

# HOUSE JOURNAL

---

---

EIGHTIETH LEGISLATURE, REGULAR SESSION

---

---

## PROCEEDINGS

SIXTY-EIGHTH DAY — THURSDAY, MAY 3, 2007

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

The roll of the house was called and a quorum was announced present (Record 887).

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

Absent, Excused — Flynn; Moreno.

The invocation was offered by Dr. Thomas Teague, North Richland Hills Baptist Church, North Richland Hills, as follows:

Our Father, it is with grateful hearts that we come into your presence. You alone are worthy of our highest praise, and we acknowledge you as the sovereign authority over our lives, our families, our nation, and this assembly. We thank you today for your word that guides our lives, your unmerited favor that releases us from the guilt of sin, and for your immutable character that is changeless in uncertain times.

Today, we join our fellow citizens around this great country in exercising our privilege to prayerfully intercede for our nation. We ask that you would guard and guide our president today with wisdom as he governs our land. Provide

discernment, steadfast reasoning, and uncompromising character to those in the senate, congress, house of representatives, judicial leaders, and all other elected officials who have the daunting assignment of serving this great land.

We ask a special blessing upon the leaders in this room and the districts they represent. Bring unity midst their diversity and sustain them with keen insight and wise counsel. Help us to humbly unite on the values and principles under God that were initiated by our founding fathers. We confess our need for forgiveness, and we ask that your unconditional love would sustain us.

Bring healing to our land, protect us from those who would inflict evil, and help us to dwell in your presence and reflect your glory. In the name of our wonderful Lord and Savior, Jesus Christ. Amen.

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

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

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

### **CAPITOL PHYSICIAN**

The chair recognized Representative Callegari who presented Dr. Stephen Benold of Georgetown as the "Doctor for the Day."

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

### **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).

### **LEAVE OF ABSENCE GRANTED**

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

Flynn on motion of Berman.

### **HR 544 - READ (by Krusee)**

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

**HR 544**, In memory of S. Thomas McDaniel of Georgetown.

### **HR 544 - MOTION TO ADD NAMES**

On motion of Representative Krusee, the names of all the members of the house were added to **HR 544** as signers thereof.

### **INTRODUCTION OF GUESTS**

The chair recognized Representative Krusee who introduced friends and family members of S. Thomas McDaniel.

**HR 452 - ADOPTED**  
**(by Bolton)**

Representative Bolton moved to suspend all necessary rules to take up and consider at this time **HR 452**.

The motion prevailed.

The following resolution was laid before the house:

**HR 452**, Honoring the James Bowie High School Outdoor Performing Ensemble on earning 12th place in its finals performance at the Bands of America Grand National Championships.

**HR 452** was read and was adopted.

**LEAVE OF ABSENCE GRANTED**

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

Smithee on motion of Berman.

**HR 1006 - READ**  
**(by Goolsby)**

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

**HR 1006**, In memory of Paul Mabrey Hanson of Dallas.

**HR 1006 - MOTION TO ADD NAMES**

On motion of Representative Harper-Brown, the names of all the members of the house were added to **HR 1006** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Goolsby who introduced family members of Paul Mabrey Hanson.

**HR 1866 - ADOPTED**  
**(by Dutton)**

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 1866**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1866**, Honoring Orpah M. Thomas of Houston on her 92nd birthday.

**HR 1866** was adopted.

**HCR 176 - ADOPTED**  
**(by Craddick)**

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HCR 176**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 176**, Congratulating the Honorable Reuben Senterfitt of San Saba on the occasion of his 90th birthday.

**HCR 176** was adopted.

**HR 1795 - ADOPTED**  
**(by Heflin)**

Representative Heflin moved to suspend all necessary rules to take up and consider at this time **HR 1795**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1795**, Honoring UIL competitors and sponsors from Wellman-Union ISD.

**HR 1795** was adopted.

**HR 1354 - READ**  
**(by T. Smith)**

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

**HR 1354**, Congratulating the North Texas Chapter of the International Code Council on its receipt of an International Code Council Chapter Merit Award.

**INTRODUCTION OF GUESTS**

The chair recognized Representative T. Smith who introduced members of the North Texas Chapter of the International Code Council.

**HR 1627 - ADOPTED**  
**(by Krusee)**

Representative Krusee moved to suspend all necessary rules to take up and consider at this time **HR 1627**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1627**, Honoring Erin Davis of Round Rock for her success in the sport of gymnastics.

**HR 1627** was read and was adopted.

**HR 1506 - ADOPTED**  
**(by Olivo)**

Representative Olivo moved to suspend all necessary rules to take up and consider at this time **HR 1506**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1506**, In memory of U.S. Army Specialist Forrest John Waterbury of Richmond.

**HR 1506** was read and was unanimously adopted by a rising vote.

On motion of Representatives Aycock and Olivo, the names of all the members of the house were added to **HR 1506** as signers thereof.

**HB 899 - HOUSE CONCURS IN SENATE AMENDMENTS**  
**TEXT OF SENATE AMENDMENTS**

Representative W. Smith called up with senate amendments for consideration at this time,

**HB 899**, A bill to be entitled An Act relating to the operation and functions of the Texas Board of Professional Engineers and the regulation of the practice of engineering.

Representative W. Smith moved to concur in the senate amendments to **HB 899**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 888): 134 Yeas, 0 Nays, 2 Present, not voting. (The vote was reconsidered later today, the house refused to concur in senate amendments, and a conference committee was appointed.)

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

Present, not voting — Mr. Speaker; Cook, B.

Absent, Excused — Flynn; Moreno; Smithee.

Absent — Davis, J.; Farabee; Gallego; Goolsby; Haggerty; Hochberg; Homer; Isett; Solomons; Truitt; Villarreal.

### STATEMENTS OF VOTE

When Record No. 888 was taken, I was in the house but away from my desk. I would have voted yes.

Farabee

When Record No. 888 was taken, I was in the house but away from my desk. I would have voted yes.

Truitt

#### Senate Committee Substitute

**CSHB 899**, A bill to be entitled An Act relating to the operation and functions of the Texas Board of Professional Engineers and the regulation of the practice of engineering.

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

SECTION 1. Section 1001.107, Occupations Code, is amended to read as follows:

Sec. 1001.107. PER DIEM[~~REIMBURSEMENT~~]. ~~[(a)]~~ A board member is entitled to receive a per diem as set by the General Appropriations Act for each day that the member engages in the business of the board.

~~[(b) A board member may not receive reimbursement for travel expenses, including expenses for meals and lodging, other than transportation expenses. A member is entitled to reimbursement for transportation expenses as provided by the General Appropriations Act.]~~

SECTION 2. Section 1001.108, Occupations Code, is amended to read as follows:

Sec. 1001.108. OFFICERS. The governor shall designate a member of the board as the presiding officer of the board to serve in that capacity at the will of the governor. The board shall elect annually from its members an assistant presiding officer, a treasurer, and a secretary.

SECTION 3. Section 1001.206(c), Occupations Code, is amended to read as follows:

(c) The fee increase imposed by Subsection (a) does not apply to an engineer who:

- (1) meets the qualifications for an exemption under Section 1001.057 or 1001.058 but does not claim that exemption;
- (2) is disabled as described by Section 1001.205; ~~or~~
- (3) is on inactive status as provided by Section 1001.355; or
- (4) is 65 years of age or older.

SECTION 4. Section 1001.306, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) Examination results reported under this section must include a numerical score and an indication of whether the person passed or failed the examination.

SECTION 5. Section 1001.355(a), Occupations Code, is amended to read as follows:

(a) An engineer may request inactive status at any time [~~before the expiration date of the person's license~~]. A license holder on inactive status may not practice engineering.

SECTION 6. Section 1001.401, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) A license holder is not required to use a seal under this section for a project for which the license holder is not required to hold a license under an exemption provided by Subchapter B.

SECTION 7. Section 1001.4527(a), Occupations Code, is amended to read as follows:

(a) A board member who participated in the investigation of a complaint or in informal settlement negotiations regarding the complaint:

(1) may not [~~participate in the discussion of or~~] vote on the matter at a board meeting related to the complaint; and

(2) shall state at the meeting why the member is prohibited from [~~participating in the discussion of or~~] voting on the matter.

SECTION 8. Section 1001.109, Occupations Code, is repealed.

SECTION 9. The change in law made by this Act to Section 1001.206(c), Occupations Code, applies only to an application for a license, the renewal of a license, or a reciprocal license filed on or after the effective date of this Act. An application filed before the effective date of this Act is governed by the law in effect on the date the application is filed, and the former law is continued in effect for that purpose.

SECTION 10. This Act takes effect September 1, 2007.

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

Amend **CSHB 899** (Senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering existing SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 1001.003(c), Occupations Code, is amended to read as follows:

(c) The practice of engineering includes:

(1) consultation, investigation, evaluation, analysis, planning, engineering for program management, providing an expert engineering opinion or testimony, engineering for testing or evaluating materials for construction or other engineering use, and mapping;

(2) design, conceptual design, or [~~conceptual~~] design coordination of engineering works or systems, including buildings and related structures;

(3) development or optimization of plans and specifications for engineering works or systems;

(4) planning the use or alteration of land or water or the design or analysis of works or systems for the use or alteration of land or water;

(5) responsible charge of engineering teaching or the teaching of engineering;

(6) performing an engineering survey or study;

(7) engineering for construction, alteration, or repair of real property;

(8) engineering for preparation of an operating or maintenance manual;

(9) engineering for review of the construction or installation of engineered works to monitor compliance with drawings or specifications;

(10) a service, design, analysis, or other work performed for a public or private entity in connection with a utility, structure, building, machine, equipment, process, system, work, project, or industrial or consumer product or equipment of a mechanical, electrical, electronic, chemical, hydraulic, pneumatic, geotechnical, or thermal nature;

(11) providing an engineering opinion or analysis related to a certificate of merit under Chapter 150, Civil Practice and Remedies Code; or

(12) any other professional service necessary for the planning, progress, or completion of an engineering service.

**HB 733 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 733**, A bill to be entitled An Act relating to the sale of certain used trucks; providing penalties.

Representative Krusee moved to concur in the senate amendments to **HB 733**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 889): 140 Yeas, 2 Nays, 3 Present, not voting.

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

Nays — Harper-Brown; Macias.

Present, not voting — Mr. Speaker; Cook, R.(C); Harless.

Absent, Excused — Flynn; Moreno; Smithee.



Absent — Davis, J.; Gonzalez Toureilles.

### Senate Committee Substitute

**CSHB 733**, A bill to be entitled An Act relating to the sale of certain used trucks; providing penalties.

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

SECTION 1. Section 2301.476, Occupations Code, is amended by adding Subsections (j) through (o) to read as follows:

(j) This section does not prohibit a manufacturer or distributor that owned, on or before January 1, 2007, an interest in a motor vehicle dealer engaged in the sale of used motor vehicles, and that has not agreed to or been ordered by a court order or ruling to comply with Subsection (c), from continuing to directly or indirectly own an interest in the motor vehicle dealer if the manufacturer's or distributor's ownership and control of the motor vehicle dealer does not increase after January 1, 2007. The exception provided by this subsection:

(1) applies if the motor vehicle dealer is engaged in the business of selling or offering for sale only used trucks that have a gross vehicle weight rating of 16,000 pounds or more;

(2) does not apply if the motor vehicle dealer sells a new motor vehicle;

(3) does not permit an increase in the manufacturer's or distributor's ownership interest in the motor vehicle dealer;

(4) does not grant an exception to this chapter other than the exception expressly provided by this subsection;

(5) applies regardless of whether there is a transfer or relocation of the motor vehicle dealer required by:

(A) an act of God;

(B) the exercise of eminent domain authority; or

(C) another reason approved by the division after a hearing conducted in the same manner as a contested case under Subchapter O; and

(6) does not apply if the manufacturer or distributor no longer owns the interest in the motor vehicle dealer that the manufacturer or distributor owned on or before January 1, 2007.

(k) A motor vehicle dealer under Subsection (j) violates that subsection if the dealer:

(1) sells or offers for sale a motor vehicle with a gross vehicle weight rating of less than 16,000 pounds, other than a motor vehicle the dealer has acquired as a trade-in in a transaction involving the retail sale of a motor vehicle with a gross vehicle weight rating of 16,000 pounds or more and if the trade-in motor vehicle will be sold or offered for sale only to a person who holds a general distinguishing number issued in the category described by Section 503.029(a)(6)(C), Transportation Code;

(2) performs or offers to perform new motor vehicle warranty repair; or

(3) sells or offers for sale a new motor vehicle.

(l) A manufacturer or distributor described by Subsection (j) violates that subsection if the manufacturer or distributor:

(1) sells, assigns, or otherwise transfers an interest in the motor vehicle dealer or a portion of its interest in the motor vehicle dealer to an unaffiliated manufacturer or distributor; or

(2) increases its ownership interest in the motor vehicle dealer.

(m) A person who violates Subsection (j), (k), or (l) is subject to:

(1) a civil penalty under Section 2301.801;

(2) a suit for injunctive relief under Section 2301.804; and

(3) denial, revocation, or suspension of a license under Section 2301.651.

(n) For purposes of Subsections (j), (k), and (l), a reference to a motor vehicle dealer includes the physical premises, business facilities, and operations where motor vehicle sales occur.

(o) This subsection, Subsections (j) through (n), and the exception provided by Subsection (j) expire September 1, 2013.

SECTION 2. This Act takes effect September 1, 2008.

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

Amend **CSHB 733**, in proposed Subsection (o), Section 2301.476, Occupations Code (committee printing page 2, line 12), by striking "2013" and substituting "2023".

(Krusee in the chair)

### **HB 310 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 310**, A bill to be entitled An Act relating to the transfer of registration and removal of license plates for the sale or transfer of used vehicles.

Representative Goolsby moved to concur in the senate amendments to **HB 310**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 890): 136 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, T.; Kolkhorst; 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; Pitts; Puente; Quintanilla; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Flynn; Moreno; Smithee.

Absent — Alonzo; Davis, J.; Guillen; Hopson; King, S.; Pickett; Pierson; Raymond.

### STATEMENTS OF VOTE

When Record No. 890 was taken, my vote failed to register. I would have voted yes.

Hopson

When Record No. 890 was taken, my vote failed to register. I would have voted yes.

S. King

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

Amend **HB 310** (Senate committee printing) as follows:

(1) In SECTION 2 of the bill, strike proposed Subsection (a), Section 502.451, Transportation Code (page 1, lines 22-24), and substitute:

(a) On the sale or transfer of a motor vehicle to a dealer, as defined by Section 503.001, who holds a general distinguishing number issued under Chapter 503, the dealer shall remove each license plate and the registration insignia issued for the motor vehicle.

(a-1) On a sale or transfer of a motor vehicle to a person that does not hold a general distinguishing number issued under Chapter 503, the seller or transferor may remove each license plate and the registration insignia issued for the motor vehicle.

(2) In SECTION 2 of the bill, in proposed Subsection (b), Section 502.451, Transportation Code (page 1, line 26), between "a" and "must" insert "or (a-1)".

(3) In SECTION 2 of the bill, strike proposed Section 502.452, Transportation Code, and renumber applicable cross-references and subsequent sections in proposed Subchapter I, Chapter 502, Transportation Code.

(4) In SECTION 2 of the bill, in proposed Subsection (a), Section 502.455, Transportation Code (page 2, line 9), strike "as required by Section 502.451" and substitute "as authorized by Section 502.451(a-1)".

### LEAVE OF ABSENCE GRANTED

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

Gattis on motion of Van Arsdale.

**HB 314 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 314**, A bill to be entitled An Act relating to the classroom placement of multiple birth siblings in public schools.

Representative Eissler moved to concur in the senate amendments to **HB 314**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 891): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; 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; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; 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; 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; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Flynn; Gattis; Moreno; Smithee.

Absent — Chavez; Guillen; Pickett.

**Senate Committee Substitute**

**CSHB 314**, A bill to be entitled An Act relating to the classroom placement of multiple birth siblings in public schools.

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

SECTION 1. Subchapter B, Chapter 25, Education Code, is amended by adding Section 25.043 to read as follows:

Sec. 25.043. CLASSROOM PLACEMENT OF MULTIPLE BIRTH SIBLINGS. (a) In this section:

(1) "Multiple birth sibling" means a twin, triplet, quadruplet, or other sibling resulting from a multiple birth.

(2) "Parent" includes a person standing in parental relation.

(b) The parent of multiple birth siblings who are assigned to the same grade level and school may request in writing, not later than the 14th day after the first day of enrollment, that the school place the siblings in the same classroom or in separate classrooms.

(c) Except as provided by Subsection (d) or (g), a school shall provide the multiple birth siblings with the classroom placement requested by the parent.

(d) At the end of the first grading period following the multiple birth siblings' enrollment in the school, if the principal of the school, in consultation with the teacher of each classroom in which the multiple birth siblings are placed, determines that the requested classroom placement is disruptive to the school, the principal may determine the appropriate classroom placement for the siblings.

(e) A parent may appeal the principal's classroom placement of multiple birth siblings in the manner provided by school district policy. During an appeal, the multiple birth siblings shall remain in the classroom chosen by the parent.

(f) The school may recommend to a parent the appropriate classroom placement for the multiple birth siblings and may provide professional educational advice to assist the parent with the decision regarding appropriate classroom placement.

(g) A school district is not required to place multiple birth siblings in separate classrooms if the request would require the school district to add an additional class to the grade level of the multiple birth siblings.

(h) This section does not affect:

(1) a right or obligation under Subchapter A, Chapter 29, or under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) regarding the individual placement decisions of the school district admission, review, and dismissal committee; or

(2) the right of a school district or teacher to remove a student from a classroom under Chapter 37.

SECTION 2. Section 25.043, Education Code, as added by this Act, applies beginning with the 2007-2008 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

### **HB 709 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 709**, A bill to be entitled An Act relating to information regarding umbilical cord blood options.

Representative Puente moved to concur in the senate amendments to **HB 709**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 892): 141 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Flynn; Gattis; Moreno; Smithee.

Absent — Harper-Brown; McReynolds; Pickett.

### Senate Committee Substitute

**CSHB 709**, A bill to be entitled An Act relating to information regarding umbilical cord blood options.

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

SECTION 1. Chapter 162, Health and Safety Code, is amended by adding Sections 162.018 and 162.019 to read as follows:

Sec. 162.018. BROCHURE ON UMBILICAL CORD BLOOD OPTIONS.

(a) The executive commissioner of the Health and Human Services Commission shall prepare and update as necessary a brochure based on nationally accepted, peer reviewed, scientific research information regarding stem cells contained in the umbilical cord blood after delivery of an infant. The information in the brochure must include:

(1) the current and potential uses, risks, and benefits of stem cells contained in umbilical cord blood to a potential recipient of donated stem cells, including a biological family member, extended family member, or nonrelated individual;

(2) the options available for future use or storage of umbilical cord blood after delivery of an infant, including:

(A) discarding the stem cells;

(B) donating the stem cells to a public umbilical cord blood bank;

(C) storing the stem cells in a private family umbilical cord blood bank for use by immediate and extended family members; and

(D) storing the stem cells for immediate and extended family use through a family or sibling donor banking program that provides free collection, processing, and storage when a medical need exists;

(3) the medical process used to collect umbilical cord blood after delivery of an infant;

(4) any risk associated with umbilical cord blood collection to the mother and the infant;

(5) any costs that may be incurred by a pregnant woman who chooses to donate or store umbilical cord blood after delivery of the woman's infant; and

(6) the average cost of public and private umbilical cord blood banking.

(b) The Department of State Health Services shall make the brochure available on the department's website and shall distribute the brochure on request to physicians or other persons permitted by law to attend a pregnant woman during gestation or at delivery of an infant.

Sec. 162.019. DUTY OF CERTAIN PROFESSIONALS. (a) Except as otherwise provided by this section, a physician or other person permitted by law to attend a pregnant woman during gestation or at delivery of an infant shall provide the woman with the brochure described in Section 162.018 before the third trimester of the woman's pregnancy or as soon as reasonably feasible.

(b) A person described in Subsection (a) who attends a pregnant woman during delivery of her infant shall permit the mother to arrange for umbilical cord blood storage or donation if the mother requests unless, in the opinion of the person, the donation threatens the health of the mother or her infant.

(c) A person described by Subsection (a) is not required to distribute the brochure under Subsection (a) or to permit for the arrangement of umbilical cord blood storage or donation under Subsection (b) if the action conflicts with the person's religious beliefs and the person makes this fact known to the mother as soon as reasonably feasible.

(d) A person described by Subsection (a) is not required to distribute the brochure under Subsection (a) while treating the pregnant woman for an emergency condition or when the mother presents in labor and delivers the infant during that presentation.

(e) A person described by Subsection (a) is not required to distribute the brochure under Subsection (a) if the woman provides the person with a written statement that she chooses to view the materials on the website described by Section 162.018(b).

(f) A person described by Subsection (a) who fails to distribute the brochure is not subject to discipline by the appropriate licensing agency and a cause of action is not created by any failure to distribute the brochure as required by this section.

SECTION 2. Not later than January 1, 2008, the executive commissioner of the Health and Human Services Commission shall prepare and the Department of State Health Services shall distribute the brochure required by Section 162.018, Health and Safety Code, as added by this Act.

SECTION 3. A physician or other person permitted by law to attend a pregnant woman during gestation or at delivery of an infant is not required to comply with Section 162.019, Health and Safety Code, as added by this Act, before January 1, 2008.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

### **HR 1854 - ADOPTED**

**(by Thompson)**

Representative Thompson moved to suspend all necessary rules to take up and consider at this time **HR 1854**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1854**, Recognizing May as American Stroke Month.

**HR 1854** was read and was adopted.

On motion of Representative Noriega, the names of all the members of the house were added to **HR 1854** as signers thereof.

### **INTRODUCTION OF GUESTS**

The chair recognized Representative Thompson who introduced members of the American Heart and Stroke Association.

### **HB 407 - HOUSE CONCURS IN SENATE AMENDMENTS**

#### **TEXT OF SENATE AMENDMENTS**

Representative P. King called up with senate amendments for consideration at this time,

**HB 407**, A bill to be entitled An Act relating to the establishment of a home-delivered meal grant program in the Department of Agriculture.

Representative P. King moved to concur in the senate amendments to **HB 407**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 893): 141 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Flynn; Gattis; Moreno; Smithee.

Absent — Isett; Kolkhorst; Rodriguez.

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

In Section 1 of **HB 407**, on page 2, line 66, add the following: "(l) These funds shall not be considered by the Texas Department of Aging and Disability Services or the Area Agencies on Aging in setting unit rates."

#### **LEAVE OF ABSENCE GRANTED**

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

Kolkhorst on motion of Geren.

#### **UNFINISHED BUSINESS**

The following bill was laid before the house as unfinished business:

#### **CSHB 3560 ON SECOND READING (by Swinford)**

**CSHB 3560**, A bill to be entitled An Act relating to transferring to the comptroller the duties of the Texas Building and Procurement Commission that do not primarily concern state facilities.

**CSHB 3560** was read second time on May 2.

Representative Dukes moved to extend speaking time on **CSHB 3560**.

A record vote was requested.

