended)

**HB 899** Smith, Wayne SPONSOR: Deuell  
Relating to the operation and functions of the Texas Board of Professional Engineers and the regulation of the practice of engineering.  
(Committee Substitute/Amended)

**HCR 139** Rodriguez SPONSOR: Van de Putte  
Designating May 1, 2007, as Silver Star Day in Texas in honor of wounded service members.

**HCR 226** Merritt SPONSOR: Eltife  
In memory of Constable Dale David Geddie of Winona.

**SB 798** Wentworth  
Relating to the penalty for failure to yield the right-of-way.

**SB 1127** Hegar  
Relating to the penalty for certain violations of county traffic regulations.

**SB 1245** Wentworth  
Relating to the creation of Kendall County Water Control and Improvement District No. 2; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**SB 1788** Shapiro  
Relating to the creation and operation of a state virtual school network to provide education to students through electronic means.

**SJR 64** Carona  
Proposing a constitutional amendment providing for the issuance of general obligation bonds by the Texas Transportation Commission to provide funding for highway improvement projects.

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

**SB 1012** (31 Yeas, 0 Nays)  
THE SENATE HAS REFUSED TO CONCUR IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

**SB 483**

Senate Conferees: Fraser - Chair/Averitt/Eltife/Harris/Janek

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 5**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Tuesday, May 1, 2007 - 5

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 769**                                      Zaffirini  
Relating to contracting issues of state agencies, including ethics issues related to state contracting.

**SB 1056**                                      Wentworth  
Relating to conversion of a reciprocal or interinsurance exchange to a stock company through creation of a mutual holding company.

**SB 1061**                                      Williams  
Relating to the suspension or denial of the driver's license of a person who refuses to submit to the taking of a specimen to test for intoxication.

**SB 1746**                                      Eltife  
Relating to the authority of certain school districts to enter into property tax abatement agreements in connection with realigned or closed military facilities.

**SB 2018**                                      Deuell  
Relating to the creation of an additional statutory county court in Hunt County.

**SB 2027**                                      Shapleigh  
Relating to a border crossing initiative and issuance of an enhanced driver's license or personal identification certificate by the Department of Public Safety of the State of Texas.

**SB 2030**                                      Wentworth  
Relating to an additional filing fee for civil cases filed in Hays County.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 6**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Tuesday, May 1, 2007 - 6

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 966** Ellis  
Relating to a qualified privilege of a journalist not to testify.

**SB 1834** Hegar  
Relating to treatment of pharmaceutical services provided through specialty and mail order pharmacy services operated under contracts between governmental entities and pharmacy benefit managers.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**April 30**

Agriculture and Livestock - **HB 2542**

Border and International Affairs - **HB 3647**

Business and Industry - **HB 861, HB 976, HB 1651, HB 2153, HB 2207, HB 3222, HB 3823**

Corrections - **HB 315, HB 1596, HB 2034, HB 2244, HB 2526, HB 2807**

County Affairs - **HB 539, HB 1671, HB 2156, HB 3223, HB 3407, HB 3439, HB 3444, HB 3503, HB 3581, HB 3706, HB 3834, HB 4035, SB 66, SB 235, SB 267, SB 336**

Criminal Jurisprudence - **SB 244, SB 1470**

Culture, Recreation, and Tourism - **HCR 49, HCR 81, HCR 102, HCR 186**

Elections - **HB 3105, HB 3742, HB 3906**

Environmental Regulation - **HB 3308**

Financial Institutions - **HB 345, HB 3125, HB 3282, HB 3842**

Government Reform - **HB 1433, HB 2918, HB 3297, HB 3298, SB 470, SB 687, SB 924**

Human Services - **HB 1168, HB 1359, HB 1938, HB 2539, SB 291, SB 322**

Insurance - **HB 510, HB 1224, HB 2668, HB 2960, SB 1153**

Judiciary - **HB 2201, HB 2385, HB 4082, SB 399, SB 496, SB 560, SB 618, SB 819, SB 821**

Land and Resource Management - **HB 3232**

Licensing and Administrative Procedures - **HB 372**

Natural Resources - **HB 2315, HB 2442, HB 2678, HB 3985**

Public Education - **HB 1140, HB 1435, HB 1609, HB 1924, HB 2383, HB 2399, HB 2560, HB 2594, HB 2646, HB 2785, HB 2887, HB 3092, HB 3171, HB 3418, HB 3457, HB 3485, HB 3487, HCR 143**

Public Health - **HB 1066, HB 3064**

State Affairs - **HB 13, HB 180**

Transportation - **HB 107, HB 2907, HB 2908, HB 3116, HB 3888**

Urban Affairs - **HB 2063, HB 3671, HB 3871, HB 3872, HB 4091, HB 4092**

Ways and Means - **HJR 44**

#### **ENGROSSED**

**April 30 - HB 1183, HB 2278, HB 3430**

#### **SENT TO THE GOVERNOR**

**April 30 - HB 92, HB 385, HB 566, HB 708, HB 978, HB 1064, HCR 6, HCR 211**