The motion to extend time prevailed by (Record 894): 89 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Alonzo; Anchia; Anderson; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Cohen; Coleman; Cook, B.; Creighton; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; Eiland; Elkins; England; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Garcia; Geren; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Hamilton; Hancock; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Jones; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Merritt; Miles; Morrison;

Murphy; Noriega; O'Day; Oliveira; Orr; Ortiz; Otto; Patrick; Paxton; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Straus; Talton; Thompson; Turner; Van Arsdale; Vaught; Villarreal; Vo; Zerwas.

Nays — Aycock; Crownover; Harper-Brown; Jackson; Macias.

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

Absent, Excused — Flynn; Gattis; Kolkhorst; Moreno; Smithee.

Absent — Allen; Bailey; Branch; Callegari; Castro; Chavez; Chisum; Christian; Cook, R.; Corte; Crabb; Driver; Eissler; Farias; Giddings; Haggerty; Hardcastle; Harless; Hill; Hodge; Homer; Hughes; Isett; Keffer; King, P.; King, S.; King, T.; Madden; Martinez Fischer; Menendez; Miller; Mowery; Naishtat; Olivo; Parker; Phillips; Pierson; Pitts; Riddle; Smith, T.; Smith, W.; Solomons; Swinford; Taylor; Truitt; Veasey; West; Woolley; Zedler.

### STATEMENT OF VOTE

When Record No. 894 was taken, my vote failed to register. I would have voted yes.

S. King

(Gattis now present)

(Speaker in the chair)

#### Amendment No. 1

Representative Swinford offered the following amendment to **CSHB 3560**:

Amend **CSHB 3560** (house committee printing) as follows:

(1) In SECTION 1.08 of the bill, in amended Section 2155.322(b), Government Code (page 5, lines 24-25), strike "agreed to by the comptroller and, if applicable, the state auditor" and substitute "prescribed [agreed to] by the comptroller".

(2) In SECTION 1.09 of the bill, strike amended Section 2155.323(b), Government Code (page 6, lines 2-13), and substitute the following:

(b) If the comptroller approves the financial information, the comptroller shall determine whether [~~commission rules require the commission to audit~~] the purchase information should also be audited under Section 2155.324. [~~If a commission audit is required, the comptroller shall promptly send the certification and purchase information to the commission using the method and format agreed to by the comptroller and the commission.~~]

(3) In SECTION 1.11 of the bill, in amended Section 2155.325, Government Code (page 7, lines 8-9), strike "in consultation with the state auditor,".

(4) In SECTION 1.12 of the bill, strike amended Section 2155.326, Government Code (page 7, line 21, through page 8, line 7), and substitute the following:

Sec. 2155.326. AUDIT BY STATE AUDITOR [UPDATE OF COMMISSION FILES AND RECORDS]. Transactions, processes, and the performance of functions under this chapter and Chapters 2156, 2157, and 2158

are subject to audit by the state auditor under Chapter 321. [~~To enable the commission to update periodically computer records and close purchase order files, the comptroller shall, on request, furnish the commission with information detailing all vouchers paid under this subchapter and Section 2155.132.~~]

(5) In SECTION 1.13 of the bill, in amended Section 2155.381(b), Government Code (page 8, lines 15-16), strike "rules adopted by the comptroller in consultation with the state auditor [~~commission rule~~]" and substitute "[~~commission~~ rule of the comptroller".

(6) In SECTION 1.14 of the bill, in amended Section 2155.382(a), Government Code (page 8, lines 21-23), strike "rules adopted by the comptroller in consultation with the state auditor [~~commission rule~~]" and substitute "[~~commission~~ rule of the comptroller".

(7) In SECTION 1.70 of the bill, in amended Section 2251.003, Government Code (page 31, lines 7-8), strike "In consultation with the state auditor, the comptroller [~~The General Services Commission~~]" and substitute "The comptroller [~~General Services Commission~~]".

(8) In SECTION 4.01 of the bill, in added Section 2152.004(a), Government Code (page 68, line 6), strike "the state auditor" and substitute "the Legislative Budget Board".

(9) In SECTION 4.01 of the bill, in added Section 2152.004(c), Government Code (page 68, line 22), strike "the state auditor" and substitute "the Legislative Budget Board".

A record vote was requested.

Amendment No. 1 was adopted by (Record 895): 121 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Castro; Chavez; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Frost; Garcia; Gattis; Geren; Giddings; Gonzales; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Herrero; Hilderbran; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; McCall; Menendez; Merritt; Morrison; Mowery; Murphy; Naishtat; 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; Talton; Taylor; Truitt; Turner; Van Arsdale; Vaught; Veasey; Vo; West; Woolley; Zedler; Zerwas.

Nays — Thompson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flynn; Kolkhorst; Moreno; Smithee.

Absent — Bailey; Callegari; Coleman; Davis, Y.; Dunnam; Flores; Gallego; Gonzalez Toureilles; Goolsby; Haggerty; Hartnett; Hill; Hochberg; Hodge; Macias; Martinez Fischer; McClendon; McReynolds; Miles; Miller; Noriega; Pierson; Villarreal.

### STATEMENTS OF VOTE

When Record No. 895 was taken, I was in the house but away from my desk. I would have voted yes.

Callegari

When Record No. 895 was taken, I was in the house but away from my desk. I would have voted yes.

Goolsby

When Record No. 895 was taken, I was in the house but away from my desk. I would have voted yes.

Macias

When Record No. 895 was taken, I was in the house but away from my desk. I would have voted yes.

Miller

### Amendment No. 2

Representative Pitts offered the following amendment to **CSHB 3560**:

Amend **CSHB 3560** (house committee printing) by striking SECTION 3.10 of the bill and renumbering subsequent SECTIONS appropriately.

Amendment No. 2 was adopted.

### HB 2006 - RECOMMITTED

Representative Woolley moved to recommit **HB 2006** to the Committee on Land and Resource Management.

The motion prevailed.

### HJR 93 - RECOMMITTED

Representative Hardcastle moved to recommit **HJR 93** to the Committee on Ways and Means.

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, 8 a.m. tomorrow, in E1.036, for a public hearing, to consider invited testimony.

Permission to meet was granted.

### FIVE DAY POSTING RULE SUSPENDED

Representative Madden moved to suspend the five day posting rule to allow the Joint Select Committee on the Operation and Management of the Texas Youth Commission to consider invited testimony at 8 a.m. tomorrow in E1.036.

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.

Land and Resource Management, upon lunch recess today, 3W.9, for a formal meeting, to consider pending business.

Public Education, upon lunch recess today, Desk 31, for a formal meeting, to consider pending business.

Regulated Industries, upon lunch recess today, Desk 82, for a formal meeting, to consider **SB 831** and **SB 1430**.

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

Public Health, upon lunch recess today, Desk 58, for a formal meeting, to consider pending business.

Economic Development, upon lunch recess today, Desk 47, for a formal meeting, to consider **HB 1467**.

Licensing and Administrative Procedures, upon lunch recess today, Desk 99, for a formal meeting, to consider **SB 541**, **SB 952**, **SB 1200**, **SB 1222**, **SB 1257**, **SB 1426**, **SB 1828**, and other pending business.

(Eissler in the chair)

### FIVE DAY POSTING RULE SUSPENDED

Representative Morrison moved to suspend the five day posting rule to allow the Committee on Higher Education to consider **SB 276** at 8 a.m. Monday, May 7 in JHR 120.

The motion prevailed.

Representative Krusee moved to suspend the five day posting rule to allow the Committee on Transportation to consider bills in committee upon lunch recess today at Desk 46.

The motion prevailed.

### COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

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

House Administration, upon lunch recess today, Desk 93, for a formal meeting, to consider pending business.

### RECESS

At 12:07 p.m., the chair announced that the house would stand recessed until 1:30 p.m. today.

### AFTERNOON SESSION

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

### CSHB 3560 - (pending business)

#### Amendment No. 3

Representative Dukes offered the following amendment to **CSHB 3560**:

Amend **CSHB 3560** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering existing SECTIONS appropriately:

SECTION \_\_\_\_\_. Section 2161.061, Government Code, is amended by adding Subsection (e) to read as follows:

(e) A local government or a nonprofit organization that certifies historically underutilized businesses under Subsection (c) or that conducts a certification program described by and approved under Subsection (b) shall make available to the public an online searchable database containing information about historically underutilized businesses, minority business enterprises, women's business enterprises, and disadvantaged business enterprises certified by the local government or nonprofit organization, including:

- (1) the name of the business;
- (2) the contact person or owner of the business;
- (3) the address and telephone number of the business;
- (4) the type or category of business, including relevant capabilities of the business and the North American Industry Classification System codes for the business; and
- (5) the expiration date of the business's certification.

SECTION \_\_\_\_\_. Sections 2161.123(d) and (e), Government Code, are amended to read as follows:

(d) The commission and the state auditor shall cooperate to develop procedures providing for random periodic monitoring of state agency compliance with this section. The state auditor shall report to the commission a state agency that is not complying with this section. In determining whether a state agency is making a good faith effort to comply, the state auditor shall consider whether the agency:

- (1) has adopted rules under Section 2161.003;
- (2) has used the commission's directory under Section 2161.064 and other resources to identify historically underutilized businesses that are able and available to contract with the agency;
- (3) made good faith, timely efforts to contact identified historically underutilized businesses regarding contracting opportunities; [~~and~~]

(4) conducted its procurement program in accordance with the good faith effort methodology set out in commission rules; and

(5) established goals for contracting with historically underutilized businesses in each procurement category based on:

(A) scheduled fiscal year expenditures; and

(B) the availability of historically underutilized businesses in each category as determined by rules adopted under Section 2161.002.

(e) In conducting an audit of an agency's compliance with this section or an agency's making of a good faith effort to implement the plan adopted under this section, the state auditor shall ~~[not]~~ consider the success or failure of the agency to contract with historically underutilized businesses in accordance with the agency's goals described by Subsection (d)(5) [in any specific quantity. The state auditor's review shall be restricted to the agency's procedural compliance with Subsection (d)].

SECTION \_\_\_\_\_. Section 2161.127, Government Code, is amended to read as follows:

Sec. 2161.127. LEGISLATIVE APPROPRIATIONS REQUESTS. (a) Each state agency must include as part of its legislative appropriations request a detailed report for consideration by the budget committees of the legislature that shows the extent to which the agency complied with this chapter and rules of the commission adopted under this chapter during the two calendar years preceding the calendar year in which the request is submitted. To the extent the state agency did not comply, the report must demonstrate the reasons for that fact. The extent to which a state agency complies with this chapter and rules of the commission adopted under this chapter is considered a performance measure for purposes of the appropriations process.

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

(1) the agency's goals established under Section 2161.123(d)(5) for contracting with historically underutilized businesses during the two calendar years preceding the calendar year in which the request is submitted;

(2) a statement regarding whether the goals established under Section 2161.123(d)(5) were met during the two calendar years preceding the calendar year in which the request is submitted; and

(3) if the goals established under Section 2161.123(d)(5) were not met during the two calendar years preceding the calendar year in which the request is submitted:

(A) a statement of the percentage by which the agency's actual use of historically underutilized businesses deviated from the agency's goals; and

(B) an explanation of why the goals were not met.

Amendment No. 3 was adopted. (The vote was reconsidered later today, and Amendment No. 3 was withdrawn.)

### **Amendment No. 3 - Vote Reconsidered**

Representative Swinford moved to reconsider the vote by which Amendment No. 3 was adopted.

The motion to reconsider prevailed.

Amendment No. 3 was withdrawn.

#### Amendment No. 4

Representative Dukes offered the following amendment to **CSHB 3560**:

Amend **CSHB 3560** (house committee printing) as follows:

(1) On page 53, line 4, between "contracts," and "leases", insert "memoranda of understanding,".

(2) Strike page 10, line 26 through page 11, line 1, and substitute the following:

Sec. 2161.0012. AUTHORITY TO ADOPT RULES. (a) The comptroller may adopt rules to efficiently and effectively administer this chapter.

(b) The comptroller shall follow the procedures prescribed by Subchapter B, Chapter 2001, when adopting a new rule or a change to an existing rule that relates to historically underutilized businesses.

(3) Add the following appropriately numbered SECTIONS to the bill and renumber existing SECTIONS appropriately:

SECTION \_\_\_\_\_. Section 2161.061, Government Code, is amended by adding Subsection (e) to read as follows:

(e) A local government or a nonprofit organization that certifies historically underutilized businesses under Subsection (c) or that conducts a certification program described by and approved under Subsection (b) shall make available to the public an online searchable database containing information about historically underutilized businesses, minority business enterprises, women's business enterprises, and disadvantaged business enterprises certified by the local government or nonprofit organization, including:

(1) the name of the business;

(2) the contact person or owner of the business;

(3) the address and telephone number of the business;

(4) the type or category of business, including relevant capabilities of the business and the North American Industry Classification System codes for the business; and

(5) the expiration date of the business's certification.

SECTION \_\_\_\_\_. Sections 2161.123(d) and (e), Government Code, are amended to read as follows:

(d) The commission and the state auditor shall cooperate to develop procedures providing for random periodic monitoring of state agency compliance with this section. The state auditor shall report to the commission a state agency that is not complying with this section. In determining whether a state agency is making a good faith effort to comply, the state auditor shall consider whether the agency:

(1) has adopted rules under Section 2161.003;

(2) has used the commission's directory under Section 2161.064 and other resources to identify historically underutilized businesses that are able and available to contract with the agency;

(3) made good faith, timely efforts to contact identified historically underutilized businesses regarding contracting opportunities; [~~and~~]



(4) conducted its procurement program in accordance with the good faith effort methodology set out in commission rules; and

(5) established goals for contracting with historically underutilized businesses in each procurement category based on:

(A) scheduled fiscal year expenditures; and

(B) the availability of historically underutilized businesses in each category as determined by rules adopted under Section 2161.002.

(e) In conducting an audit of an agency's compliance with this section or an agency's making of a good faith effort to implement the plan adopted under this section, the state auditor shall ~~[not]~~ consider the success or failure of the agency to contract with historically underutilized businesses in accordance with the agency's goals described by Subsection (d)(5) [in any specific quantity. The state auditor's review shall be restricted to the agency's procedural compliance with Subsection (d)].

SECTION \_\_\_\_\_. Section 2161.127, Government Code, is amended to read as follows:

Sec. 2161.127. LEGISLATIVE APPROPRIATIONS REQUESTS. (a) Each state agency must include as part of its legislative appropriations request a detailed report for consideration by the budget committees of the legislature that shows the extent to which the agency complied with this chapter and rules of the commission adopted under this chapter during the two calendar years preceding the calendar year in which the request is submitted. To the extent the state agency did not comply, the report must demonstrate the reasons for that fact. The extent to which a state agency complies with this chapter and rules of the commission adopted under this chapter is considered a performance measure for purposes of the appropriations process.

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

(1) the agency's goals established under Section 2161.123(d)(5) for contracting with historically underutilized businesses during the two calendar years preceding the calendar year in which the request is submitted;

(2) a statement regarding whether the goals established under Section 2161.123(d)(5) were met during the two calendar years preceding the calendar year in which the request is submitted; and

(3) if the goals established under Section 2161.123(d)(5) were not met during the two calendar years preceding the calendar year in which the request is submitted:

(A) a statement of the percentage by which the agency's actual use of historically underutilized businesses deviated from the agency's goals; and

(B) an explanation of why the goals were not met.

Amendment No. 4 was adopted.

**CSHB 3560**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Hodge, Homer, Martinez, McClendon, Pitts, and Talton recorded voting no.)

### POSTPONED BUSINESS

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

#### **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.

**SB 625** was read third time on May 1 and was postponed until 9 a.m. today.

Representative J. Davis moved to postpone consideration of **SB 625** until 5 p.m. today.

The motion prevailed.

### GENERAL STATE CALENDAR

#### SENATE BILLS

#### THIRD READING

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

#### **SB 671 ON THIRD READING**

**(Miles - House Sponsor)**

**SB 671**, A bill to be entitled An Act relating to territory included in, and the validation of acts of, the Greater Southeast Management District.

A record vote was requested.

**SB 671** was passed by (Record 896): 131 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flynn; Kolkhorst; Moreno; Smithee.

Absent — Bolton; Christian; Corte; Delisi; Dukes; King, S.; Morrison; Ortiz; Otto; Paxton; Phillips; Pierson; Rodriguez; Woolley.

### STATEMENTS OF VOTE

When Record No. 896 was taken, I was in the house but away from my desk. I would have voted yes.

Delisi

When Record No. 896 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 896 was taken, my vote failed to register. I would have voted yes.

S. King

When Record No. 896 was taken, I was in the house but away from my desk. I would have voted yes.

Ortiz

When Record No. 896 was taken, I was in the house but away from my desk. I would have voted yes.

Rodriguez

### SB 288 ON THIRD READING (Delisi - House Sponsor)

**SB 288**, A bill to be entitled An Act relating to the reporting of health care-associated infections at certain health care facilities and the creation of an advisory panel.

A record vote was requested.

**SB 288** was passed by (Record 897): 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; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Krusee; Kuempel; 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; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente;

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flynn; Kolkhorst; Moreno; Smithee.

Absent — Chavez; Corte; England; Ortiz.

### STATEMENT OF VOTE

When Record No. 897 was taken, I was in the house but away from my desk. I would have voted yes.

Ortiz

### SB 1470 ON THIRD READING (Dukes - House Sponsor)

**SB 1470**, A bill to be entitled An Act relating to certain notifications required for persons convicted of a misdemeanor involving family violence.

A record vote was requested.

**SB 1470** was passed by (Record 898): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; 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; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; 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 — Flynn; Kolkhorst; Moreno; Smithee.

Absent — Aycock; Coleman.

**GENERAL STATE CALENDAR  
SENATE BILLS  
SECOND READING**

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

**SB 1752 ON SECOND READING  
(Swinford - House Sponsor)**

**SB 1752**, A bill to be entitled An Act relating to the election, powers, and duties of the members of the board of directors of the Midland County Hospital District.

**SB 1752** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**POSTPONED BUSINESS**

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

**SB 1694 ON SECOND READING  
(Jackson - House Sponsor)**

**SB 1694**, A bill to be entitled An Act relating to fraud investigations and criminal offenses involving the Medicaid program; providing criminal penalties.

**SB 1694** was considered in lieu of **HB 3310**.

**SB 1694** 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.)

**HB 3310 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Jackson moved to lay **HB 3310** on the table subject to call.

The motion prevailed.

**SB 1832 ON SECOND READING  
(Gattis - House Sponsor)**

**SB 1832**, A bill to be entitled An Act relating to the billing of anatomic pathology services.

**SB 1832** was considered in lieu of **CSHB 1557**.

**SB 1832** 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 1557 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Gattis moved to lay **CSHB 1557** on the table subject to call.

The motion prevailed.

**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, postponed until May 1, and was again postponed until 10 a.m. today.

Representative B. Cook moved to postpone consideration of **CSHB 3110** until 10 a.m. Monday, May 7.

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, postponed until May 1, and was again postponed until 10 a.m. today.

Representative B. Cook moved to postpone consideration of **CSHB 3112** until 6 p.m. today.

The motion prevailed.

**HCR 230 - ADOPTED**  
(by W. Smith)

The following privileged resolution was laid before the house:

**HCR 230**

WHEREAS, **HB 1892** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 80th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to make the following corrections:

(1) In the SECTION of the bill that amends Section 223.201(f), Transportation Code, in the second paragraph of amended Subsection (f) as added by Senate Floor Amendment No. 3 by Brimer:

(A) Strike "Section 223.201(f), Transportation Code" and substitute "(g) Subsection (f)".

(B) Strike "designed" and substitute "designated".

(C) Strike "section" and substitute "subsection".

(D) Rename Subdivisions (a) - (c) as Subdivisions (1) - (3).

(2) In the SECTION of the bill that amends Section 370.305 (d), Transportation Code, in the second paragraph of the amended Subsection (d) as added by Senate Floor Amendment No. 3 by Brimer:

(A) Strike "Section 370.305 (d), Transportation Code" and substitute "(e) Subsection (d)".

(B) Strike "designed" and substitute "designated".

(C) Strike "section" and substitute "subsection".

(D) Renumber Subdivisions (a) - (c) as Subdivisions (1) - (3).

(3) In the SECTION of the bill that adds Section 223.203 (f-2), Transportation Code, as added by Senate Floor Amendment No. 1 on third reading by Brimer, in Subdivision (3), strike "section" and substitute "subsection".

(4) In the SECTION of the bill that adds Section 223.208(i), Transportation Code, as added by Senate Floor Amendment No. 1 on third reading by Brimer, in Subdivision (3), strike "section" and substitute "subsection".

**HCR 230** was adopted.

**MAJOR STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

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

**HB 12 ON THIRD READING  
(by Hilderbran, Guillen, Chisum, Turner, B. Cook, et al.)**

**HB 12**, A bill to be entitled An Act relating to the funding, powers, and duties of the Parks and Wildlife Department and the Texas Historical Commission.

Representative Hilderbran moved to postpone consideration of **HB 12** until 2:30 p.m. today.

The motion prevailed.

(Paxton in the chair)

**HR 1872 - ADOPTED  
(by Merritt)**

Representative Merritt moved to suspend all necessary rules to take up and consider at this time **HR 1872**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1872**, Welcoming the visiting group from The Crisman School in Longview to the State Capitol.

**HR 1872** was adopted.

**HB 3057 ON THIRD READING  
(by Callegari, et al.)**

**HB 3057**, A bill to be entitled An Act relating to the acquisition of real property for public use.

(Krusee in the chair)

A record vote was requested.

**HB 3057** was passed by (Record 899): 137 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; 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; 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; Jones; Keffer; King, P.; King, S.; King, T.; Kuempel; 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; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Latham.

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

Absent, Excused — Flynn; Kolkhorst; Moreno; Smithee.

Absent — Coleman; Hughes; Jackson; Peña; Phillips; Pierson.

#### STATEMENTS OF VOTE

When Record No. 899 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hughes

I was shown voting yes on Record No. 899. I intended to vote no.

Madden

I was shown voting yes on Record No. 899. I intended to vote no.

McCall

#### HB 1495 ON THIRD READING (by Callegari, Flynn, Murphy, Crabb, et al.)

**HB 1495**, A bill to be entitled An Act relating to a bill of rights for property owners whose property may be acquired by governmental or private entities through the use of eminent domain authority.

A record vote was requested.

**HB 1495** was passed by (Record 900): 139 Yeas, 0 Nays, 2 Present, not voting.



Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Cook, B.; 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; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; 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; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Flynn; Kolkhorst; Moreno; Smithee.

Absent — Burnam; Coleman; Creighton; Hopson; Pierson.

#### STATEMENT OF VOTE

When Record No. 900 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

### GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

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

#### **HB 1411 ON THIRD READING** **(by West, Goolsby, Bonnen, and Menendez)**

**HB 1411**, A bill to be entitled An Act relating to the unlawful restraint of dogs; providing penalties.

A record vote was requested.

**HB 1411** was passed by (Record 901): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Gattis; Geren; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless;

Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, T.; 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; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Flynn; Kolkhorst; Moreno; Smithee.

Absent — Aycock; Eiland; Giddings; King, S.; Pierson.

#### STATEMENTS OF VOTE

When Record No. 901 was taken, my vote failed to register. I would have voted yes.

Giddings

When Record No. 901 was taken, my vote failed to register. I would have voted yes.

S. King

#### HB 1290 ON THIRD READING (by Macias, et al.)

**HB 1290**, A bill to be entitled An Act relating to the appeal of a decision of the Texas Ethics Commission.

Representative Macias moved to postpone consideration of **HB 1290** until 2:20 p.m. today.

The motion prevailed.

#### HB 1561 ON THIRD READING (by Bailey)

**HB 1561**, A bill to be entitled An Act relating to the investigation of a firefighter in certain municipalities.

A record vote was requested.

**HB 1561** was passed by (Record 902): 140 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; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales;

Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; 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; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler.

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

Absent, Excused — Flynn; Kolkhorst; Moreno; Smithee.

Absent — Harless; Murphy; Pierson; Zerwas.

### **HB 1423 ON THIRD READING** **(by Driver)**

**HB 1423**, A bill to be entitled An Act relating to exemption from application of the Private Security Act of certain peace officers employed by a law enforcement agency.

A record vote was requested.

**HB 1423** was passed by (Record 903): 136 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; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Naishtat; Noriega; Oliveira; 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; Talton; Taylor; Thompson; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler.

Nays — O'Day.

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

Absent, Excused — Flynn; Kolkhorst; Moreno; Smithee.

Absent — Haggerty; Hamilton; Murphy; Olivo; Pierson; Truitt; Zerwas.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 903. I intended to vote yes.

O'Day

When Record No. 903 was taken, I was in the house but away from my desk. I would have voted yes.

Olivo

### HB 1545 ON THIRD READING

(by Peña)

**HB 1545**, A bill to be entitled An Act relating to competency to be executed in a capital case.

A record vote was requested.

**HB 1545** was passed by (Record 904): 141 Yeas, 1 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; 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.; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; 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; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Macias.

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

Absent, Excused — Flynn; Kolkhorst; Moreno; Smithee.

Absent — Callegari; Pierson.

**STATEMENT OF VOTE**

I was shown voting no on Record No. 904. I intended to vote yes.

Macias

**HB 1213 ON THIRD READING**

(by Pitts, Branch, Goolsby, Anchia, Crownover, et al.)

**HB 1213**, A bill to be entitled An Act relating to mutual assistance agreements entered into by certain municipalities and private institutions of higher education for the purpose of enforcing state law and to additional powers, privileges, and immunities of peace officers employed by private institutions of higher education.

A record vote was requested.

**HB 1213** was passed by (Record 905): 140 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; 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.; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; 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; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Flynn; Kolkhorst; Moreno; Smithee.

Absent — McReynolds; O'Day; Pierson; Villarreal.

**HB 485 ON THIRD READING**

(by Van Arsdale)

**HB 485**, A bill to be entitled An Act relating to the collection and amount of restitution authorized to be collected from persons charged with or convicted of certain misdemeanor offenses.

A record vote was requested.

**HB 485** was passed by (Record 906): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; 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.; 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; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Flynn; Kolkhorst; Moreno; Smithee.

Absent — Burnam; Hughes; Pierson.

**HB 2247 ON THIRD READING**  
(by Van Arsdale, Flynn, et al.)

**HB 2247**, A bill to be entitled An Act relating to the cancellation of the voter registration of persons who are deceased or not citizens of the United States.

**Amendment No. 1**

Representative Hochberg offered the following amendment to **HB 2247**:

Amend **HB 2247** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 62.0132, Government Code, is amended by adding Subsection (h) to read as follows:

(h) The questionnaire must notify a person that if the person states that the person is not a citizen, the person will no longer be eligible to vote if the person fails to provide proof of citizenship.

SECTION \_\_\_\_\_. Section 62.0142, Government Code, as added by Chapter 559, Acts of the 79th Legislature, Regular Session, 2005, is amended to read as follows:

Sec. 62.0142. NOTICE ON WRITTEN SUMMONS. If a written summons for jury duty allows a person to claim a disqualification or exemption by signing a statement and returning it to the clerk of the court, the form must notify the person that by claiming a disqualification or exemption based on:

(1) the lack of citizenship, the person will no longer be eligible to vote if the person fails to provide proof of citizenship; or

(2) lack of residence in the county, the person might no longer be eligible to vote in the county.

SECTION \_\_\_\_\_. The changes in law made by this Act to Sections 62.0132 and 62.0142, Government Code, apply only to a written summons or questionnaire printed on or after the effective date of this Act. A written summons or questionnaire printed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted.

## **Amendment No. 2**

Representative Alonzo offered the following amendment to **HB 2247**:

Amend **HB 2247** on third reading, as follows:

- (1) On page 3, line 14, after the semicolon add "and".
- (2) On page 3, line 15, strike "; and" and substitute "and".
- (3) On page 3, strike lines 16-18.

Representative Van Arsdale moved to table Amendment No. 2.

A record vote was requested.

The motion to table prevailed by (Record 907): 86 Yeas, 52 Nays, 3 Present, not voting.

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

Nays — Allen; Alonzo; Anchia; Bolton; Castro; Chavez; Cohen; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farias; Farrar; Flores; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Tourelles; Heflin; Hernandez; Herrero; Hochberg; Hodge; Howard, D.; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Miles; Naishtat; Noriega; Olivo; Ortiz; Peña; Puente; Quintanilla; Rodriguez; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

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

Absent, Excused — Flynn; Kolkhorst; Moreno; Smithee.

Absent — Burnam; Goolsby; Hamilton; Morrison; Pierson.

### STATEMENT OF VOTE

I was shown voting present, not voting on Record No. 907. I intended to vote yes.

Crabb

A record vote was requested.

**HB 2247**, as amended, was passed by (Record 908): 129 Yeas, 12 Nays, 2 Present, not voting.

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

Nays — Cohen; Davis, Y.; Gallego; Gonzalez Toureilles; Hernandez; Herrero; Leibowitz; Lucio; Mallory Caraway; Martinez Fischer; Thompson; Villarreal.

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

Absent, Excused — Flynn; Kolkhorst; Moreno; Smithee.

Absent — Driver; Farrar; Pierson.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 908. I intended to vote yes.

Hernandez

I was shown voting no on Record No. 908. I intended to vote yes.

Lucio

### POSTPONED BUSINESS

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

#### **HB 1290 ON THIRD READING** (by Macias, et al.)

**HB 1290**, A bill to be entitled An Act relating to the appeal of a decision of the Texas Ethics Commission.



**HB 1290** was read third time earlier today and was postponed until this time.

**Amendment No. 1**

Representative Jones offered the following amendment to **HB 1290**:

Amend **HB 1290** on third reading after SECTION 1 of the bill by inserting the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. Section 254.042, Election Code, is amended by adding Subsection (d) to read as follows:

(d) A person is not liable for a penalty under Subsection (b) if the person files the amended or corrected report before the person receives a notice under Subsection (a).

Amendment No. 1 was adopted.

A record vote was requested.

**HB 1290**, as amended, was passed by (Record 909): 139 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Bohac; 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; 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.; 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; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Phillips.

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

Absent, Excused — Flynn; Kolkhorst; Moreno; Smithee.

Absent — Berman; Bolton; Chavez; Pierson.

**GENERAL STATE CALENDAR**  
**(consideration continued)**

**HB 3068 ON THIRD READING**  
**(by Guillen)**

**HB 3068**, A bill to be entitled An Act relating to the authority of certain municipalities and counties to regulate subdivisions near an international border.

Representative Guillen moved to postpone consideration of **HB 3068** until 3 p.m. today.

The motion prevailed.

**HB 1188 ON THIRD READING**  
**(by Morrison)**

**HB 1188**, A bill to be entitled An Act relating to the Texas emerging technology fund.

**Amendment No. 1**

Representative Strama offered the following amendment to **HB 1188**:

Amend **HB 1188** on third reading as follows:

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

SECTION \_\_\_\_ . Section 490.003(a), Government Code, as added by Chapter 280, Acts of the 79th Legislature, Regular Session, 2005, is amended to read as follows:

(a) An emerging technology industry participant is eligible for funding under this chapter if the activity to be funded:

(1) will result in the creation of high-quality new jobs in this state, immediately or over a longer period; or

(2) has the potential to result in a medical or scientific breakthrough or a breakthrough in the area of clean energy.

(2) In SECTION 16 of the bill, in Section 490.202 (4), Government Code, between "breakthrough" and the semicolon, insert "or a breakthrough in the area of clean energy".

(3) In SECTION 18 of the bill, in Section 490.254 (2), Government Code, between "breakthrough" and the semicolon, insert "or a breakthrough in the area of clean energy".

Amendment No. 1 was adopted.

A record vote was requested.

**HB 1188**, as amended, was passed by (Record 910): 133 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; 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; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Goolsby; Guillen; Haggerty; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Hopson; Howard, C.; Howard, D.; Isett; Jackson; Jones; Keffer; King, P.; King, T.; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Gonzalez Toureilles; Homer; Hughes; Olivo; Orr; Ritter.

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

Absent, Excused — Flynn; Kolkhorst; Moreno; Smithee.

Absent — Driver; Hancock; King, S.; Merritt; Pierson.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 910. I intended to vote no.

Gallego

When Record No. 910 was taken, I was in the house but away from my desk. I would have voted yes.

Hancock

When Record No. 910 was taken, my vote failed to register. I would have voted yes.

S. King

I was shown voting yes on Record No. 910. I intended to vote no.

Talton

#### MAJOR STATE CALENDAR

##### HOUSE BILLS

##### SECOND READING

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

##### CSHB 13 ON SECOND READING

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

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

**CSHB 13 - POINT OF ORDER**

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 13** under Rule 4, Section 32(c)(3) and Rule 4, Section 32(c)(4) of the House Rules on the grounds that the bill analysis is incorrect.

(Speaker in the chair)

**HB 4028 - RECOMMITTED**

Representative Geren moved to recommit **HB 4028** to the Committee on Natural Resources.

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).

**CSHB 13 - (consideration continued)**

The point of order was withdrawn.

Representative Swinford moved to postpone consideration of **CSHB 13** until 3:30 p.m. today.

The motion prevailed.

**POSTPONED BUSINESS**

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

**HB 12 ON THIRD READING**

(by **Hilderbran, Guillen, Chisum, Turner, B. Cook, et al.**)

**HB 12**, A bill to be entitled An Act relating to the funding, powers, and duties of the Parks and Wildlife Department and the Texas Historical Commission.

**HB 12** was read third time earlier today and was postponed until this time.

**Amendment No. 1**

Representative Villarreal offered the following amendment to **HB 12**:

Amend **HB 12** on third reading as follows:

- (1) On page 12, line 18, strike "INMATE" and substitute "TRUSTY".
- (2) On page 12, line 19, strike "an inmate" and substitute "a trusty".
- (3) On page 12, line 23, strike "Inmates" and substitute "Trusties".
- (4) On page 13, line 3, strike "an inmate" and substitute "a trusty".
- (5) On page 13, line 6, strike "an inmate" and substitute "a trusty".
- (6) On page 13, line 9, strike "an inmate" and substitute "a trusty".

**AMENDMENT NO. 1 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE JACKSON: Maybe I missed something, Mr. Villarreal. Maybe I missed something, but in this process trustee is a term defined in law for state prisons.

REPRESENTATIVE VILLARREAL: That's right.

JACKSON: But it's not defined anywhere for local jails.

VILLARREAL: I do not have an answer for you on that.

JACKSON: But if you say trustee, you've actually precluded anybody defined in the state law that's a local prisoner.

VILLARREAL: No, I do not prevent a local jail system to name somebody a trustee.

JACKSON: So it's not your intention—

VILLARREAL: I think you are for this amendment if you want to ensure that the inmates that are going to be used are trustees.

JACKSON: Okay.

VILLARREAL: And to the extent that the locals do not have a system of identifying trusted prisoners from those that can't be trusted, I don't think we should just let them send anybody.

JACKSON: Wait a minute. If they do have a system, this is state law and their system is not engrossed in our state law. So it's not your intention to preclude a local inmate that has been designated by the local sheriff as a trustee from working in this program.

VILLARREAL: That's exactly right.

**REMARKS ORDERED PRINTED**

Representative Jackson moved to print remarks between Representative Villarreal and Representative Jackson.

The motion prevailed.

Representative Hilderbran moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 911): 91 Yeas, 50 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, F.; Callegari; Chavez; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; England; Farabee; Frost; Gattis; Geren; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Homer; Hopson; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Krusee; Kuempel; Latham; Laubenberg; Macias; Mallory Caraway; McCall; Menendez; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto;

Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Puente; Raymond; Riddle; Ritter; Smith, T.; Smith, W.; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Brown, B.; Burnam; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farias; Farrar; Flores; Gallego; Garcia; Gonzales; Gonzalez Toureilles; Heflin; Hernandez; Herrero; Hochberg; Hodge; Howard, D.; Leibowitz; Lucio; Madden; Martinez; Martinez Fischer; McClendon; McReynolds; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Quintanilla; Rodriguez; Rose; Strama; Thompson; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flynn; Kolkhorst; Moreno; Smithee.

Absent — Castro; Giddings; Peña; Pierson.

### STATEMENTS OF VOTE

When Record No. 911 was taken, I was in the house but away from my desk. I would have voted no.

Castro

I was shown voting yes on Record No. 911. I intended to vote no.

Zedler

### Amendment No. 2

Representative Villarreal offered the following amendment to **HB 12**:

Amend **HB 12** on third reading on page 30, line 14, by inserting, between "property" and the period, "if funds are made available through the appropriations process for the state fiscal biennium ending August 31, 2009".

Representative T. King moved to table Amendment No. 2.

A record vote was requested.

The motion to table prevailed by (Record 912): 118 Yeas, 8 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Chisum; Cohen; Coleman; Cook, R.; Corte; Crabb; Creighton; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hancock; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Hughes; Isett; Jackson; Jones; Keffer; King, S.; King, T.; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Mowery; O'Day; Olivo; Orr;

Ortiz; Otto; Parker; Patrick; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rose; Smith, T.; Solomons; Strama; Straus; Swinford; Talton; Taylor; Turner; Van Arsdale; Vaught; Veasey; Vo; West; Woolley; Zedler.

Nays — Dutton; Howard, D.; Naishtat; Noriega; Rodriguez; Thompson; Truitt; Villarreal.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flynn; Kolkhorst; Moreno; Smithee.

Absent — Branch; Burnam; Christian; Cook, B.; Crownover; Davis, Y.; Dunnam; Farrar; Hamilton; Hardcastle; Howard, C.; King, P.; Morrison; Murphy; Oliveira; Paxton; Pierson; Smith, W.; Zerwas.

### STATEMENTS OF VOTE

When Record No. 912 was taken, I was in the house but away from my desk. I would have voted yes.

Murphy

I was shown voting no on Record No. 912. I intended to vote yes.

Naishtat

I was shown voting no on Record No. 912. I intended to vote yes.

Rodriguez

When Record No. 912 was taken, I was in the house but away from my desk. I would have voted yes.

Zerwas

### Amendment No. 3

Representative Villarreal offered the following amendment to **HB 12**:

Amend **HB 12** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Any local park grant established by a rider to an appropriations act must meet the minimum criteria established by rule of the Parks and Wildlife Commission.

Amendment No. 3 was withdrawn.

### HB 12 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE VILLARREAL: So Harvey, it's your intent that with the passage of **HB 12**, we are not allowing local parks or any park funded in the appropriations to bypass the minimum standards that are set forth?

REPRESENTATIVE HILDERBRAN: I can't address that, that's what we did yesterday. We're not addressing that. However, if you'll read the rider in the appropriations bill, it does give me some comfort from yesterday that it has some language about criteria in it, and I think with the dialogue, concerns have been expressed yesterday and today, that, talking to the chairman, we'll make sure that

continues if it moves down. So the intent of this bill is to increase funding opportunities for local park grants, and to restore funding for state parks by lifting the cap and allowing the legislature to appropriate more than it can in current law.

VILLARREAL: Is it also your intent to preserve the minimum standards of our local parks grant program for all parks that are funded?

HILDERBRAN: We do nothing in the bill to diminish that.

### REMARKS ORDERED PRINTED

Representative Villarreal moved to print remarks between Representative Hilderbran and Representative Villarreal.

The motion prevailed.

### LEAVE OF ABSENCE GRANTED

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

Branch on motion of Hamilton.

### HB 12 - (consideration continued)

A record vote was requested.

**HB 12** was passed by (Record 913): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; 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; Frost; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Krusee; 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; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Flynn; Kolkhorst; Moreno; Smithee.

Absent — Callegari; Gallego; Pierson.



## STATEMENT OF VOTE

When Record No. 913 was taken, I was in the house but away from my desk. I would have voted yes.

Callegari

### CONSTITUTIONAL AMENDMENTS CALENDAR HOUSE JOINT RESOLUTIONS SECOND READING

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

#### HJR 6 ON SECOND READING (by Straus)

**HJR 6**, A joint resolution proposing a constitutional amendment authorizing the denial of bail to a person who violates certain court orders or conditions of release in a felony or family violence case.

#### Amendment No. 1

Representative Straus offered the following amendment to **HJR 6**:

Amend **HJR 6** as follows:

(1) On page 1, lines 11-13, strike "on a determination by a [~~district~~] judge or magistrate in this state, at a subsequent hearing [~~to set or reinstate bail~~], that probable cause exists to believe" and substitute "if [~~on a determination by~~] a [~~district~~] judge or magistrate in this state determines by a preponderance of the evidence[;] at a subsequent hearing [~~to set or reinstate bail~~] that".

(2) On page 1, line 24, through page 2, line 2, strike "on a determination by a judge or magistrate in this state following a hearing that probable cause exists to believe" and substitute "if following a hearing a judge or magistrate in this state determines by a preponderance of the evidence that"".

Amendment No. 1 was adopted.

A record vote was requested.

**HJR 6**, as amended, was adopted by (Record 914): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Flynn; Kolkhorst; Moreno; Smithee.

Absent — Pierson.

**GENERAL STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

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

**HB 3747 ON SECOND READING  
(by McClendon, Krusee, Chavez, and Menendez)**

**HB 3747**, A bill to be entitled An Act relating to the use of money from the Texas rail relocation and improvement fund for rail projects.

**HB 3747** 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 2703 ON SECOND READING  
(by Woolley)**

**CSHB 2703**, A bill to be entitled An Act relating to interference with the duties of a public health professional; providing a criminal penalty.

**Amendment No. 1**

Representative Woolley offered the following amendment to **CSHB 2703**:

Amend **CSHB 2703** by striking page 2, lines 5 through 10, and substituting the following:

(7) a person who:

(A) has responsibility for assessing, enacting, or enforcing public health, environmental, radiation, or safety measures for the state or a county or municipality;

(B) is investigating a particular site as part of the person's responsibilities under Paragraph (A);

(C) is acting in accordance with policies and procedures related to the safety and security of the site described by Paragraph (B); and

(D) is performing a duty or exercising authority imposed or granted under the Agriculture Code, Health and Safety Code, Occupations Code, or Water Code.

Amendment No. 1 was adopted.

**CSHB 2703**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**CSHB 1146 ON SECOND READING**  
**(by Bonnen)**

**CSHB 1146**, A bill to be entitled An Act relating to the authority of small cities to conduct elections only by mail.

(Ritter in the chair)

Representative Bonnen moved to postpone consideration of **CSHB 1146** until 7 p.m. today.

The motion prevailed.

**POSTPONED BUSINESS**

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

**HB 3068 ON THIRD READING**  
**(by Guillen)**

**HB 3068**, A bill to be entitled An Act relating to the authority of certain municipalities and counties to regulate subdivisions near an international border.

**HB 3068** was read third time earlier today and was postponed until this time.

**Amendment No. 1**

Representatives Guillen and Talton offered the following amendment to **HB 3068**:

Amend **HB 3068** on third reading as follows:

- (1) Strike SECTION 1 of the bill.
- (2) Strike SECTION 3 of the bill.
- (3) Strike SECTIONS 13, 14, and 15 of the bill.
- (4) Insert the following appropriately numbered SECTION to the bill:

SECTION \_\_\_\_\_. Section 81.033(b), Local Government Code, is amended to read as follows:

(b) If approved at an election held in the county for that purpose, the commissioners court has, in addition to the powers given to it under this code or other law, all the powers of the governing body of a Type A general-law municipality, including the powers contained in Subtitle A, Title 7, except that:

(1) the commissioners court may not regulate an activity outside the county;

(2) the commissioners court may not regulate a tract of land that is appraised as agricultural or open-space land by the appraisal district;

(3) the commissioners court may not exercise the powers of a municipality under Chapter 211 [~~or 213~~]; and

(4) if this code or other law provides for a procedure by which a county exercises a power, the commissioners court must use that procedure.

(5) Insert the following appropriately numbered SECTION to the bill:

SECTION \_\_\_\_\_. Chapter 231, Local Government Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. ZONING AROUND FALCON LAKE

Sec. 231.251. LEGISLATIVE FINDINGS; PURPOSE. (a) The legislature finds that:

(1) the area that surrounds Falcon Lake in Zapata County is frequented for recreational purposes by residents from every part of the state;

(2) orderly development and use of the area is of concern to the entire state; and

(3) buildings in the area that are frequented for resort or recreational purposes tend to become congested and to be used in ways that interfere with the proper use of the area as a place of recreation to the detriment of the public health, safety, morals, and general welfare.

(b) The powers granted under this subchapter are for the purpose of promoting the public health, safety, peace, morals, and general welfare and encouraging the recreational use of county land.

Sec. 231.252. AREAS SUBJECT TO REGULATION. This subchapter applies only to the unincorporated area of Zapata County located within 25,000 feet of:

(1) the project boundary line for Falcon Lake; and

(2) the Rio Grande river.

Sec. 231.253. FALCON LAKE PLANNING COMMISSION. (a) A lake planning commission is established for the area subject to this subchapter. The commission is comprised of:

(1) four residents of Zapata County, with one resident from each of the county commissioner precincts, appointed by that precinct's commissioner; and

(2) a person, who shall serve as the commission's presiding officer, appointed by the county judge of Zapata County.

(b) Except as provided by Subsection (c), the members of the commission shall be appointed for two year terms that expire February 1 of each odd-numbered year.

(c) The terms of the initial members of the commission expire on February 1st of the first February in an odd-numbered year following their appointment.

(d) The commissioners court of Zapata County may employ staff for the commission to use in performing the commission's functions.

Sec. 231.254. COMMISSION STUDY & REPORT; HEARING. (a) At the request of the commissioners court of Zapata County, the commission shall, or on the lake planning commission's own initiative, the commission may, conduct studies of the area subject to this subchapter and prepare reports to advise the commissioner's court about matters affecting that area, including any need for zoning regulations in that area.

(b) Before the commission may prepare a report, the commission must hold a public hearing in which members of the public may offer testimony regarding any subject to be included in the commission's report. The commission shall provide notice of the hearing as required by the commissioner's court.

Sec. 231.255. ZONING REGULATIONS. After receiving a report from the lake planning commission under Section 231.254, the commissioner's court of Zapata County may adopt zoning regulations for the area subject to this subchapter and in accordance with the report that regulate:

(1) the height, number of stories, and size of buildings and other structures;

(2) the percentage of a lot that may be occupied;

(3) the size of yards, courts, and other open spaces;

(4) population density;

(5) the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes; and

(6) the placement of water and sewage facilities, parks, and other public requirements.

(6) Insert the following appropriately numbered SECTION to the bill:

SECTION \_\_\_\_ . Section 16.344, Water Code, is amended by adding Subsections (d), (e), (f), (g) and (h) to read as follows:

(d) Notwithstanding Section 16.343(g) or Section 16.350(a), a political subdivision may temporarily continue to receive funds under Subchapter K, Chapter 17, if the political subdivision submits a request for temporary continuation of funding and the board determines that:

(1) the political subdivision's initial funding application and any amendments for a designated area were reviewed and approved by the board before January 1, 2007;

(2) withholding funds would result in an undue hardship for occupants of the property to be served by unreasonably delaying the provision of adequate water or waste water services;

(3) withholding funds would result in inefficient use of local, state, or federal funds under the program;

(4) the political subdivision has committed to take the necessary and appropriate actions to correct any deficiencies in adoption or enforcement of the model rules within the time designated by the board, but not later than the 90th day after the date the board makes the determinations under this subsection;

(5) the political subdivision has sufficient safeguards in place to prevent the proliferation of colonias; and

(6) during the 30 days after the date the board receives a request under this subsection, the board, after consulting with the attorney general, secretary of state, and commission, has not received an objection from any of those entities to the request for temporary continuation of funding.

(e) In applying Subsection (d) to applications for increased financial assistance, the board shall only consider areas that were included in the initial application, except that the board may reconsider the eligibility of areas that were the subject of a facility plan in the initial application and that may be determined to be eligible based on criteria in effect September 1, 2005.

(f) The political subdivision shall take necessary and appropriate actions to correct any deficiencies in its adoption and enforcement of the model rules within the time period required by the board, not to exceed the 90-day period described

by Subsection (d)(4), and provide evidence of compliance to the board. The board shall discontinue funding unless the board makes a determination based on the evidence provided that the political subdivision has demonstrated sufficient compliance to continue funding.

(g) Except as provided by Subsections (d) through (f), if the board determines that a county or city that is required to adopt and enforce the model rules is not enforcing the model rules, the board shall discontinue funding for all projects within the county or city that are funded under Subchapter K, Chapter 17.

(h) The board may not accept or grant applications for temporary funding under Subsection (d) after June 1, 2009.

(i) Subsections (d), (e), (f), (g), (h) and this subsection expire September 1, 2009.

(7) Insert the following appropriately numbered SECTION to the bill:

SECTION \_\_\_\_\_. Subchapter B, Chapter 412, Local Government Code, is amended by adding Section 412.017 to read as follows:

Sec. 412.017. WATER SUPPLY AND SEWAGE SYSTEM FOR CERTAIN BORDER COUNTIES. (a) This section applies only to a county:

(1) that is located adjacent to an international border; and

(2) in which a military installation is located.

(b) The commissioners court of a county to which this section applies may acquire, construct, or operate a water supply system or sewage system to serve:

(1) unincorporated areas of the county; and

(2) areas initially included in a municipality on or after September 1, 2007, in which the municipality does not provide water or sewer services.

(c) The county may enter a management or lease agreement with another public or private entity for the operation of a county water or sewage system acquired or constructed under this section.

(d) The county may apply for and receive grants or other assistance from a state or federal governmental entity to implement this section.

(e) The county may own, operate, or maintain a water or sewer utility in the same manner as a municipality under Chapter 402.

(f) A county may not construct, operate, or maintain a water supply system or sewage system in an area previously served by the county's water supply or sewage system after the area is annexed by a municipality and the municipality begins providing to the area water or sewer services previously provided by the county.

(8) Renumber subsequent SECTIONS of the bill accordingly.

Amendment No. 1 was adopted.

A record vote was requested.

**HB 3068**, as amended, was passed by (Record 915): 132 Yeas, 2 Nays, 2 Present, not voting.

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

Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; 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; Miller; Mowery; Murphy; Naishtat; Noriega; O'Day; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Rodriguez; Rose; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler.

Nays — Brown, B.; Pitts.

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

Absent, Excused — Branch; Flynn; Kolkhorst; Moreno; Smithee.

Absent — Corte; Hilderbran; Jones; Miles; Morrison; Oliveira; Pierson; Riddle; Zerwas.

#### STATEMENTS OF VOTE

When Record No. 915 was taken, I was in the house but away from my desk. I would have voted yes.

Oliveira

I was shown voting no on Record No. 915. I intended to vote yes.

Pitts

#### CSHB 13 ON SECOND READING (by Swinford, Escobar, Christian, Woolley, Guillen, et al.)

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

**CSHB 13** was read second time earlier today and was postponed until this time.

Representative Swinford moved to postpone consideration of **CSHB 13** until 4 p.m. today.

The motion prevailed.

#### GENERAL STATE CALENDAR (consideration continued)

#### CSHB 2541 ON SECOND READING (by Leibowitz and Corte)

**CSHB 2541**, A bill to be entitled An Act relating to emergency response costs and certain other requirements concerning solid waste facilities, including recycling facilities.

#### Amendment No. 1

Representative Leibowitz offered the following amendment to **CSHB 2541**:

Amend **CSHB 2541** as follows:

- (1) On page 3, line 6, strike "and".
- (2) On page 3, line 8, strike the period and substitute "; and".
- (3) On page 3, between lines 8 and 9, insert the following:

(7) for a recycling facility that is located in the recharge zone of an aquifer that is the sole or principal source of drinking water for an area designated under Section 1424(e), Safe Drinking Water Act of 1974 (42 U.S.C. Section 300h-3(e)):

(A) impose heightened standards for the issuance of a permit; and

(B) require the installation of groundwater protection features, such as liners and monitoring wells, as the commission determines necessary.

(4) Strike SECTION 3 of the bill and renumber the subsequent SECTIONS accordingly.

Amendment No. 1 was adopted.

**CSHB 2541**, 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.)

(Dutton in the chair)

### **HB 2405 ON SECOND READING (by Hardcastle)**

**HB 2405**, A bill to be entitled An Act relating to paying the costs incurred by a state agency that is deployed by the governor to respond to a natural disaster or other emergency.

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

Representative Gallego offered the following amendment to **HB 2405**:

Amend **HB 2405** by adding the following appropriately numbered SECTION to the bill and renumbering existing SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 418.017, Government Code, is amended by adding Subsection (d) to read as follows:

(d) In coping with the aftermath of a natural disaster, the governor shall use money available from any fund that may be used by state government for the purpose of economic development, infrastructure development, community development, job training programs, or providing business incentives to provide grants or loans to small businesses in this state that were affected by the natural disaster to assist those small businesses in resuming operations.

Representative Hardcastle moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 916): 74 Yeas, 66 Nays, 2 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; Gattis; Geren; Goolsby; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hill; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Krusee;



Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; Woolley; Zedler; Zerwas.

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

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

Absent, Excused — Branch; Flynn; Kolkhorst; Moreno; Smithee.

Absent — Farias; Haggerty; Pierson.

A record vote was requested.

**HB 2405** was passed to engrossment by (Record 917): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; 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; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jones; Keffer; King, P.; King, S.; King, T.; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; 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; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Branch; Flynn; Kolkhorst; Moreno; Smithee.

Absent — Jackson; Pierson.

**CSHB 2754 ON SECOND READING**  
**(by Anchia, Solomons, Orr, and McCall)**

**CSHB 2754**, A bill to be entitled An Act relating to the regulation of state banks and state trust companies.

A record vote was requested.

**CSHB 2754** was passed to engrossment by (Record 918): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; 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; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; 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.; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Ritter; Rose; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zerwas.

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

Absent, Excused — Branch; Flynn; Kolkhorst; Moreno; Smithee.

Absent — Haggerty; Pierson; Riddle; Rodriguez; Zedler.

#### STATEMENT OF VOTE

When Record No. 918 was taken, I was in the house but away from my desk. I would have voted yes.

Rodriguez

#### POSTPONED BUSINESS

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

#### **CSHB 13 ON SECOND READING** (by Swinford, Escobar, Christian, Woolley, Guillen, et al.)

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

**CSHB 13** was read second time earlier today and was postponed until this time.

Representative Swinford moved to postpone consideration of **CSHB 13** until 4:15 p.m. today.

The motion prevailed.

#### **GENERAL STATE CALENDAR** (consideration continued)

#### **CSHB 2783 ON SECOND READING** (by Solomons)

**CSHB 2783**, A bill to be entitled An Act relating to the regulation of mortgage brokers.

**Amendment No. 1**

Representative Paxton offered the following amendment to **CSHB 2783**:

Amend **CSHB 2783**, First House Committee Printing, by adding the following new SECTIONS:

SECTION \_\_\_\_\_. The heading of Section 341.103, Finance Code, is amended to read as follows:

Sec. 341.103. REGULATION OF SAVINGS INSTITUTIONS AND LICENSED MORTGAGE BROKERS AND LOAN OFFICERS [ASSOCIATIONS].

SECTION \_\_\_\_\_. Section 341.103(a), Finance Code, is amended to read as follows:

(a) The savings and mortgage lending [~~loan~~] commissioner shall enforce this subtitle relating to the regulation of:

- (1) state savings associations operating under this subtitle;
- (2) state saving banks operating under this subtitle; and
- (3) persons licensed under Chapter 156.

SECTION \_\_\_\_\_. Section 342.051, Finance Code, is amended by adding Subsection (f) to read as follows:

(f) A mortgage broker licensed under Chapter 156 is not required to obtain a license under this chapter to make, negotiate, or transact a mortgage loan, as defined by Chapter 156.

Amendment No. 1 was adopted.

**CSHB 2783**, 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.)

**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. 33).

**HB 899 - VOTE RECONSIDERED**

Representative W. Smith moved to reconsider the vote by which the house concurred in senate amendments to **HB 899**.

The motion to reconsider prevailed.

**HB 899 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

Representative W. Smith called up with senate amendments for consideration at this time,

**HB 899**, A bill to be entitled An Act relating to the operation and functions of the Texas Board of Professional Engineers and the regulation of the practice of engineering.

Representative W. Smith 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 899**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 899**: W. Smith, chair; Callegari, Macias, Escobar, and West.

**GENERAL STATE CALENDAR**  
**(consideration continued)**

**HB 357 ON SECOND READING**  
**(by Riddle)**

**HB 357**, A bill to be entitled An Act relating to the interception of or the collection of other information from certain communications in an investigation of criminal conduct.

Representative Riddle moved to postpone consideration of **HB 357** until 5 p.m. today.

The motion prevailed.

**CSHB 3385 ON SECOND READING**  
**(by Chisum)**

**CSHB 3385**, A bill to be entitled An Act relating to the use of certain state money for costs related to the relocation to the city of Austin, Texas, of the Interstate Oil and Gas Compact Commission and for the support of that commission.

**CSHB 3385** 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 1742 ON SECOND READING**  
**(by Giddings)**

**CSHB 1742**, A bill to be entitled An Act relating to urban land bank demonstration programs.

**CSHB 1742** was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 1238 ON SECOND READING**  
**(by Noriega, J. Davis, Zerwas, Anchia, F. Brown, et al.)**

**HB 1238**, A bill to be entitled An Act relating to the operation of a student health center at an institution of higher education.

**HB 1238** was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 4065 ON SECOND READING**  
**(by Otto, Straus, and Strama)**

**HB 4065**, A bill to be entitled An Act relating to the establishment by the Texas Workforce Commission of a pilot program to provide grants for the construction of certain facilities for job training and employment services.

**Amendment No. 1**

Representative Merritt offered the following amendment to **HB 4065**:

Amend **HB 4065** as follows:

- (1) On page 2, line 1, strike "shall" and substitute "may".
- (2) On page 2, line 24, strike "the pilot" and substitute "any pilot".
- (3) On page 2, line 26, strike "of the" and substitute "of that".

(Speaker in the chair)

(Branch now present)

Representative Otto moved to table Amendment No. 1.

A record vote was requested.

The motion to table was lost by (Record 919): 51 Yeas, 81 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Aycock; Bolton; Bonnen; Chavez; Cohen; Cook, R.; Corte; Creighton; Davis, J.; Delisi; Driver; Dukes; Dutton; Eissler; Escobar; Farrar; Flores; Garcia; Gattis; Giddings; Gonzales; Haggerty; Hardcastle; Hernandez; Hilderbran; Howard, C.; Howard, D.; King, S.; King, T.; Lucio; McClendon; McReynolds; Murphy; Orr; Ortiz; Otto; Puente; Ritter; Rose; Smith, W.; Strama; Straus; Swinford; Truitt; Turner; Van Arsdale; Woolley; Zerwas.

Nays — Anderson; Bailey; Berman; Bohac; Brown, B.; Brown, F.; Callegari; Castro; Christian; Coleman; Cook, B.; Crabb; Crownover; Darby; Davis, Y.; Deshotel; Dunnam; Elkins; England; Farabee; Farias; Frost; Gallego; Geren; Gonzalez Toureilles; Goolsby; Guillen; Hancock; Harless; Harper-Brown; Hartnett; Heflin; Herrero; Hill; Hochberg; Hodge; Homer; Hopson; Hughes; Isett; Jackson; Jones; Kuempel; Latham; Laubenberg; Leibowitz; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; Menendez; Merritt; Miles; Miller; Mowery; Naishtat; O'Day; Oliveira; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Riddle; Rodriguez; Smith, T.; Solomons; Talton; Taylor; Vaught; Veasey; Villarreal; Vo; West; Zedler.

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

Absent, Excused — Flynn; Kolkhorst; Moreno; Smithee.

Absent — Burnam; Chisum; Eiland; Hamilton; Keffer; King, P.; Krusee; Morrison; Noriega; Olivo; Pierson; Thompson.

### STATEMENT OF VOTE

When Record No. 919 was taken, I was in the house but away from my desk. I would have voted no.

Olivo

Amendment No. 1 was adopted.

A record vote was requested.

**HB 4065**, as amended, was passed to engrossment by (Record 920): 124 Yeas, 15 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hancock; Hardcastle; Hartnett; Heflin; Hernandez; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Krusee; Kuempel; Latham; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Morrison; Mowery; Murphy; Naishtat; Noriega; 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; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Bohac; Callegari; Castro; Crabb; Harless; Harper-Brown; Herrero; Hill; Hochberg; Hodge; Laubenberg; Leibowitz; Miller; O'Day; Oliveira.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flynn; Kolkhorst; Moreno; Smithee.

Absent — Corte; Davis, Y.; Hamilton; Hilderbran; Homer; Pierson.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 920. I intended to vote no.

Anderson

When Record No. 920 was taken, my vote failed to register. I would have voted yes.

Homer

I was shown voting no on Record No. 920. I intended to vote yes.

Leibowitz

**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).

**POSTPONED BUSINESS**

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

**CSHB 13 ON SECOND READING**

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

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

**CSHB 13** was read second time earlier today and was postponed until this time.

**CSHB 13 - POINT OF ORDER**

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 13** under Rule 4, Section 32(c)(3) and Rule 4, Section 32(c)(4) of the House Rules on the grounds that bill analysis is incorrect.

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

Representative Martinez Fisher raises a point of order against further consideration of **HB 13** under Rule 4, Section 32, specifically noting that in the bill analysis of Section 8 of the bill analysis states the Office of Homeland Security, in reviewing grants and other funding, shall consider several accurately described sections and "Chapter 42.061 of the Government Code", a provision that both Representative Martinez Fischer and the bill's author agree does not exist in any way.

So the question before the chair is, can an error in a bill analysis that refers to a non-existent law cause a violation of Rule 4, Section 32? As most members of the house are aware, perfection in the legislative process is a desired goal, but one that is unlikely attainable. Over the years, members and their staffs in drafting bill analyses have made any number of mistakes, including typos and errors in cutting and pasting documents. But, not all of those errors are in equal weight. For instance, yesterday, in sustaining Representative Thompson's point of order against **HB 2006**, where the point of order was sustained because: 1) the bill analysis misidentified a statute in the bill confusing it with another section, 2) that the misidentified section existed in law, and 3) that the misidentified statutes dealt with the same subject (assessment of monetary costs—damages or costs and attorney fees in eminent domain action). All three of these errors led the analysis to be materially misleading.

In this case, only one of those elements is present. In the bill analysis, a nonexistent section of the law was described. Everyone agrees there is not one there. The Office of Homeland Security cannot use the nonexistent section in performing its duties. In this case, there is no chance for misleading or misinforming members. At worst, members were told a non-existent section was

being considered that couldn't be considered anyway. Accordingly, the point of order is overruled.

(Kolkhorst now present)

### PARLIAMENTARY INQUIRY

REPRESENTATIVE MARTINEZ FISCHER: In the ruling that was just read into the journal, is it the chair's decision, the chair's ruling, that the language of the nonexistent statute was merely a typo?

MR. SPEAKER: It's our ruling that this was not a violation of Rule 4, Section 32.

MARTINEZ FISCHER: If it's the chair's decision that the nonexistent statute was a typo, Mr. Swinford, in responding to the error, indicated that there was no harm done. And so I'm trying to figure out from the chair's ruling how is it either a harmless, nonexistent statute, or was it a harmless typo, because I didn't hear Mr. Swinford say that.

MR. SPEAKER: This is not a violation of Rule 4, Section 32. That's it.

MARTINEZ FISCHER: Would it be proper for an amendment to come to the floor to remove that nonexistent statute, in the event that there is a statute created under that same number?

MR. SPEAKER: You can file an amendment if you wish.

MARTINEZ FISCHER: Because we could say, Mr. Speaker, that that nonexistent statute means that the Department of Homeland Security will no longer exist, and if we were to do that, that would, in fact, negate the intended purpose of **CSHB 13**, am I correct?

MR. SPEAKER: Mr. Martinez Fischer, we're not going to talk about hypothetical deals. If you want to introduce an amendment, you're more than welcome to, we'll look at it at that time.

MARTINEZ FISCHER: I just want to understand the chair's ruling for subsequent inquiries in matters of debate. I understand the decision that the chair gave in relying on the Thompson point of order to the Woolley bill, but earlier this session, I called a point of order on **HB 2684** because the author stated the current section of the law but misstated what the law meant, and that was a sustainable point of order. Is that correct?

MR. SPEAKER: We'd have to review that. I have no idea, Mr. Martinez Fischer.

MARTINEZ FISCHER: The chair is not advised of the ruling the chair sustained on April 17, 2007?

MR. SPEAKER: We'll be glad to review the ruling.

MARTINEZ FISCHER: I would like that, sir, because in essence the precedent we're setting here, that it's okay to cite a statute, doesn't matter where it is and what it does, and that's a sustainable point of order, but we can make up a statute, and there's no harm done. I guess the chair's also saying that it's not okay to cite a statute and then misapply the statute, because that would be harmful, but again



that it'd be okay to make up an area of law on a nonexistent statute, and there would be no harm. I'm trying to reconcile all that, Mr. Speaker.

MR. SPEAKER: The chair's ruling is confined to the facts that we found in the case and the ruling's been posted in the journal.

### REMARKS ORDERED PRINTED

Representative Martinez Fischer moved to print remarks between Speaker Craddick and Representative Martinez Fischer.

The motion prevailed.

### CSHB 13 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE JACKSON: Representative Swinford, Chairman Swinford, I know that we could do a lot of talk about the borders being a federal responsibility and securing the borders traditionally benefitting the responsibility, but the homeland security department has been recently partnering with state and local governments toward that end as well, isn't that right?

REPRESENTATIVE SWINFORD: Yes, sir.

JACKSON: And Department of Homeland Security has worked with state and local governments in financing these operations as well, is that correct?

SWINFORD: A lot of the local entities have homeland security money, yes, sir.

JACKSON: Is it your view that **CSHB 13** appropriately augments federal border security efforts? This is not replacing the federal government, this is augmentation of federal border security efforts. They're becoming a partner.

SWINFORD: Let's get the differences drawn here. The differences are about border security and immigration. There's no question about it, if you go down and beef up your presence along the border, you're going to stop drugs, you're going to stop crime, you're going to stop human trafficking, you will also by very nature stop a lot of illegal immigration, but the cities are not being required today to enforce immigration law. Neither is the state. The immigration law is a body of law that really we don't have any authority over and neither do the cities. It is the federal Congress that mandates what's in immigration law. I guess you have to look at it like this—it's sort of a body along and if we as a state decide to tilt it up one way, or another way, more than likely, at some point, if the federal government wants to, they'll override us, they'll take us to federal court and they'll say, "You cannot do that because you have more authority to manage this immigration law." This is reserved for the Congress, and they reserved it under Section 6, Article II of the Constitution called the Supremacy Law. During that law they said that the U.S. immigration and naturalization that deals with other countries, more or less, is held only to the Congress of the United States. So, whenever we try to enforce more law or less law or whatever, then we are violating that. The cities that adopt these sanctuary city kind of things, that's a civil violation, not a criminal violation, so this bill does not cover that. This bill covers criminal law.

JACKSON: Mr. Chairman, along that line, for legislative intent, this legislation has not intended to penalize or prevent a municipality from passing a charter amendment ordinance or discourage illegal immigration in their own community, as long as no federal state or municipal criminal laws are broken and the city enforces relevant criminal laws.

SWINFORD: We have a finite amount of money and we're trying to enforce the criminal law. What this bill does and what you're talking about, a local ordinance—in my opinion, if someone files on that, when you go to federal court, that ordinance may be overridden, but this legislation has nothing to do with it.

JACKSON: This has no effect on that, even if the attempt is found to be legally unenforceable in violation of civil statutes?

SWINFORD: That's correct. This is about criminal statutes.

### REMARKS ORDERED PRINTED

Representative Jackson moved to print remarks between Representative Swinford and Representative Jackson.

The motion prevailed.

(Harper-Brown in the chair)

Representative Gonzales moved to extend speaking time on **CSHB 13**.

A record vote was requested.

The motion to extend time prevailed by (Record 921): 99 Yeas, 9 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Bolton; Branch; Brown, F.; Burnam; Chavez; Cohen; Coleman; Crabb; Creighton; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dunnam; Eiland; Elkins; England; Escobar; Farias; Farrar; Flores; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Hamilton; Hartnett; Heflin; Hernandez; Herrero; Hill; Hochberg; Hodge; Howard, C.; Howard, D.; Isett; Jackson; Jones; Keffer; King, T.; Kolkhorst; Krusee; Kuempel; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Patrick; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Smith, T.; Smith, W.; Strama; Straus; Turner; Van Arsdale; Vaught; Veasey; Vo; West; Woolley; Zedler; Zerwas.

Nays — Brown, B.; Christian; Corte; Crownover; King, P.; Parker; Paxton; Taylor; Truitt.

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

Absent, Excused — Flynn; Moreno; Smithee.

Absent — Aycock; Bailey; Berman; Bohac; Bonnen; Callegari; Castro; Chisum; Cook, B.; Cook, R.; Dukes; Dutton; Eissler; Farabee; Frost; Hancock; Hardcastle; Harless; Hilderbran; Homer; Hopson; Hughes; King, S.; Latham;

Laubenberg; Macias; Miller; Phillips; Pierson; Ritter; Rose; Solomons; Swinford; Talton; Thompson; Villarreal.

### **CSHB 13 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE GONZALES: Mr. Swinford, thank you for listening to our concerns on the bill, and reworking this many times. I'd like to ask you a few questions.

REPRESENTATIVE SWINFORD: Sure.

GONZALES: I was glad to hear you say that enforcing immigration laws is within the jurisdiction of the federal government.

SWINFORD: That's correct.

GONZALES: You have heard us all say to you, especially all of us who live along the border, that border security is very important to us, correct?

SWINFORD: Absolutely.

GONZALES: Now, I know one of the areas in the bill that was reworked numerous times dealt with what the obligations or what the rights were of the local police, correct?

SWINFORD: Ms. Gonzales, I didn't hear you very clearly. Could you say that again?

GONZALES: Yes, I'm sorry, I know it's very loud. Chairman Swinford, one of the areas in the bill that I know has been reworked numerous times dealt with what the rights or obligations were of the local policemen, is that correct?

SWINFORD: That's correct.

GONZALES: Okay, and this is very important, because your bill says that if the local police, or the local municipalities violate what their rights or obligations are, they can forfeit monies that are provided to the municipalities, correct?

SWINFORD: That's correct.

GONZALES: Okay.

SWINFORD: Let me also, Veronica, tell you that Mr. Driver has an amendment to take out that Section (e), that strikes Section (e), so whenever we have our amendments, I believe your fears will be washed away.

GONZALES: Okay, I'll be watching for that.

SWINFORD: Okay, sure.

GONZALES: Now, let me ask you what we're doing here, because I have received letters from local police who were concerned about what they were being asked to do or not do. So what your bill provides is that they cannot, they have to enforce laws as it relates, criminal laws, as it relates to drugs, and as it relates to the smuggling of aliens, correct?

SWINFORD: That's correct.

GONZALES: That does not mean that they can go out, and if they see someone that they believe to be an undocumented person, that they can arrest, correct?

SWINFORD: That's correct. You have to have probable cause, they have to be in a crime of some sort. It might be a drug crime, or it might be assault and battery or whatever it might be. It gives them no right to see somebody and say, "well, I think they're illegal" or whatever, and go get them.

GONZALES: Okay, and that's—

SWINFORD: They have to have probable cause.

GONZALES: Yes, and when you say probable cause that a crime has been committed, but the crime itself can't be the fact that they're in this country illegally, correct?

SWINFORD: That is a crime, but it's not a state crime.

GONZALES: That's a federal crime.

SWINFORD: It is not a municipal crime.

GONZALES: So that is not something that they could then make an arrest for, just because they're in the country illegally, they cannot do that. Now if it's part of a smuggling ring or drugs, they can.

SWINFORD: If they're doing a crime that we have authority over, which we do not have authority over illegal immigration.

GONZALES: So the answer is no, they wouldn't be able to arrest based on the fact that they're in the country illegally?

SWINFORD: That's correct. You can arrest them if they do a crime, but just somebody arrest somebody, you cannot do that, because that is federal law.

GONZALES: They'd have to be doing a theft, or they'd have to be engaged in some type of other illegal activity.

SWINFORD: That is correct.

GONZALES: Since this bill deals with what is criminal law, and immigration is a civil violation, how does this then relate to a city, for instance, passing an ordinance dealing with immigration?

SWINFORD: I mentioned that a minute ago, Veronica. What I believe is, and what this bill does, is it talks about criminal law. An ordinance that the city passes is not a crime, it's a civil matter. I truly believe that if you are on either side of that issue, whether you're tilting this way or this way, if somebody files suit and takes you to a federal court, you will probably lose, because you don't have any right to do that to the immigration law, but this bill does not address that.

GONZALES: Yes, that was my question. This bill does not address that particular situation. That would be a situation where then, because in your opinion and what you have seen through your research is that when it comes to federal immigration laws, that is federal, that is not state, that is not municipal, that is federal, correct?

SWINFORD: That's correct.

**REMARKS ORDERED PRINTED**

Representative Gonzales moved to print remarks between Representative Swinford and Representative Gonzales.

The motion prevailed.

(Smithee now present)

**Amendment No. 1**

Representative Swinford offered the following amendment to **CSHB 13**:

Amend **CSHB 13** (house committee printing) as follows:

(1) On page 7, line 26, strike "LEGISLATIVE OVERSIGHT COMMITTEE" and substitute "INTERIM COMMITTEE ON BORDER SECURITY".

(2) Strike page 7, line 27, and substitute the following: interim committee on border

(3) On page 8, line 18, strike "oversight" and substitute "interim".

(4) Strike page 8, line 27, through page 9, line 4, and substitute the following:

(e) The committee shall conduct an interim study of border security issues in this state. The committee shall issue a report to the legislature not later than December 1, 2008.

(f) This section expires January 1, 2009.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Merritt offered the following amendment to **CSHB 13**:

Amend **CSHB 13** (house committee printing) as follows:

(1) Strike SECTIONS 1 and 2 of the bill and renumber subsequent SECTIONS of the bill accordingly.

(2) Strike SECTION 5 of the bill and substitute the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. Section 421.003, Government Code, is amended to read as follows:

Sec. 421.003. CRIMINAL INTELLIGENCE INFORMATION; DATABASE MAINTENANCE. (a) The Department of Public Safety of the State of Texas is:

(1) the repository in this state for the collection of multijurisdictional criminal intelligence information that is about terrorist activities or otherwise related to homeland security activities; and

(2) the state agency that has sole [~~primary~~] responsibility to analyze and disseminate that information.

(b) Notwithstanding Section 421.002 or any other law, the Department of Public Safety of the State of Texas is the only state agency or state governmental entity that is authorized to develop, maintain, operate, and control access to the Texas Data Exchange or any other similar comprehensive intelligence database.

Representative Corte moved to table Amendment No. 2.

A record vote was requested.

The motion to table prevailed by (Record 922): 73 Yeas, 69 Nays, 3 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Escobar; Farabee; Gattis; Geren; Gonzales; Guillen; Hancock; Hardcastle; Harless; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Kruse; Laubenberg; Lucio; Macias; Madden; Mallory Caraway; McCall; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Quintanilla; Riddle; Smith, W.; Smithee; Solomons; Straus; Swinford; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Bonnen; Branch; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Elkins; England; Farias; Farrar; Flores; Frost; Gallego; Garcia; Giddings; Gonzalez Tourelles; Goolsby; Haggerty; Hamilton; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Kuempel; Leibowitz; Martinez; Martinez Fischer; McClendon; McReynolds; Merritt; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Pitts; Puente; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Strama; Talton; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

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

Absent, Excused — Flynn; Moreno.

Absent — Crabb; Menendez; Pierson.

### LEAVES OF ABSENCE GRANTED

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

Villarreal on motion of Solomons.

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 Raymond.

### CSHB 13 - (consideration continued)

#### Amendment No. 3

Representative Raymond offered the following amendment to **CSHB 13**:

Amend **CSHB 13** (House Committee Printing) as follows:

(1) On page 2, lines 16-17, strike "necessary project management resources" and substitute "funding".

(2) On page 2, line 17, between "Exchange" and the semicolon, insert "or any other similar comprehensive intelligence database".

(3) Strike SECTION 2 of the bill (page 2, line 19, through page 4, line 5) and substitute the following:

SECTION 2. Subchapter C, Chapter 418, Government Code, is amended by adding Section 418.0431 to read as follows:

Sec. 418.0431. FUNDING OF CERTAIN DATABASES. The division:

(1) may provide funding to the Department of Public Safety for the Texas Data Exchange or any other similar comprehensive intelligence database; and

(2) shall, to any extent necessary, participate in the transfer described by Section 421.0035(2) and the cooperation described by Section 421.0035(3).

(4) Strike SECTION 5 of the bill (page 7, lines 11 through 23) and substitute the following:

SECTION \_\_\_\_\_. Section 421.003, Government Code, is amended to read as follows:

Sec. 421.003. CRIMINAL INTELLIGENCE INFORMATION; DATABASE MAINTENANCE. (a) The Department of Public Safety of the State of Texas is:

(1) the repository in this state for the collection of multijurisdictional criminal intelligence information that is about terrorist activities or otherwise related to homeland security activities; and

(2) the state agency that has sole [~~primary~~] responsibility to analyze and disseminate that information.

(b) Notwithstanding Section 421.002 or any other law, the Department of Public Safety of the State of Texas is the only state agency or state governmental entity that is authorized to develop, maintain, operate, and control access to the Texas Data Exchange or any other similar comprehensive intelligence database.

(5) Add the following appropriately numbered SECTION to the bill:

SECTION \_\_\_\_\_. Subchapter A, Chapter 421, Government Code, is amended by adding Section 421.0035 to read as follows:

Sec. 421.0035. CERTAIN COOPERATION REQUIRED. The governor and the governor's office shall cooperate with the Department of Public Safety to:

(1) transfer to the department control of the Texas Data Exchange or any other similar comprehensive intelligence database and any information contained in the Texas Data Exchange or any other similar comprehensive intelligence database;

(2) transfer to the department any federal funds received by the governor or the governor's office for the operation or maintenance of the Texas Data Exchange or any other similar comprehensive intelligence database; and

(3) ensure that the department receives any federal funds received by this state for the operation or maintenance of the Texas Data Exchange or any other similar comprehensive intelligence database.

(6) Appropriately number or renumber all existing SECTIONS of the bill.

Amendment No. 3 was adopted.

### LEAVE OF ABSENCE GRANTED

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

Bailey on motion of Gonzalez Toureilles.

### CSHB 13 - (consideration continued)

#### Amendment No. 4

Representative Noriega offered the following amendment to **CSHB 13**:

Amend **CSHB 13** (house committee printing) as follows:

(1) On page 4, strike lines 8-16 and substitute the following:

Sec. 421.002. STATE OFFICE OF HOMELAND SECURITY; HOMELAND SECURITY STRATEGY. (a) The director of the State Office of Homeland Security [governor] shall direct homeland security in this state. The director is appointed by the governor with the advice and consent of the senate and serves a two-year term expiring February 1 of each odd-numbered year. The State Office of Homeland Security is administratively attached to the office of the governor.

(a-1) The governor [and] shall develop a statewide homeland security strategy that improves the state's ability to:

- (1) detect and deter threats to homeland security;
- (2) respond to homeland security emergencies; and
- (3) recover from homeland security emergencies.

(2) Add the following appropriately numbered SECTION to the bill and renumber existing SECTIONS appropriately:

SECTION \_\_\_\_. As soon as practicable after the effective date of this Act, the governor shall appoint the director of the State Office of Homeland Security to a term expiring February 1, 2009.

A record vote was requested.

Amendment No. 4 was adopted by (Record 923): 100 Yeas, 38 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bolton; Bonnen; Branch; Brown, F.; Burnam; Castro; Chavez; Cohen; Coleman; Cook, B.; Cook, R.; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Keffer; King, T.; Kolkhorst; Kuempel; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Patrick; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Solomons; Strama; Straus; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Vo; West; Zerwas.



Nays — Anderson; Aycock; Berman; Bohac; Brown, B.; Callegari; Chisum; Christian; Corte; Crabb; Creighton; Darby; Delisi; Driver; Eissler; Hilderbran; Hill; Howard, C.; Isett; Jackson; King, S.; Krusee; Latham; Laubenberg; Macias; Madden; Miller; Mowery; Parker; Paxton; Phillips; Riddle; Smith, W.; Smithee; Swinford; Van Arsdale; Woolley; Zedler.

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

Absent, Excused — Bailey; Flynn; Gattis; Moreno; Villarreal.

Absent — Crownover; Jones; King, P.; Morrison; Pierson.

### **Amendment No. 5**

Representative Merritt offered the following amendment to **CSHB 13**:

Amend **CSHB 13** (house committee printing) as follows:

(1) Strike SECTION 4 of the bill and substitute the following:

SECTION 4. Subchapter A, Chapter 421, Government Code, is amended by adding Section 421.0025 to read as follows:

Sec. 421.0025. HOMELAND AND BORDER SECURITY COUNCIL. (a) In this section, "council" means the Homeland and Border Security Council.

(b) The Homeland and Border Security Council consists of:

(1) the public safety director of the Department of Public Safety of the State of Texas or a representative of the department appointed by the public safety director;

(2) the executive director of the Texas Border Sheriffs' Coalition or a representative of the coalition appointed by the executive director;

(3) the president of the County Judges and Commissioners Association of Texas or a representative of the association appointed by the president; and

(4) the president of the Texas Police Chiefs Association or a representative of the association appointed by the president.

(c) The council shall develop and implement performance standards, reporting requirements, audit methods, and other procedures to ensure that funds allocated by the office of the governor for purposes related to homeland security and border security are used properly and that the recipients of the funds are accountable for the proper use of the funds.

(d) The council shall direct the allocation of funds by the office of the governor for purposes related to homeland security and border security. Decisions relating to the allocation of those funds must be made by a majority of the members of the council.

(e) The public safety director of the Department of Public Safety of the State of Texas is the chair of the council. The chair shall arrange meetings of the council at times determined by the members of the council.

(f) The actions and plans of the council are subject to the requirements of Chapters 551 and 552 to the same extent as similar actions and plans of the Department of Public Safety of the State of Texas.

(g) Notwithstanding Chapter 551, the council may hold an open or closed meeting by telephone conference call. The meeting is subject to the notice requirements applicable to other meetings. The notice of the meeting must

specify as the location of the meeting the location where meetings of the council are usually held. Each part of the meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting as the location of the meeting and shall be tape-recorded. The tape recording shall be made available to the public.

(h) Service on the council by a state officer or employee or by an officer or employee of a local government is an additional duty of the member's office or employment.

(2) On page 10, lines 17–18, strike "State Office of Homeland Security, with the advice of the Border Security Council, [~~office of the governor~~]" and substitute "office of the governor, at the direction of the Homeland and Border Security Council,".

(3) Strike SECTION 15 of the bill and substitute the following:

SECTION 15. The House Committee on Defense Affairs and State-Federal Relations may conduct a study to determine whether it would enhance efficiency in the implementation of homeland security and border security measures in this state for this state or for certain political subdivisions of this state to seek one or more agreements under Section 287(g), Immigration and Nationality Act (8 U.S.C. Section 1357(g)).

Representative Farrar moved to extend speaking time on **CSHB 13**.

A record vote was requested.

The motion to extend time prevailed by (Record 924): 72 Yeas, 56 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bolton; Branch; Burnam; Castro; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Elkins; England; Escobar; Farias; Farrar; Flores; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Guillen; Hartnett; Hernandez; Herrero; Hill; Hodge; Hopson; Howard, D.; Jones; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Merritt; Miles; Mowery; Murphy; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Solomons; Strama; Straus; Talton; Thompson; Van Arsdale; Vaught; Veasey; Vo.

Nays — Anderson; Aycock; Berman; Bohac; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eiland; Eissler; Goolsby; Hardcastle; Harless; Heflin; Hilderbran; Hochberg; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; Miller; Morrison; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Riddle; Smithee; Swinford; Taylor; Truitt; Woolley; Zedler; Zerwas.

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

Absent, Excused — Bailey; Flynn; Gattis; Moreno; Villarreal.

Absent — Farabee; Gonzalez Toureilles; Haggerty; Hamilton; Hancock; Homer; King, S.; Kolkhorst; McCall; Menendez; Pierson; Pitts; Turner; West.

Amendment No. 5 was withdrawn.

### **CSHB 13 - POINT OF ORDER**

Representative Herrero raised a point of order against further consideration of **CSHB 13** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

(Otto in the chair)

### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Keffer requested permission for the Committee on Ways and Means to meet while the house is in session, 7:30 p.m. today, in 3W.9, for a formal meeting, to consider **HB 2971**, **HB 2972**, and **HJR 93**.

Permission to meet was granted.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Ways and Means, 7:30 p.m. today, 3W.9, for a formal meeting, to consider **HB 2971**, **HB 2972**, **HJR 93**, and other pending business.

(Puente in the chair)

### **BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 32).

### **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).

(Speaker in the chair)

### **LEAVE OF ABSENCE GRANTED**

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

Isett on motion of F. Brown.

### **CSHB 13 - (consideration continued)**

The speaker sustained the point of order.

### **CSHB 13 - MOTION TO SUSPEND ALL NECESSARY RULES**

Representative Swinford moved to suspend all necessary rules to allow the house to continue consideration of **CSHB 13**.

Representative Gallego moved to extend speaking time on **CSHB 13**.

A record vote was requested.

The motion to extend speaking time prevailed by (Record 925): 103 Yeas, 33 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bolton; Bonnen; Brown, F.; Burnam; Castro; Chavez; Chisum; Cohen; Coleman; Cook, B.; Cook, R.; Davis, J.; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; Eiland; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Hardcastle; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Isett; Jones; Keffer; King, S.; King, T.; Kolkhorst; Kuempel; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Mowery; Murphy; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Talton; Thompson; Van Arsdale; Vaught; Veasey; Vo; Zerwas.

Nays — Anderson; Aycock; Berman; Bohac; Brown, B.; Callegari; Christian; Corte; Crabb; Creighton; Crownover; Darby; Driver; Eissler; Goolsby; Hancock; Harless; Harper-Brown; Hartnett; Jackson; King, P.; Krusee; Latham; Laubenberg; Miller; Morrison; Patrick; Paxton; Phillips; Riddle; Smithee; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Flynn; Gattis; Moreno; Villarreal.

Absent — Branch; Hamilton; Hughes; O'Day; Taylor; Truitt; Turner; West.

### PARLIAMENTARY INQUIRY

REPRESENTATIVE GALLEGO: Mr. Speaker, you indicated that it takes a two-thirds vote to suspend the rules. In the event that there is no two-thirds willing to suspend, what happens to the bill at that point?

MR. SPEAKER: The bill will go back to committee.

GALLEGO: And if the bill goes back to committee, it comes back I take it, on the Major State Calendar as you indicated by Tuesday at the latest. Monday or Tuesday, is what I believe you said?

MR. SPEAKER: That's a guess, that is correct.

GALLEGO: So the Calendars Committee would meet and bring it back on Tuesday on the Major State Calendar?

MR. SPEAKER: That's a possibility.

GALLEGO: And Mr. Speaker, the Major State Calendar goes above the General State Calendar? So the Major State Calendar is taken up prior to the General State Calendar?

MR. SPEAKER: That's correct.

GALLEGO: Mr. Speaker, with respect to the two-thirds, is it the two-thirds of the members or is it two-thirds of the members who are present and voting?

MR. SPEAKER: Present and voting.

GALLEGO: And one last parliamentary inquiry, Mr. Speaker, there are those of us like me, who intend to vote for this bill and support this bill, so a vote against suspending the rules procedurally is not a vote against the bill. Is that correct?

MR. SPEAKER: That's correct.

### **REMARKS ORDERED PRINTED**

Representative Gallego moved to print remarks between Speaker Craddick and Representative Gallego.

The motion prevailed.

The motion to suspend all necessary rules was withdrawn.

### **HB 13 - RECOMMITTED**

Representative Swinford moved to recommit **HB 13** to the Committee on State Affairs.

The motion prevailed.

### **ADDRESS BY REPRESENTATIVE HERRERO ON A MATTER OF PERSONAL PRIVILEGE**

The chair recognized Representative Herrero who addressed the house on a matter of personal privilege.

### **ADDRESS BY REPRESENTATIVE ESCOBAR ON A MATTER OF PERSONAL PRIVILEGE**

The chair recognized Representative Escobar who addressed the house on a matter of personal privilege.

### **GENERAL STATE CALENDAR (consideration continued)**

### **HB 1412 ON SECOND READING (by McReynolds, et al.)**

**HB 1412**, A bill to be entitled An Act relating to the regional emergency medical dispatch resource centers program.

**HB 1412** was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Swinford requested permission for the Committee on State Affairs to meet while the house is in session, today, in 3W.9, for a formal meeting, to consider **HB 13**.

Permission to meet was granted.

### **POSTPONED BUSINESS**

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

**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.

**SB 625** was read third time on May 1 and was postponed until this time.

Representative J. Davis moved to postpone consideration of **SB 625** until 9 a.m. Monday, May 7.

The motion prevailed.

**HB 357 ON SECOND READING**  
**(by Riddle)**

**HB 357**, A bill to be entitled An Act relating to the interception of or the collection of other information from certain communications in an investigation of criminal conduct.

**HB 357** was read second time earlier today and was postponed until this time.

Representative Riddle moved to postpone consideration of **HB 357** until 10 a.m. tomorrow.

The motion prevailed.

**LEAVE OF ABSENCE GRANTED**

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

P. King on motion of Morrison.

**CSSB 1461 ON SECOND READING**  
**(B. Cook, West, Dunnam, and Anderson - House Sponsors)**

**CSSB 1461**, 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.

**CSSB 1461** was considered in lieu of **CSHB 3112**.

**CSSB 1461** 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 3112 - LAID ON THE TABLE SUBJECT TO CALL**

Representative B. Cook moved to lay **CSHB 3112** on the table subject to call.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

State Affairs, 8:15 p.m. today, 3W.9, for a formal meeting, to consider **HB 13**.

**CSHB 1146 ON SECOND READING**  
**(by Bonnen)**

**CSHB 1146**, A bill to be entitled An Act relating to the authority of small cities to conduct elections only by mail.

**CSHB 1146** was read second time earlier today and was postponed until this time.

(Harper-Brown in the chair)

**Amendment No. 1**

Representatives Bonnen, Berman, Castro, Burnam, Hodge, and Gonzalez Toureilles offered the following amendment to **CSHB 1146**:

Amend **CSHB 1146** as follows:

(1) On page 1, between lines 18 and 19, insert the following subsection and reletter subsequent subsections of the section accordingly:

(b) Not more than 45 days and not less than 21 days before the deadline for requesting a ballot under this section, the early voting clerk shall send to each registered voter of the city a postage-paid ballot application. The city shall include with the ballot application a statement to educate voters about the mail-only election that contains instructions on how to obtain a ballot and how to vote in the election.

(2) On page 1, line 22, strike "35th" and substitute "7th".

Amendment No. 1 was adopted.

**CSHB 1146**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Giddings, Herrero, and Leibowitz recorded voting no.)

**GENERAL STATE CALENDAR**  
**(consideration continued)**

**CSHB 2106 ON SECOND READING**  
**(by Chisum, Deshotel, and Hopson)**

**CSHB 2106**, A bill to be entitled An Act relating to the regulation of barbering and cosmetology.

(Menendez in the chair)

**Amendment No. 1**

Representatives Chisum and Harper-Brown offered the following amendment to **CSHB 2106**:

Amend **CSHB 2106** (House Committee Printing) as follows:

- (1) Strike SECTION 15 of the bill (page 11, line 24 through page 12, line 2).
- (2) Strike SECTION 20 of the bill (page 14, lines 6 through 13).
- (3) Renumber the subsequent SECTIONS of the bill accordingly.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Harper-Brown offered the following amendment to **CSHB 2106**:

Amend **CSHB 2106** (House Committee Report) as follows:

(1) On page 14, lines 23 and 24, strike "or ultraviolet" and substitute "ultraviolet, or other department-approved".

(2) On page 15, lines 9 and 10, strike "or ultraviolet" and substitute "ultraviolet, or other department-approved".

(3) On page 15, line 11, strike "or ultraviolet" and substitute "ultraviolet, or other department-approved".

Amendment No. 2 was adopted.

**CSHB 2106**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**CSHB 2117 ON SECOND READING**  
(by Parker, et al.)

**CSHB 2117**, A bill to be entitled An Act relating to the liability of certain persons who administer emergency care.

**CSHB 2117** was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 1447 ON SECOND READING**  
(Gattis - House Sponsor)

**SB 1447**, A bill to be entitled An Act relating to the investment authority of the Teacher Retirement System of Texas.

**SB 1447** was considered in lieu of **HB 2376**.

**SB 1447** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 2376 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Eiland moved to lay **HB 2376** on the table subject to call.

The motion prevailed.



**CSHB 1617 ON SECOND READING****(by Darby)**

**CSHB 1617**, A bill to be entitled An Act relating to the qualifications for appointment to the board of directors of certain economic development corporations.

**CSHB 1617** 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 1633 ON SECOND READING****(by Geren)**

**CSHB 1633**, A bill to be entitled An Act relating to the determination of eligibility for Medicaid for certain persons in the armed forces and their family members.

**Amendment No. 1**

On behalf of Representative Pierson, Representative Geren offered the following amendment to **CSHB 1633**:

Amend **CSHB 1633** on page 1, lines 11 through 13, by striking "a person who is on active duty as a member of the armed forces of the United States or the state military forces" and substituting "an active duty member of the United States armed forces, reserves, or national guard or of the state military forces".

Amendment No. 1 was adopted.

**CSHB 1633**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**CSHB 1995 ON SECOND READING****(by Gonzalez Tourailles)**

**CSHB 1995**, A bill to be entitled An Act relating to the time in which to appeal a report by an associate judge in a suit affecting the parent-child relationship.

**CSHB 1995** 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 2471 ON SECOND READING****(by Homer and Aycock)**

**CSHB 2471**, A bill to be entitled An Act relating to the treatment and sale of certain bedding.

**Amendment No. 1**

Representatives Homer and Aycock offered the following amendment to **CSHB 2471**:

Amend **CSHB 2471** as follows:

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

(2) On page 1, strike lines 7 through 14.

(3) On page 1, between lines 20 and 21, insert the following new SECTION to the bill, numbered appropriately, and renumber subsequent SECTIONS accordingly:

SECTION \_\_. Subchapter A, Chapter 345, Health and Safety Code, is amended by adding Section 345.0065 to read as follows:

Sec. 345.0065. APPLICABILITY OF CHAPTER TO FLOOR MODEL. Bedding that has not been used for a purpose other than as a floor model is regulated as new bedding. A floor model may not be regulated as secondhand bedding under this chapter in any manner.

Amendment No. 1 was adopted.

**CSHB 2471**, 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.)

**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).

**CSHB 2624 ON SECOND READING**

(by P. King)

**CSHB 2624**, A bill to be entitled An Act relating to the authority to charge reasonable fees for certain emergency services performed by volunteer fire departments.

**Amendment No. 1**

Representative Taylor offered the following amendment to **CSHB 2624**:

Amend **CSHB 2624** as follows:

(1). Strike lines 13-17 on page 1, and substitute therefore the following:

"may be:

(1) billed to the applicable insurance company of the person for whom the department performs the service if the service is a covered benefit under the applicable policy and an assignment of benefits, if necessary, is provided to the department; and

(2) covered benefits under an assignment of benefits must be paid as required under applicable provisions of the insurance code for prompt payment of covered claims."

(2). Strike the word "must" on line 3 and insert the word "may" and strike lines 4-7 on page 2 substitute therefore the following:

"may be;

(1) billed to the applicable insurance company of the person for whom the department performs the service if the service is a covered benefit under the applicable policy and an assignment of benefits, if necessary, is provided to the department; and

(2) covered benefits under an assignment of benefits must be paid as required under applicable provisions of the insurance code for prompt payment of covered claims."

(3). Strike the last sentence on page 3, lines 5-7 beginning with "The fee must be billed to the applicable insurance company of the person for whom the department performs the service." And substitute therefore the following:

"The fee may be billed to the applicable insurance company of the person for whom the department performs the service if the service is covered benefit under the applicable policy and an assignment of benefits, if necessary, is provided to the department."

Amendment No. 1 was adopted.

**CSHB 2624**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**CSHB 2664 ON SECOND READING**  
**(by Truitt)**

**CSHB 2664**, A bill to be entitled An Act relating to audits of public retirement system actuarial valuations, studies, and reports.

**Amendment No. 1**

Representative Truitt offered the following amendment to **CSHB 2664**:

Amend **CSHB 2664** by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter B, Chapter 802, Government Code, is amended by adding Section 802.1012 to read as follows:

Sec. 802.1012. AUDITS OF ACTUARIAL VALUATIONS, STUDIES, AND REPORTS. (a) In this section, "governmental entity" means a unit of government that is the employer of active members of a public retirement system.

(b) Except as provided by Subsection (k), this section applies only to a public retirement system with total assets the book value of which, as of the last day of the preceding fiscal year, is at least \$100 million.

(c) Every five years, the actuarial valuations, studies, and reports of a public retirement system most recently prepared for the retirement system as required by Section 802.101 or other law under this title or under Title 109, Revised Statutes, must be audited by an independent actuary who:

(1) is engaged for the purpose of the audit by the governmental entity;  
and

(2) has the credentials required for an actuary under Section 802.101(d).

(d) Before beginning an audit under this section, the governmental entity and the independent actuary must agree in writing to maintain the confidentiality of any nonpublic information provided by the public retirement system for the audit.

(e) Before beginning an audit under this section, the independent actuary must meet with the manager of the pension fund for the public retirement system to discuss the appropriate assumptions to use in conducting the audit.

(f) Not later than the 30th day after completing the audit under Subsection (c), the independent actuary shall submit to the public retirement system for purposes of discussion and clarification a preliminary draft of the audit report that is substantially complete.

(g) The independent actuary shall:

(1) discuss the preliminary draft of the audit report with the governing body of the public retirement system; and

(2) request in writing that the retirement system, on or before the 30th day after the date of receiving the preliminary draft, submit to the independent actuary any response that the retirement system wants to accompany the final audit report.

(h) The independent actuary shall submit to the governmental entity the final audit report that includes the audit results and any response received from the public retirement system:

(1) not earlier than the 31st day after the date on which the preliminary draft is submitted to the retirement system; and

(2) not later than the 60th day after the date on which the preliminary draft is submitted to the retirement system.

(i) At the first regularly scheduled open meeting after receiving the final audit report, the governing body of the governmental entity shall:

(1) include on the posted agenda for the meeting the presentation of the audit results;

(2) present the final audit report and any response from the public retirement system; and

(3) provide printed copies of the final audit report and the response from the public retirement system for individuals attending the meeting.

(j) The governmental entity shall:

(1) maintain a copy of the final audit report at its main office for public inspection;

(2) submit a copy of the final audit report to the public retirement system and the State Pension Review Board not later than the 30th day after the date the final audit report is received by the governmental entity; and

(3) pay all costs associated with conducting the audit and preparing and distributing the report under this section.

(k) This section does not apply to the Employees Retirement System of Texas, the Teacher Retirement System of Texas, the Texas County and District Retirement System, the Texas Municipal Retirement System, or the Judicial Retirement System of Texas Plan Two.

SECTION 2. The first audit required under Section 802.1012, Government Code, as added by this Act:

- (1) shall be conducted not later than September 1, 2008; and
- (2) must include an audit of each actuarial valuation, study, and report of the public retirement system that was prepared for that retirement system in the preceding five years.

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

Amendment No. 1 was adopted.

**CSHB 2664**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**CSHB 2118 ON SECOND READING**  
**(by Pickett)**

**CSHB 2118**, A bill to be entitled An Act relating to licensing and regulation of residential fire alarm technicians and regulation of fire detection and alarm devices.

**Amendment No. 1**

Representative Eissler offered the following amendment to **CSHB 2118**:

Amend **CSHB 2118** by adding the following appropriately numbered SECTIONS to the bill and renumbering the existing SECTIONS accordingly:

SECTION \_\_\_\_\_. Subtitle A, Title 9, Health and Safety Code, is amended by adding Chapter 766 to read as follows:

CHAPTER 766. SMOKE DETECTORS IN CERTAIN  
RESIDENTIAL DWELLINGS

Sec. 766.001. DEFINITIONS. In this chapter:

(1) "One-family or two-family dwelling" means a structure that has one or two residential units that are occupied as, or designed or intended for occupancy as, a residence by individuals.

(2) "Smoke detector" has the meaning assigned by Section 792.001.

Sec. 766.002. RESPONSIBILITY OF TITLE INSURANCE OR CLOSING AGENT. A title insurance agent or other closing agent involved in the transfer of title to a one-family or two-family dwelling is not, on sale or transfer of the dwelling, responsible for:

(1) verifying that the seller has complied with the requirements of this chapter; or

(2) ensuring that the dwelling complies with the requirements of this chapter.

Sec. 766.003. SMOKE DETECTOR REQUIRED. (a) Each one-family or two-family dwelling must have a working smoke detector installed in the dwelling in accordance with Subsection (b) if construction on the dwelling commences on or after January 1, 2008. If the dwelling is constructed before

January 1, 2008, there must be a working smoke detector installed in the dwelling in accordance with Subsection (b) before the owner of the dwelling may sell or otherwise transfer ownership of the dwelling to another person.

(b) A smoke detector must be installed in accordance with the requirements of Sections 92.254, 92.255, and 92.257, Property Code.

Sec. 766.004. RULES. (a) The commissioner of insurance shall adopt rules requiring:

(1) each one-family or two-family dwelling the construction of which commences on or after January 1, 2008, to be equipped with a smoke detector; and

(2) each one-family or two-family dwelling the ownership of which is sold or transferred on or after January 1, 2008, to be equipped with a smoke detector.

(b) The rules adopted under Subsection (a) must prescribe requirements relating to the placement, installation, maintenance, and number of smoke detectors required in a one-family or two-family dwelling.

SECTION \_\_\_\_\_. The commissioner of insurance shall adopt rules under Section 766.004, Health and Safety Code, as added by this Act, not later than December 1, 2007.

Amendment No. 1 was adopted.

**CSHB 2118**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Christian, Latham, and Phillips recorded voting no.)

### **CSHB 2015 ON SECOND READING (by Smithee)**

**CSHB 2015**, A bill to be entitled An Act relating to the reporting of claim information under certain group health plans; providing administrative penalties.

#### **CSHB 2015 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE T. SMITH: Chairman Smithee, the bill defines health insurance insurer using a reference to federal regulations. Isn't it true that this definition includes insurance companies, HMOs, insurance service, and insurance organizations that are licensed to engage in the business of insurance in Texas and are subject to state law that regulates insurance?

REPRESENTATIVE SMITHEE: That's my understanding, Mr. Smith.

T. SMITH: Would the definition include an insurance company or HMO providing administrative services to a self-funded or partially self-funded health plan?

SMITHEE: That's my understanding.

T. SMITH: Would the definition include a third-party administrator license under Chapter 4151 of the Texas Insurance Code?

SMITHEE: That would be the intent, yes.

### REMARKS ORDERED PRINTED

Representative T. Smith moved to print remarks between Representative Smithee and Representative T. Smith.

The motion prevailed.

**CSHB 2015** was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

### HB 2546 ON SECOND READING (by Noriega)

**HB 2546**, A bill to be entitled An Act relating to the sale of ammonium nitrate; creating an offense.

#### Amendment No. 1

Representative Noriega offered the following amendment to **HB 2546**:

Amend **HB 2546** on page 4 by striking lines 21 through 23 and substituting the following:

(f) It is an exception to the application of Subsection (b) that the person holds a permit or license issued under 18 U.S.C. Section 843.

(g) If conduct constituting an offense under this section is also an offense under another law, the actor may be prosecuted under this section, the other law, or both.

Amendment No. 1 was adopted.

**HB 2546**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

### CSHB 2786 ON SECOND READING (by Paxton)

**CSHB 2786**, A bill to be entitled An Act relating to the preparation by the Legislative Budget Board of a dynamic fiscal impact statement for certain bills and joint resolutions affecting taxes and fees.

Representative Paxton moved to postpone consideration of **CSHB 2786** until after the second reading of **CSHB 3066**.

The motion prevailed.

### CSHB 3066 ON SECOND READING (by Truitt and Menendez)

**CSHB 3066**, A bill to be entitled An Act relating to the use of political contributions to make payments in connection with the rental of certain real property; providing a criminal penalty.

**Amendment No. 1**

Representative Dunnam offered the following amendment to **CSHB 3066**:

Amend **CSHB 3066**, as follows:

On page 1 line 11 of the bill insert the words "or purchase" between the words "rental" and "of", and then renumber the lines accordingly.

Amendment No. 1 was adopted.

**CSHB 3066**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**POSTPONED BUSINESS**

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

**CSHB 2786 ON SECOND READING**  
**(by Paxton)**

**CSHB 2786**, A bill to be entitled An Act relating to the preparation by the Legislative Budget Board of a dynamic fiscal impact statement for certain bills and joint resolutions affecting taxes and fees.

**CSHB 2786** was read second time earlier today and was postponed until this time.

**Amendment No. 1**

Representative Gallego offered the following amendment to **CSHB 2786**:

Amend **CSHB 2786** as follows:

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

(c) For a bill or joint resolution described by Subsection (a) that lowers the rate of a tax and has a negative impact on revenue, the dynamic fiscal impact statement must also list and describe for the five-year period described by Subsection (b) the effects that lowering the rate of the tax will have on the provision of affected public services such as, if applicable, public education or the children's health insurance program.

(2) On page 2, line 2, strike "(c)" and substitute "(d)".

(3) On page 2, line 20, strike "(d)" and substitute "(e)".

Representative Paxton moved to table Amendment No. 1.

(Isett now present)

A record vote was requested.

The motion to table prevailed by (Record 926): 73 Yeas, 63 Nays, 2 Present, not voting.

Yeas — Anderson; Aycok; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Delisi; Driver; Eissler; Elkins; England; Geren; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hilderbran; Hill; Howard, C.;



Hughes; Isett; Jackson; Jones; Keffer; King, S.; Kolkhorst; Krusee; Kuempel; Laubenberg; Macias; Madden; McCall; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Ritter; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

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

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

Absent, Excused — Bailey; Flynn; Gattis; King, P.; Moreno; Villarreal.

Absent — Davis, J.; Harper-Brown; Latham; Noriega; Pierson; Straus.

**CSHB 2786** was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero, D. Howard, and Leibowitz recorded voting no.)

### **GENERAL STATE CALENDAR (consideration continued)**

#### **CSHB 3101 ON SECOND READING**

**(by Anchia, Deshotel, Thompson, Dutton, Murphy, et al.)**

**CSHB 3101**, A bill to be entitled An Act relating to a residential tenant's rights and remedies.

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

Representatives Pickett and Solomons offered the following amendment to **CSHB 3101**:

Amend **CSHB 3101** as follows:

(1) On page 1, line 5, strike "amending Subsections (d) and (h) and adding Subsections (k) and (l)" and substitute "amending Subsections (b), (d), and (h) and adding Subsections (e-1), (k), and (l)".

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

(b) A landlord may not intentionally prevent a tenant from entering the leased premises except by judicial process unless the exclusion results from:

(1) bona fide repairs, construction, or an emergency;

(2) removing the contents of premises abandoned by a tenant; or

(3) changing the door locks on the door to the tenant's individual unit

of a tenant who is delinquent in paying at least part of the rent.

(3) On page 2, between lines 5 and 6, insert the following:

(e-1) A landlord who changes the locks or otherwise prevents a tenant from entering the tenant's individual rental unit may not change the locks or otherwise prevent a tenant from entering a common area of residential rental property.

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representatives Solomons and Pickett offered the following amendment to **CSHB 3101**:

Amend **CSHB 3101** by adding the following appropriately number SECTION and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 92, Property Code, is amended by adding Section 92.020 to read as follows:

Sec. 92.020. EMERGENCY PHONE NUMBER. (a) A landlord must provide to a tenant a telephone number that will be answered 24 hours a day for the purpose of reporting emergencies related to a condition of the leased premises that materially affects the physical health or safety of an ordinary tenant.

(b) A landlord of residential rental property that has an onsite management or superintendent's office must post the phone number required by Subsection (a) prominently outside the management or superintendent's office.

(c) This section does not apply to or affect a local ordinance governing a landlord's obligation to provide a 24 hour emergency contact number to a tenant that is adopted before January 1, 2008 if the ordinance conforms with or is amended to conform with this section.

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative Homer offered the following amendment to **CSHB 3101**:

Amend **CSHB 3101** by inserting the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 92, Property Code, is amended by adding Section 92.019 to read as follows:

Sec. 92.019. NOTICE OF INTENT TO VACATE DWELLING OR EXTEND TENANCY. (a) Notwithstanding any other law, a landlord shall, not sooner than the 90th day and not later than the fifth day before the last day of the lease term specified in a written lease, request from a tenant written notice of whether the tenant intends to extend the tenancy beyond the term specified in the tenant's lease.

(b) A tenant shall respond in writing to a request made by a landlord under Subsection (a) not later than the last day of the lease term specified in the tenant's lease.

(c) The requirements of Subsection (a) and (b) may not be waived.

Representative Anchia moved to table Amendment No. 3.

A record vote was requested.

The motion to table was lost by (Record 927): 39 Yeas, 86 Nays, 3 Present, not voting.

Yeas — Anchia; Bolton; Branch; Brown, B.; Brown, F.; Castro; Cohen; Cook, B.; Corte; Davis, Y.; Delisi; Deshotel; Driver; Garcia; Giddings; Gonzales; Goolsby; Hartnett; Hill; Howard, C.; Kolkhorst; Krusee; Latham; Mallory Caraway; Mowery; Murphy; Oliveira; Ortiz; Puente; Rodriguez; Smith, W.; Smithee; Strama; Thompson; Turner; Vaught; Vo; Woolley; Zerwas.

Nays — Allen; Alonzo; Anderson; Aycock; Berman; Bohac; Bonnen; Burnam; Callegari; Chavez; Chisum; Coleman; Cook, R.; Crabb; Creighton; Darby; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Geren; Gonzalez Toureilles; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Isett; Jackson; Jones; Keffer; King, S.; King, T.; Kuempel; Laubenberg; Leibowitz; Lucio; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Merritt; Miles; Miller; Naishtat; Noriega; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rose; Smith, T.; Solomons; Straus; Swinford; Veasey; West; Zedler.

Present, not voting — Mr. Speaker; Menendez(C); O'Day.

Absent, Excused — Bailey; Flynn; Gattis; King, P.; Moreno; Villarreal.

Absent — Christian; Crownover; Davis, J.; Gallego; Harper-Brown; Hughes; Macias; Morrison; Olivo; Parker; Patrick; Pierson; Talton; Taylor; Truitt; Van Arsdale.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 927. I intended to vote yes.

Allen

When Record No. 927 was taken, I was in the house but away from my desk. I would have voted no.

Olivo

When Record No. 927 was taken, I was in the house but away from my desk. I would have voted no.

Parker

I was shown voting no on Record No. 927. I intended to vote yes.

Phillips

Amendment No. 3 was adopted.

### CSHB 3101 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE JACKSON: Representative Anchia, you and I had a conversation a couple of days ago and I think Representative Solomons answered my questions with his amendment—

REPRESENTATIVE ANCHIA: I'm sorry, I can't hear you very well.

JACKSON: I think Representative Solomons' amendment probably answered my first question which you know was, did your intent in the phrase of the key availability was the 24-hour phone number and the two hours, was that sufficient to meet your intent?

ANCHIA: Yes, that's correct. This doesn't change current law with respect to the 24-hour lockout. The provision with respect to lockout is if you use that extreme remedy to lock somebody out you have to have a 24-hour number available, and when a person calls that 24-hour number, you have to get them a key within two hours. So this bill does not change that part of law.

JACKSON: Just because we said "any hour," I didn't know if this changed or not, but it doesn't.

ANCHIA: It is not.

JACKSON: Then on page 4, Section 92.3515 calls for an applicant to be furnished the landlord's selection criteria on the grounds for which the rental application may be denied. There's five criteria listed, that is not an exclusive list.

ANCHIA: That is correct, that is not an exclusive list. The list can include anything that is not covered by or not prohibited by local, state, and federal law.

(Bonnen in the chair)

#### **REMARKS ORDERED PRINTED**

Representative Jackson moved to print remarks between Representative Anchia and Representative Jackson.

The motion prevailed.

REPRESENTATIVE COLEMAN: I know your bill and we've heard the explanations of the bill. I really think you have a very good bill, Mr. Anchia.

ANCHIA: Thank you.

COLEMAN: This one, though, whatever the reason is that someone is rejected, their application is rejected, that has to be given to them in the time or they get a refund on their money. Is that correct?

ANCHIA: Yes, and the provision specifically relates to notice of the eligibility requirements for purposes of taking one's deposit. And the spirit behind this is that you don't want to take somebody's deposit without letting them know what the eligibility criteria is and then you ding them for something that's not on that list. If you ding them for something that's not on that list, then you have to return the money.

COLEMAN: So something like playing loud music and it becomes a nuisance, or smokers, you don't have smokers, or pet policies, or if there are certain people you don't rent to like bikers, or gang members, or criminal activity, or because of someone's lifestyle, orientation, and things like that, they would have to make sure that that's given.

ANCHIA: That's right, and you should just be up front with the criteria. And keep in mind, this doesn't change local, state, or federal law with respect to eligibility criteria. The reality is you can't discriminate against protected classes already under the Fair Housing Act, and this does not attempt to change those provisions.

COLEMAN: That's right. And if it's someone that you would prefer not to rent to that is not in that circumstance, you'd have to tell them.

ANCHIA: Right. If I don't like to rent to brown-eyed people, it's in my eligibility criteria before I take the deposit, and if it's not in there and I disqualify someone for being a brown-eyed person, I have to give the money back.

### REMARKS ORDERED PRINTED

Representative Coleman moved to print remarks between Representative Anchia and Representative Coleman.

The motion prevailed.

Representative T. King moved to extend speaking time on **CSHB 3101**.

A record vote was requested.

The motion to extend time prevailed by (Record 928): 70 Yeas, 10 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bolton; Branch; Castro; Chavez; Christian; Cohen; Coleman; Cook, R.; Crabb; Darby; Delisi; Deshotel; Dukes; Dunnam; England; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Gonzales; Guillen; Hancock; Hartnett; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, C.; King, S.; King, T.; Kolkhorst; Leibowitz; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Menendez; Murphy; Naishtat; Oliveira; Olivo; Ortiz; Otto; Patrick; Peña; Pickett; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Smith, T.; Smith, W.; Strama; Talton; Van Arsdale; Vaught; Veasey; Vo; Woolley; Zedler; Zerwas.

Nays — Callegari; Crownover; Driver; Goolsby; Jackson; Latham; Miller; Morrison; Paxton; Taylor.

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

Absent, Excused — Bailey; Flynn; Gattis; King, P.; Moreno; Villarreal.

Absent — Anchia; Anderson; Aycock; Berman; Bohac; Brown, B.; Brown, F.; Burnam; Chisum; Cook, B.; Corte; Creighton; Davis, J.; Davis, Y.; Dutton; Eiland; Eissler; Elkins; Flores; Garcia; Geren; Giddings; Gonzalez Toureilles; Haggerty; Hamilton; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Hilderbran; Hill; Howard, D.; Hughes; Isett; Jones; Keffer; Krusee; Kuempel; Laubenberg; Lucio; Macias; Martinez Fischer; Merritt; Miles; Mowery; Noriega; O'Day; Orr; Parker; Phillips; Pierson; Pitts; Ritter; Smithee; Solomons; Straus; Swinford; Thompson; Truitt; Turner; West.

### STATEMENTS OF VOTE

When Record No. 928 was taken, I was in the house but away from my desk. I would have voted yes.

Garcia

When Record No. 928 was taken, I was in the house but away from my desk. I would have voted yes.

Parker

(Speaker in the chair)

A record vote was requested.

**CSHB 3101**, as amended, was passed to engrossment by (Record 929): 97 Yeas, 28 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Berman; Bolton; Branch; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Corte; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, D.; Isett; Krusee; Leibowitz; Lucio; Macias; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Ortiz; Otto; Patrick; Peña; Pickett; Puente; Quintanilla; Raymond; Rodriguez; Rose; Smith, T.; Smith, W.; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Vaught; Veasey; Vo; Woolley; Zerwas.

Nays — Anderson; Aycok; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Crabb; Elkins; Harless; Harper-Brown; Howard, C.; Jones; Keffer; King, S.; Kuempel; Latham; Laubenberg; Madden; Miller; Orr; Parker; Paxton; Phillips; Riddle; Zedler.

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

Absent, Excused — Bailey; Flynn; Gattis; King, P.; Moreno; Villarreal.

Absent — Cook, B.; Geren; Hancock; Hardcastle; Hughes; King, T.; Kolkhorst; Morrison; Mowery; Pierson; Pitts; Ritter; Smithee; Solomons; Thompson; Van Arsdale; West.

### STATEMENTS OF VOTE

When Record No. 929 was taken, I was in the house but away from my desk. I would have voted no.

Hancock

When Record No. 929 was taken, I was in the house but away from my desk. I would have voted no.

Kolkhorst

When Record No. 929 was taken, I was in the house but away from my desk. I would have voted yes.

Smithee

**CSHB 3106 ON SECOND READING**  
**(by Isett)**

**CSHB 3106**, A bill to be entitled An Act relating to the implementation of enterprise resource planning by the comptroller.

**Amendment No. 1**

Representative Isett offered the following amendment to **CSHB 3106**:

Amend **CSHB 3106** as follows:

On page 3, line 19, strike "and"

On page 3, after line 19, insert the following, "(3) representatives of the Information Technology Council for Higher Education, nominated by the members of the council; and"

On page 3, line 20, strike "(3)" and substitute "(4)".

Amendment No. 1 was adopted.

**CSHB 3106**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 3109 ON SECOND READING**  
**(by B. Cook, West, and Dunnam)**

**HB 3109**, A bill to be entitled An Act relating to the authority of the governor to contract in relation to a clean coal project.

Representative B. Cook moved to postpone consideration of **HB 3109** until 7 a.m. Monday, May 7.

The motion prevailed.

**HB 3143 ON SECOND READING**  
**(by Flynn)**

**HB 3143**, A bill to be entitled An Act relating to electioneering near a polling place.

**HB 3143** 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 3275 ON SECOND READING**  
**(by Miller and O'Day)**

**CSHB 3275**, A bill to be entitled An Act relating to the distribution of federal funds for highway projects.

**CSHB 3275** 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 3194 ON SECOND READING**

(by Hill)

**CSHB 3194**, A bill to be entitled An Act relating to binding arbitration of certain appraisal review board orders.

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

Representative Hill offered the following amendment to **CSHB 3194**:

Amend **CSHB 3194** (house committee printing) as follows:

- (1) On page 1, at the end of line 15, add "or".
- (2) On page 1, line 17, strike "or".
- (3) On page 1, strike lines 18 and 19.
- (4) On page 1, line 20, strike "chapter".
- (5) On page 2, strike lines 4 through 12 and substitute the following:

(1) the property owner was represented before the appraisal review board by a person who received compensation for representing the property owner; and

(2) the owner or the person representing the owner did not provide to the chief appraiser, at least seven days before the date of the appraisal review board hearing, copies of all the evidence the owner or the person representing the owner used in the appraisal review board hearing.

(6) On page 3, strike lines 2 through 6 and substitute the following: under Subchapter C, D, E, or H, Chapter 23; and

(3) any other information reasonably necessary for the

(7) Strike SECTION 3 of the bill (page 3, line 8, through page 4, line 22) and substitute the following:

SECTION 3. Section 41A.05(b), Tax Code, is amended to read as follows:

(b) The comptroller may retain an amount equal to 15 [~~40~~] percent of the deposit to cover the comptroller's administrative costs.

Amendment No. 1 was adopted.

**CSHB 3194**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

### **HB 1864 ON SECOND READING**

(by Gonzales)

**HB 1864**, A bill to be entitled An Act relating to periods of possession of a child under a standard possession order.



**HB 1864** 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 3711 ON SECOND READING**  
**(by Krusee)**

**CSHB 3711**, A bill to be entitled An Act relating to the repeal of obsolete statutes regulating railroads.

**CSHB 3711** was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 3960 ON SECOND READING**  
**(by W. Smith)**

**HB 3960**, A bill to be entitled An Act relating to the discontinuance of the Texas Commission on Environmental Quality's compliance history program.

**Amendment No. 1**

Representative W. Smith offered the following amendment to **HB 3960**:

Amend **HB 3960** as follows:

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

SECTION \_\_\_\_\_. Section 27.051(e), Water Code, as amended by Chapters 347, 965, and 1161, Acts of the 77th Legislature, Regular Session, 2001, is reenacted and amended to read as follows:

(e) The [~~Consistent with Sections 5.753 and 5.754 and rules adopted and procedures developed under those sections, The~~] commission shall establish a procedure for the preparation of comprehensive summaries of the applicant's compliance history, including the compliance history of any corporation or business entity managed, owned, or otherwise closely related to the applicant. A compliance summary must include as evidence of compliance information regarding the applicant's implementation of an environmental management system at the facility for which an authorization is sought. The summaries shall be made available to the applicant and any interested person after the commission has completed its technical review of the permit application and prior to the promulgation of the public notice relating to the issuance of the permit. Evidence of compliance or noncompliance by an applicant for an injection well permit with environmental statutes and the rules adopted or orders or permits issued by the commission may be offered by any party at a hearing on the applicant's application and admitted into evidence subject to applicable rules of evidence. [~~In accordance with this subsection and Sections 5.753 and 5.754 and rules adopted and procedures developed under those sections, evidence of the compliance history of an applicant for an injection well may be offered at a hearing on the application and may be admitted into evidence, subject to the rules of evidence.~~]

Evidence of the compliance history of an applicant for an injection well permit may be offered by the executive director at a hearing on the application and admitted into evidence subject to the rules of evidence. All evidence admitted, including compliance history, shall be considered by the commission in determining whether to issue, amend, extend or renew a permit. If the commission concludes that the applicant's compliance history is unacceptable, the commission shall deny the permit. In this subsection, "environmental management system" has the meaning assigned by Section 5.127.

(2) On page 13, line 15, strike "Sections 27.051(e) and (h)" and substitute "Section 27.051(h)".

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative Burnam offered the following amendment to **HB 3960**:

Amend **HB 3960** as follows:

- (1) On page 1, line 21, strike "five" and substitute "10".
- (2) On page 2, lines 6, 24, and 27, strike "five" and substitute "10".
- (3) On page 4, line 13, strike "five" and substitute "10".
- (4) On page 10, line 13, strike "five" and substitute "10".

Representative W. Smith moved to table Amendment No. 2.

A record vote was requested.

The motion to table prevailed by (Record 930): 76 Yeas, 58 Nays, 1 Present, not voting.

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

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farabee; Farias; Farrar; Flores; Gallego; Garcia; Giddings; Gonzales; Gonzalez Tourelles; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez Fischer; McClendon; McReynolds; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Phillips; Puente; Quintanilla; Raymond; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Flynn; Gattis; King, P.; Moreno; Villarreal.

Absent — Anderson; Berman; Castro; Creighton; Hill; Martinez; Menendez; Mowery; Pierson.

### Amendment No. 3

Representative Burnam offered the following amendment to **HB 3960**:

Amend **HB 3960** as follows:

(1) On page 4, line 12, between "decision" and "or" insert ", notice of violation, notice of enforcement,".

(2) On page 10, line 23, strike "on" and substitute ", notice of violation, notice of enforcement,".

Representative W. Smith moved to table Amendment No. 3.

A record vote was requested.

The motion to table prevailed by (Record 931): 83 Yeas, 51 Nays, 1 Present, not voting.

Yeas — Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Eiland; Eissler; Elkins; Escobar; Farabee; Frost; Geren; Goolsby; Guillen; Haggerty; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Homer; Hopson; Hughes; Isett; Jackson; Keffer; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Menendez; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Riddle; Ritter; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; England; Farias; Farrar; Flores; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Heflin; Hernandez; Herrero; Hochberg; Hodge; Howard, D.; Leibowitz; Lucio; Mallory Caraway; Martinez Fischer; McClendon; McReynolds; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Puente; Quintanilla; Raymond; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Flynn; Gattis; King, P.; Moreno; Villarreal.

Absent — Anderson; Creighton; Hancock; Howard, C.; Jones; King, T.; Martinez; Pierson; Van Arsdale.

### STATEMENT OF VOTE

When Record No. 931 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

### Amendment No. 4

Representative Burnam offered the following amendment to **HB 3960**:

Amend **HB 3960** by striking SECTION 10 of the bill (page 8, line 1, through page 9, line 20) and substituting:

SECTION 10. Section 5.758, Water Code, is transferred to Subchapter D, Chapter 5, Water Code, and redesignated as Section 5.123, Water Code, as follows:

Sec. 5.123 [~~5.758~~]. REGULATORY FLEXIBILITY. (a) The commission by order may exempt an applicant from a requirement of a statute or commission rule regarding the control or abatement of pollution if the applicant proposes to control or abate pollution by an alternative method or by applying an alternative standard that is:

(1) more protective of the environment and the public health than the method or standard prescribed by the statute or commission rule that would otherwise apply; and

(2) not inconsistent with federal law.

(b) The commission may not exempt an applicant under this section unless the applicant can present to the commission documented evidence of benefits to environmental quality that will result from the project the applicant proposes.

(c) The commission by rule shall specify the procedure for obtaining an exemption under this section. The rules must provide for public notice and for public participation in a proceeding involving an application for an exemption under this section.

(d) The commission's order must provide a specific description of the alternative method or standard and condition the exemption on compliance with the method or standard as the order prescribes.

(e) The commission by rule may establish a reasonable fee for applying for an exemption under this section.

(f) A violation of an order issued under this section is punishable as if it were a violation of the statute or rule from which the order grants an exemption.

(g) This section does not authorize exemptions to statutes or regulations for storing, handling, processing, or disposing of low-level radioactive materials.

(h) In implementing the program of regulatory flexibility authorized by this section, the commission shall:

(1) market the program to businesses in the state through all available appropriate media;

(2) endorse alternative methods that will clearly benefit the environment and impose the least onerous restrictions on business;

(3) fix and enforce environmental standards, allowing businesses flexibility in meeting the standards in a manner that clearly enhances environmental outcomes; and

(4) work to achieve consistent and predictable results for the regulated community and shorter waits for permit issuance.

Representative W. Smith moved to table Amendment No. 4.

A record vote was requested.

The motion to table prevailed by (Record 932): 76 Yeas, 49 Nays, 1 Present, not voting.

Yeas — Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Darby; Davis, J.; Deshotel; Driver; Eiland; Elkins; Escobar; Farabee; Frost; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Homer; Hopson; Howard, C.; Isett; Jackson; Jones; Keffer; King, S.; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Merritt; Miller; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pitts; Riddle; Ritter; Rose; Smith, T.; Smithee; Solomons; Straus; Swinford; Talton; Truitt; Van Arsdale; West; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Castro; Chavez; Cohen; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; England; Farias; Farrar; Flores; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Heflin; Hernandez; Herrero; Hochberg; Hodge; Howard, D.; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez Fischer; McClendon; McReynolds; Miles; Oliveira; Olivo; Ortiz; Phillips; Puente; Quintanilla; Raymond; Rodriguez; Strama; Thompson; Turner; Vaught; Veasey; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Flynn; Gattis; King, P.; Moreno; Villarreal.

Absent — Anderson; Burnam; Creighton; Crownover; Delisi; Eissler; Geren; Hughes; Kolkhorst; Martinez; Menendez; Morrison; Naishtat; Noriega; Pierson; Smith, W.; Taylor; Woolley.

### STATEMENTS OF VOTE

When Record No. 932 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

When Record No. 932 was taken, I was in the house but away from my desk. I would have voted yes.

Eissler

When Record No. 932 was taken, I was in the house but away from my desk. I would have voted no.

Naishtat

### Amendment No. 5

Representative Dutton offered the following amendment to **HB 3960**:

Amend **HB 3960** as follows:

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

SECTION \_\_\_\_\_. Section 382.0518, Health and Safety Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) In making its finding under Subsection (b)(2) as to whether emissions from the facility will contravene the intent of this chapter, the commission shall consider the cumulative effects on the public's health and physical property of

expected air contaminant emissions from the facility or proposed facility and from other facilities located less than three miles from the facility or proposed facility.

(2) On page 5, strike lines 9 through 11 and substitute:

~~Code~~; ~~and~~

(2) the condition and effectiveness of existing emission control equipment and practices; and

(3) the cumulative effects on the public's health and physical property of expected air contaminant emissions from the facility and from other facilities located less than three miles from the facility.

Representative W. Smith moved to table Amendment No. 5.

A record vote was requested.

The motion to table prevailed by (Record 933): 77 Yeas, 53 Nays, 1 Present, not voting.

Yeas — Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Farabee; Frost; Geren; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Homer; Hopson; Howard, C.; Hughes; Isett; Jackson; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; McReynolds; Miller; Morrison; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Pickett; Pitts; Puente; Ritter; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Anderson; Bolton; Burnam; Castro; Cohen; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; Eiland; England; Farias; Farrar; Flores; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Hernandez; Herrero; Hochberg; Hodge; Howard, D.; Jones; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Merritt; Miles; Naishtat; Oliveira; Olivo; Ortiz; Peña; Phillips; Quintanilla; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Flynn; Gattis; King, P.; Moreno; Villarreal.

Absent — Chavez; Delisi; Deshotel; Escobar; Hill; Keffer; Mowery; Noriega; Pierson; Raymond; Riddle; Smith, T.; Woolley.

### STATEMENT OF VOTE

When Record No. 933 was taken, I was in the house but away from my desk. I would have voted yes.

T. Smith

**Amendment No. 6**

Representatives Olivo, Allen, Rodriguez, Strama, and Hernandez offered the following amendment to **HB 3960**:

Amend **HB 3960** by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Section 361.0881 to read as follows:

Sec. 361.0881. PERMIT REVIEW. Subject to subsection (b), the commission shall review a permit issued under this chapter for a municipal solid waste facility if:

(1) the review is requested by:

(A) a state legislator representing the area in which the facility is located or an area located one mile or less from the facility; or

(B) the county in which the facility is located or a county with territory located one mile or less from the facility and the request is made by a resolution of the commissioners court of the county; or

(2) the executive director finds that the permit holder's compliance history for the previous five years contains violations that constitute a recurring pattern of conduct demonstrating a consistent disregard for the regulatory process, including the failure to make a timely and substantial attempt to correct the violations.

(b) The commission is not required to conduct a review under Subsection (a) more than once during a five-year period or within five years of the initial issuance of a permit.

(c) The commission by rule shall establish a review procedure that includes:

(1) notice of the review and the opportunity for public comment:

(A) on the commission's Internet website; and

(B) mailed to each person entitled to receive notice of a permit application;

(2) a review of complaint records regarding the facility received in the preceding five years to determine if there is a pattern to the complaints, including a determination of:

(A) the number of complaints;

(B) the number of people lodging complaints; and

(C) the commission's evaluation of those complaints;

(3) consultation with the commission enforcement staff in the regional office responsible for overseeing the facility;

(4) a review of all enforcement actions and notices of violation by local and state agencies; and

(5) commission staff response to comments and a commission decision regarding whether the permit under review should be changed as required for permit applications and modifications.

(j) This section does not apply to a permit:

(1) for an industrial solid waste facility; or

(2) issued under Section 361.121.

Amendment No. 6 was withdrawn.

**Amendment No. 7**

Representative Olivo offered the following amendment to **HB 3960**:

Amend **HB 3960** by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Section 361.0881 to read as follows:

Sec. 361.0881. PERMIT REVIEW. (a) Subject to subsection (b), the commission shall review a permit issued under this chapter for a municipal solid waste facility if:

(1) the review is requested by:

(A) a state legislator representing the area in which the facility is located or an area located one mile or less from the facility; or

(B) the county in which the facility is located or a county with territory located one mile or less from the facility and the request is made by a resolution of the commissioners court of the county; or

(2) the executive director finds that the permit holder's compliance history for the previous five years contains violations that constitute a recurring pattern of conduct demonstrating a consistent disregard for the regulatory process, including the failure to make a timely and substantial attempt to correct the violations.

(b) The commission is not required to conduct a review under Subsection (a) more than once during a five-year period or within five years of the initial issuance of a permit.

(c) The commission by rule shall establish a review procedure that includes:

(1) notice of the review and the opportunity for public comment:

(A) on the commission's Internet website; and

(B) mailed to each person entitled to receive notice of a permit

application;

(2) a review of complaint records regarding the facility received in the preceding five years to determine if there is a pattern to the complaints, including a determination of:

(A) the number of complaints;

(B) the number of people lodging complaints; and

(C) the commission's evaluation of those complaints;

(3) consultation with the commission enforcement staff in the regional office responsible for overseeing the facility;

(4) a review of all enforcement actions and notices of violation by local and state agencies; and

(5) commission staff response to comments and a commission decision regarding whether the permit under review should be changed as required for permit applications and modifications.

(j) This section does not apply to a permit:

(1) for an industrial solid waste facility; or

(2) issued under Section 361.121.



Representative Bonnen moved to table Amendment No. 7.

A record vote was requested.

The motion to table prevailed by (Record 934): 74 Yeas, 56 Nays, 1 Present, not voting.

Yeas — Aycocock; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Eissler; Elkins; Geren; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Hopson; Howard, C.; Hughes; Isett; Jackson; Keffer; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Miller; Morrison; Mowery; Murphy; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Riddle; Ritter; Smith, W.; Smithee; Straus; Swinford; Talton; Taylor; Truitt; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Anderson; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Dukes; Dunnam; Escobar; Farabee; Farias; Flores; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Howard, D.; Jones; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Merritt; Miles; Naishtat; Olivo; Ortiz; Peña; Puente; Quintanilla; Raymond; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Flynn; Gattis; King, P.; Moreno; Villarreal.

Absent — Branch; Dutton; Eiland; England; Farrar; McReynolds; Noriega; O'Day; Oliveira; Pierson; Smith, T.; Solomons; Van Arsdale.

#### STATEMENTS OF VOTE

When Record No. 934 was taken, I was in the house but away from my desk. I would have voted no.

Noriega

When Record No. 934 was taken, I was in the house but away from my desk. I would have voted no.

O'Day

When Record No. 934 was taken, I was in the house but away from my desk. I would have voted yes.

T. Smith

#### Amendment No. 8

Representative Coleman offered the following amendment to **HB 3960**:

Amend **HB 3960** as follows:

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

SECTION \_\_\_\_\_. Subchapter C, Chapter 7, Water Code, is amended by adding Section 7.0671 to read as follows:

Sec. 7.0671. TCEQ ONLINE DATABASE. (a) The commission shall make available, in a searchable database on the Internet, data relating to enforcement actions taken and data collected by the commission. The database shall include but is not limited to:

(1) investigation reports of violations;  
(2) monitoring data on air quality, including mobile monitoring data;  
(3) penalty calculation worksheets; and  
(4) final action on a case, including fine assessed and collected, and any monitoring and remedial action required.

(b) In addition to the information required by subsection (a), the database may include information collected from the Compliance History Program discontinued under this section.

Representative W. Smith moved to table Amendment No. 8.

A record vote was requested.

The motion to table prevailed by (Record 935): 73 Yeas, 56 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; Frost; Geren; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Hill; Hopson; Hughes; Isett; Jones; Keffer; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Merritt; Miller; Morrison; Mowery; Murphy; Orr; Otto; Parker; Patrick; Paxton; Pickett; Riddle; Ritter; Smith, T.; Smith, W.; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Dukes; Dunnam; England; Escobar; Farabee; Farias; Farrar; Flores; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Howard, D.; Jackson; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Miles; Naishtat; Oliveira; Olivo; Ortiz; Phillips; Puente; Quintanilla; Raymond; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Flynn; Gattis; King, P.; Moreno; Villarreal.

Absent — Crabb; Deshotel; Dutton; Eiland; Harless; Homer; Howard, C.; Noriega; O'Day; Peña; Pierson; Pitts; Smithee; West.

### STATEMENT OF VOTE

When Record No. 935 was taken, I was in the house but away from my desk. I would have voted yes.

West

A record vote was requested.

**HB 3960**, as amended, was passed to engrossment by (Record 936): 113 Yeas, 18 Nays, 1 Present, not voting.

Yeas — Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Vaught; Veasey; Vo; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Bolton; Davis, Y.; Dukes; Farrar; Flores; Gonzalez Tourelles; Herrero; Hochberg; Hodge; Jones; Leibowitz; McClendon; Miles; Olivo; Rose; Thompson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Flynn; Gattis; King, P.; Moreno; Villarreal.

Absent — Burnam; Castro; Coleman; Farias; Hernandez; Homer; Lucio; Ortiz; Peña; Pierson; Puente; Smithee.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 936. I intended to vote no.

Gallego

When Record No. 936 was taken, I was temporarily out of the house chamber. I would have voted yes.

Homer

I was shown voting no on Record No. 936. I intended to vote yes.

Jones

I was shown voting yes on Record No. 936. I intended to vote no.

Naishtat

I was shown voting yes on Record No. 936. I intended to vote no.

Rodriguez

**CSHB 465 ON SECOND READING****(by Flores)**

**CSHB 465**, A bill to be entitled An Act relating to the licensing and regulation of bail bond sureties; creating an offense.

**CSHB 465 - POINT OF ORDER**

Representative Talton raised a point of order against further consideration of **CSHB 465** under Rule 4, Section 32(c)(4) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Geren moved to postpone consideration of **CSHB 465** until 11 p.m. today.

The motion prevailed.

**HB 1034 ON SECOND READING****(by Riddle, Berman, Flynn, Hilderbran, Branch, et al.)**

**HB 1034**, A bill to be entitled An Act relating to the pledge of allegiance to the state flag.

**HB 1034 - POINT OF ORDER**

Representative Burnam raised a point of order against further consideration of **HB 1034** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Riddle moved to postpone consideration of **HB 1034** until 11:01 p.m. today.

The motion prevailed.

**CSSB 1673 ON SECOND READING****(Bonnen - House Sponsor)**

**CSSB 1673**, A bill to be entitled An Act relating to the period after which a preconstruction permit issued or renewed by the Texas Commission on Environmental Quality under the Texas Clean Air Act is subject to review.

**CSSB 1673** was considered in lieu of **HB 1252**.

**CSSB 1673** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 1252 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Bonnen moved to lay **HB 1252** on the table subject to call.

The motion prevailed.

**CSHB 2113 ON SECOND READING**  
**(by Patrick, et al.)**

**CSHB 2113**, A bill to be entitled An Act relating to eligibility of a public school student for a public education grant.

Representative Patrick moved to postpone consideration of **CSHB 2113** until 12:01 a.m. Friday, May 11.

The motion prevailed.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Peña requested permission for the Committee on Criminal Jurisprudence to meet while the house is in session, 10:45 p.m. today, in 3W.9, for a formal meeting, to consider pending business.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Criminal Jurisprudence, 10:45 p.m. today, 3W.9, for a formal meeting, to consider pending business.

**HB 2834 ON SECOND READING**  
**(by F. Brown, et al.)**

**HB 2834**, A bill to be entitled An Act relating to the use of land on the main campus of Texas A&M University in College Station.

**HB 2834** was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**HB 1775 ON SECOND READING**  
**(by Christian)**

**HB 1775**, A bill to be entitled An Act relating to authorizing the issuance of revenue bonds for the expansion of school of nursing facilities at Stephen F. Austin State University.

**HB 1775** was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 1463 ON SECOND READING**  
**(Swinford - House Sponsor)**

**SB 1463**, A bill to be entitled An Act relating to the authority of certain counties to impose a hotel occupancy tax.

**SB 1463** was considered in lieu of **HB 3170**.

**Amendment No. 1**

Representative Swinford offered the following amendment to **SB 1463**:

Amend **SB 1463** on page 1, line 19, by adding after the underlined period: "This subsection does not apply to a county described by Subsection (a)(13).

Amendment No. 1 was adopted.

**SB 1463 - POINT OF ORDER**

Representative Burnam raised a point of order against further consideration of **SB 1463** under Rule 8, Section 10(b) of the House Rules and Article III, Section 56 of the Texas Constitution on the grounds that the bill is limited to one or more political subdivisions by means of artificial devices.

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

Representative Burnam raises a point of order against further consideration of **SB 1463** under Rule 8, Section 10(b), House Rules, in that portions of the bill are limited in its application by means of an artificial device. **SB 1463** allows the commissioners courts in counties with an airport that is essential to the economy to impose a hotel occupancy tax. The bill then goes on to list or describe factors to be used to determine whether or not an airport is essential to an economy: "For the purposes of this subsection, an airport is considered to be essential to the economy of a county only if the airport is a commercial-service international airport within Class C airspace and is located in a county and owned by a municipality each having a population of less than 125,000. "

The test for a classification scheme is one of reasonableness—whether there is a reasonable relationship between the purpose of the law and the classification criteria employed and whether it is reasonable to expect that other entities could fall into the scheme. Under this test, the chair believes that there is a reasonable connection between the criteria described in the bill and the purpose of the law. It is clear that commercial-service international airports have a great deal of passenger and commercial traffic and that such traffic brings businesspeople, commerce, and tourists to the cities and counties in which they are located. It is also obvious that businesspeople and tourists who land at the airport and visit those places stay in hotels.

Consequently, individuals who stay in those hotels are assessed taxes and other fees (as authorized by counties) and those taxes and fees are a source of revenue to the counties in which the hotel and the airports are located. In short, the classification device proscribed by the bill is reasonable because it relates to the need for a county to get revenue from people who use the airport to travel to the area to conduct business or to visit, and who in doing so stay in hotels in the area. And it is reasonable to assume that other small or midsized counties would eventually want to avail themselves of this tax.

The chair also finds that the population of the city as defined in the bill is reasonable. Both the courts and the presiding officers of the house have held that population as a limiting device does not violate the rule or the constitution if the criteria are open such that the class members and potential class members change

over time. In this instance, the bill contains a bracket that is designed to enable smaller to mid-sized counties that are developing and who have an international airport to impose the tax. It is reasonable to assume that counties in addition to those described by the bill would benefit from the tax as the increase in airport traffic increased their need for hotels.

Accordingly, the point of order is overruled.

A record vote was requested.

**SB 1463**, as amended, was passed to third reading by (Record 937): 119 Yeas, 4 Nays, 1 Present, not voting.

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

Nays — Coleman; Dunnam; Farrar; Talton.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Flynn; Gattis; King, P.; Moreno; Villarreal.

Absent — Burnam; Castro; Crabb; Elkins; Gallego; Haggerty; Hancock; Hodge; Kuempel; Mallory Caraway; Martinez; Martinez Fischer; Merritt; Peña; Pierson; Riddle; Smith, W.; Smithee; Thompson; Vaught.

#### STATEMENTS OF VOTE

When Record No. 937 was taken, I was in the house but away from my desk. I would have voted no.

Burnam

When Record No. 937 was taken, my vote failed to register. I would have voted yes.

Gallego

When Record No. 937 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

**HB 3170 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Swinford moved to lay **HB 3170** on the table subject to call.

The motion prevailed.

**HB 2042 ON SECOND READING**

(by Dukes)

**HB 2042**, A bill to be entitled An Act relating to an electronic database of physicians, hospitals, and other health care providers participating in the state Medicaid program.

**Amendment No. 1**

Representative Zedler offered the following amendment to **HB 2042**:

Amend **HB 2042** by inserting after the word "dentist," and before the words "mental health counselor," the word "optometrist," in quoted subsection 32.101(2)(A)(i).

Amendment No. 1 was adopted.

**HB 2042**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**CSHB 10 ON SECOND READING**

(by Chavez, Peña, F. Brown, Castro, Haggerty, et al.)

**CSHB 10**, A bill to be entitled An Act relating to certain gaming activity conducted by an Indian tribe or tribal organization.

**Amendment No. 1**

Representative Dutton offered the following amendment to **CSHB 10**:

Amend **CSHB 10** (House Committee Report) on page 1, line 15, by striking "of a type that is or may be permitted" and substituting "permitted as class II gaming".

A record vote was requested.

Amendment No. 1 was adopted by (Record 938): 82 Yeas, 49 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bolton; Bonnen; Branch; Brown, F.; Burnam; Castro; Chavez; Cohen; Coleman; Cook, B.; Cook, R.; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hardcastle; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Howard, D.; Jones; King, T.; Krusee; Kuempel; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Naishtat;



Noriega; Olivo; Ortiz; Otto; Patrick; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Strama; Thompson; Truitt; Turner; Veasey; Zedler.

Nays — Anderson; Aycock; Berman; Bohac; Brown, B.; Chisum; Christian; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Hancock; Harless; Harper-Brown; Hilderbran; Hopson; Howard, C.; Hughes; Isett; Jackson; Keffer; Kolkhorst; Latham; Laubenberg; Miller; Murphy; O'Day; Orr; Parker; Paxton; Phillips; Pitts; Riddle; Smith, W.; Smithee; Solomons; Swinford; Talton; Van Arsdale; Vaught; Vo; West; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Flynn; Gattis; King, P.; Moreno; Villarreal.

Absent — Callegari; England; Hill; King, S.; Macias; Madden; Morrison; Mowery; Oliveira; Pierson; Straus; Taylor.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 938. I intended to vote no.

Bonnen

I was shown voting no on Record No. 938. I intended to vote yes.

Hopson

When Record No. 938 was taken, I was temporarily out of the house chamber. I would have voted no.

Morrison

### Amendment No. 2

Representative Taylor offered the following amendment to **CSHB 10**:

Amend **CSHB 10** on page 1, line 22, after "tribal organization", by inserting "with a reservation in this state".

Amendment No. 2 was adopted.

### Amendment No. 3

Representative Lucio offered the following amendment to **CSHB 10**:

Amend **CSHB 10** (House Committee Report) on page 2, line 5, by striking "five percent" and substituting "10 percent".

Amendment No. 3 was adopted.

### Amendment No. 4

Representative Zedler offered the following amendment to **CSHB 10**:

Amend **CSHB 10** on page 2, line 5, by striking "five" and substituting "28".

Amendment No. 4 was withdrawn.

## BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 33).

### CSHB 10 - (consideration continued)

A record vote was requested.

The vote of the house was taken on the passage to engrossment of **CSHB 10**, as amended, and the vote was announced yeas 68, nays 69.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 939): 66 Yeas, 66 Nays, 4 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farias; Farrar; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Hamilton; Hardcastle; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Howard, D.; Jones; King, T.; Kuempel; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Merritt; Naishtat; Noriega; Olivo; Ortiz; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Straus; Thompson; Turner; Vaught; Veasey.

Nays — Anderson; Aycock; Branch; Brown, B.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; Farabee; Geren; Goolsby; Hancock; Harless; Harper-Brown; Hartnett; Hill; Hopson; Howard, C.; Hughes; Isett; Jackson; Keffer; King, S.; Kolkhorst; Krusee; Latham; Laubenberg; Macias; Madden; McCall; Miller; Morrison; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; Truitt; Van Arsdale; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C); Bonnen; Heflin; McReynolds.

Absent, Excused — Bailey; Flynn; Gattis; King, P.; Moreno; Villarreal.

Absent — Berman; Bohac; Brown, F.; Flores; Miles; Mowery; Oliveira; Pierson.

The speaker stated that **CSHB 10** failed to pass to engrossment, as amended, by the above vote.

### PAIRED VOTES

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

McReynolds (present), who would vote no, with Moreno (absent), who would vote yes.

**STATEMENTS OF VOTE**

When Record No. 939 was taken, I was temporarily out of the house chamber. I would have voted no.

Bohac

I was shown voting yes on Record No. 939. I intended to vote no.

Bolton

When Record No. 939 was taken, I was in the house but away from my desk. I would have voted no.

F. Brown

I was shown voting yes on Record No. 939. I intended to vote no.

Jones

I was shown voting yes on Record No. 939. I intended to vote no.

Merritt

**LEAVES OF ABSENCE GRANTED**

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

Berman on motion of Eissler.

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

Miles on motion of Hodge.

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

Bohac on motion of Laubenberg.

Oliveira on motion of Noriega.

**POSTPONED BUSINESS**

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

**CSHB 465 ON SECOND READING**

(by Flores)

**CSHB 465**, A bill to be entitled An Act relating to the licensing and regulation of bail bond sureties; creating an offense.

**CSHB 465** was read second time earlier today and was postponed until this time.

**CSHB 465 - POINT OF ORDER**

Representative Talton raised a point of order against further consideration of **CSHB 465** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

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

Representative Talton raises a point of order against further consideration of **CSHB 465** on the grounds that the bill analysis is incorrect because it misstates substantive law and is therefore materially and substantially misleading.

The chair sustains the point of order.

**CSHB 465** was returned to the Committee on Licensing and Administrative Procedures.

### **HB 1034 ON SECOND READING**

**(by Riddle, Berman, Flynn, Hilderbran, Branch, et al.)**

**HB 1034**, A bill to be entitled An Act relating to the pledge of allegiance to the state flag.

**HB 1034** was read second time earlier today and was postponed until this time.

### **HB 1034 - POINT OF ORDER**

Representative Burnam raised a point of order against further consideration of **HB 1034** under Rule 4, Section 32 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:

Representative Burnam raises a point of order under Rule 4, Section 32, that the bill analysis to **HB 1034** is incorrect. Specifically, Representative Burnam argues the following phrase is inaccurate and misleading: **HB 1034** amends Section 3100.101 of the Government Code by adding the words "state under God" immediately proceeding the word "one" in the current Texas State pledge." Representative Burnam argues this analysis is false and misleading because the word "proceeding" means only a "procedure or a legal action".

The chair will proceed, which according to the Webster's Ninth New Collegiate Dictionary means "to continue after a pause or interruption", "to go on in an orderly regulated way", "to begin and carry on an action, process, or movement", to review the authorities raised by Representative Burnam. A majority of the point of order raised by Representative Burnam are not about the actual words contained in the bill analysis to **HB 1034**, but rather the words that Representative Burnam says the author probably intended to type. The chair declines to adopt this analysis.

The chair, reviewing the bill analysis, finds it does not violate the provisions of Rule 4, Section 32. The point of order is respectfully overruled.

Representative Burnam moved to extend speaking time on **HB 1034**.

A record vote was requested.

The motion to extend time was lost by (Record 940): 48 Yeas, 60 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Bolton; Branch; Brown, F.; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Dunnam; Dutton; Escobar; Farias; Farrar; Gallego; Garcia; Giddings; Gonzalez Toureilles; Haggerty; Hamilton; Heflin; Herrero; Hochberg; Howard, D.; King, S.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; Merritt; Naishtat; Noriega; O'Day; Olivo; Puente; Quintanilla; Raymond; Rodriguez; Strama; Talton; Thompson; Vaught; Veasey.

Nays — Aycock; Bonnen; Brown, B.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Eissler; Elkins; England; Farabee; Goolsby; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hill; Homer; Hughes; Isett; Jackson; King, T.; Kolkhorst; Krusee; Latham; Laubenberg; Macias; Madden; McReynolds; Menendez; Miller; Morrison; Murphy; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Riddle; Smith, T.; Smith, W.; Smithee; Taylor; Van Arsdale; West; Woolley; Zedler.

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

Absent, Excused — Bailey; Berman; Bohac; Flynn; Gattis; King, P.; Miles; Moreno; Oliveira; Villarreal.

Absent — Cohen; Dukes; Eiland; Flores; Geren; Gonzales; Guillen; Hernandez; Hilderbran; Hodge; Hopson; Howard, C.; Jones; Keffer; Kuempel; McCall; McClendon; Mowery; Ortiz; Pierson; Pitts; Ritter; Rose; Solomons; Straus; Swinford; Truitt; Turner; Vo; Zerwas.

### **Amendment No. 1**

Representative Burnam offered the following amendment to **HB 1034**:

Amend **HB 1034** (House committee printing) by adding the following SECTION, appropriately numbered, and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . Section 25.082, Education Code, is amended by amending Subsections (b) and (c) and adding Subsection (c-1) to read as follows:

(b) Except as provided by Subsection (c-1), the [The] board of trustees of each school district shall require students, once during each school day at each school in the district, to recite:

(1) the pledge of allegiance to the United States flag in accordance with 4 U.S.C. Section 4, and its subsequent amendments; and

(2) the pledge of allegiance to the state flag in accordance with Subchapter C, Chapter 3100, Government Code.

(c) On written request from a student's parent or guardian, a school district shall excuse the student from reciting a pledge of allegiance under Subsection (b)(1) [~~(b)~~].

(c-1) The board of trustees of each school district shall:

(1) ensure that students are not coerced to participate in the recitation of the pledge of allegiance under Subsection (b)(2); and

(2) require a sign to be posted in each classroom near the state flag that states a student may not be coerced to participate in the recitation of the pledge of allegiance under Subsection (b)(2).

Representative Riddle moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 941): 90 Yeas, 42 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; 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; England; Farabee; Frost; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Homer; Hopson; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; Martinez; McReynolds; Merritt; Morrison; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Vaught; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; Escobar; Farias; Farrar; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Hernandez; Herrero; Hochberg; Hodge; Howard, D.; King, T.; Leibowitz; Mallory Caraway; Martinez Fischer; Menendez; Miller; Naishtat; Noriega; Olivo; Ortiz; Puente; Rodriguez; Strama; Thompson; Veasey; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Berman; Bohac; Flynn; Gattis; King, P.; Miles; Moreno; Oliveira; Villarreal.

Absent — Flores; Geren; McCall; McClendon; Mowery; Pierson; Straus.

### **HB 1034 - REMARKS**

REPRESENTATIVE BURNAM: You know it's a bill that doesn't have very many words in it, Ms. Riddle?

REPRESENTATIVE RIDDLE: I'm sorry, I couldn't hear you.

BURNAM: It is a bill that doesn't have many words in it.

RIDDLE: It has three words.

BURNAM: But it is as fundamental as when the pilgrims stepped on the rock at the founding of this nation and I have a lot of questions that I need answered. Do you know that in the bill analysis it's stated that your bill will acknowledge "our Judeo-Christian heritage"?

RIDDLE: Yes, sir.

BURNAM: I'm sorry?

RIDDLE: Yes.

BURNAM: Thank you. Are you aware that Native Americans that lived on this land did not have a heritage based on Judaism or Christianity?

RIDDLE: Yes.

BURNAM: Are you also aware that within the last few decades, our country has become vastly diverse, in regards to culture and religion?

RIDDLE: That is true, and I think we all understand that. All this bill does—

BURNAM: Is it also true that today we are citizens who are Buddhist, Hindu, Muslim, Sikh, Baha'i, Zoroastrian, Wiccan, etc.?

RIDDLE: What this bill does—yes, I'm aware of those things, but what this bill does, it simply replicates, mirrors our national pledge.

BURNAM: Ms. Riddle, are you going to allow me to ask a question?

RIDDLE: When you say our national pledge, you say "one nation, under God."

BURNAM: Ms. Riddle I know what the bill says. I have other questions.

RIDDLE: It is simply stating "one nation under God." It is very simple, it is simply mirroring our national pledge.

BURNAM: Ms. Riddle, the hour is late. Please let me ask the questions and you answer them as quickly and as expeditiously as possible.

RIDDLE: I'm sorry, I didn't hear you.

BURNAM: Are you aware that there are 88 Buddhist congregations in Texas?

RIDDLE: How many?

BURNAM: There are 88 Buddhist congregations in Texas, are you aware of that?

RIDDLE: Yes.

BURNAM: Are you aware that there are 34 Hindu congregations in Texas?

RIDDLE: I was not aware of that.

BURNAM: I can't hear you.

RIDDLE: I was not aware of that.

BURNAM: Are you aware that there are 100,000 Muslims in the State of Texas?

RIDDLE: Thank you for informing us of that.

BURNAM: Are you aware that there are 13 Sikh congregations and even a Taoist congregation in the State of Texas?

RIDDLE: You've done a great deal of research, thank you.

BURNAM: Do you think the term "God" is an acceptable description of the divine for all of these people?

RIDDLE: I understand that we do say "one nation, under God" in our national pledge.

BURNAM: Is it not true that names, attributes, and expectations to the concept of God are different for each of these mentioned religions?

RIDDLE: I understand that within the history and with what we have accepted as the culture of the nation, that we have in our pledge, "one nation under God." This simply mirrors that.

BURNAM: Are you aware that the governor has recently said, "Freedom of religion should not be taken as freedom from religion?" Do you agree with that statement, Ms. Riddle?

RIDDLE: Would you repeat that, I didn't hear you.

BURNAM: Are you aware that Governor Perry has recently said, "Freedom of religion should not be taken as freedom from religion?" And my question is, do you agree with that statement, Ms. Riddle?

RIDDLE: I would say, Amen.

BURNAM: Additionally, are you aware that there are eight million Texans that do not specify any religious affiliation at all and that an estimated one to two million of them are self-described atheists?

RIDDLE: That may be the case, but are you aware that we have over 100 co-authors and joint authors of this body here?

BURNAM: Yes, and you're trying to reverse the roll. I will address that in a moment. Is it fair then to those individuals to put "under God" in our pledge to any of the people that I've asked you questions about, the last 10 or 12 questions? Is it fair to these individuals to impose this addition to the pledge?

RIDDLE: I would say that if the people who reside here in America and enjoy all that we have and all that we are based on here, and also say our pledge, then that is being part of an American, that is part of being this country. We say "one nation under God" when we say our pledge. This is no more, this is no less.

BURNAM: Ms. Riddle, what is the purpose of this bill?

RIDDLE: The purpose of this bill is very simple. It is to simply have our state pledge mirror if you will, reflect our national pledge. Our national pledge says, "one nation under God." I think it is altogether right and appropriate for our state pledge to say "one state under God."

BURNAM: Are you aware of the term stare decisis?

RIDDLE: I'm sorry.

BURNAM: Let me spell it. It's s-t-a-r-e—

RIDDLE: I'm sorry, it's echoing in here. Was I aware of what?

BURNAM: It's the term. We're you aware of the term s-t-a-r-e d-e-c-i-s-i-s?

RIDDLE: No.

BURNAM: Alright, I'll admit, the heckler in the background is pointing out that none of you are lawyers and I'm not a lawyer, so I can't pronounce it well, and you don't know what it is, so I'll tell you. It means that the Supreme Court does



not overturn precedent lightly, Ms. Riddle. Do you know, Ms. Riddle, that the Supreme Court disagrees with both our governor and with you?

RIDDLE: Are you trying to say precedence?

BURNAM: No, would you like for me to spell the word again?

RIDDLE: I was just trying to decipher what you were saying. I'm sorry.

BURNAM: Let's just move on. Do you know, Ms. Riddle, that the Supreme Court disagrees with our governor and with you? Freedom of religion does not mean freedom from religion. That's what you said and that's what our governor has said. Is that correct? Would you like for me to repeat the question? Do you know, Ms. Riddle, that the Supreme Court disagrees with our governor and with you? The Supreme Court says freedom of religion does mean freedom from religion?

RIDDLE: That is your opinion, sir.

BURNAM: Justice Stevens writing for the majority in *Wallace vs. Jaffree* wrote, "the individual's freedom to choose his own creed is the counterpart of his right to refrain from accepting the creed established by the majority," the majority you referred to earlier. Moreover, the individual freedom of conscience protected by the First Amendment embraces the right to select any religious faith or none at all. Were you aware of that?

RIDDLE: Sir, I believe that you are extremely articulate; you're extraordinarily bright and well-respected.

BURNAM: That's just one example.

RIDDLE: You're giving a great deal of information, but what I am telling you is every day, when we stand here on the floor of the house, we do say our national pledge. We continue to say "one nation under God" and this bill is simply to mirror or reflect "one state under God."

BURNAM: Ms. Riddle, are you aware that simultaneous decisions by the Supreme Court allowed us to keep the ten commandments on the Capitol lawn, but forced a Kentucky courthouse to remove the ten commandments?

RIDDLE: Do you see the inscription above me here, sir?

BURNAM: Ms. Riddle, could you answer my questions? I'm at the back mic.

RIDDLE: And what is your question?

BURNAM: The question is are you aware that simultaneous decisions by the Supreme Court allowed us to keep the ten commandments on the Capitol lawn, but forced a Kentucky courthouse to remove the ten commandments?

RIDDLE: This is not about the ten commandments, sir. This is about the pledge.

BURNAM: Are you aware that Justice Breyer writing for the majority in the Kentucky case wrote the following, "When the government acts with the ostensible and predominant purpose of advancing religion, it violates the simple establishment clause value of official religious neutrality, a purpose to favor one

faith over another, or adherence to religion generally, clashes with the understanding that liberty and social stability demand a tolerance that respects the religious views of all citizens?"

A record vote was requested.

**HB 1034** was passed to engrossment by (Record 942): 124 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycock; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Frost; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Murphy; Noriega; O'Day; Olivo; Orr; Ortiz; Otto; Patrick; Paxton; Peña; Phillips; Pickett; 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; Vo; West; Woolley; Zedler; Zerwas.

Nays — Bolton; Burnam; Cohen; Howard, D.; Naishtat.

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

Absent, Excused — Bailey; Berman; Bohac; Flynn; Gattis; King, P.; Miles; Moreno; Oliveira; Villarreal.

Absent — Creighton; Flores; Gallego; Mallory Caraway; McCall; Mowery; Parker; Pierson; Straus.

#### STATEMENTS OF VOTE

When Record No. 942 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

When Record No. 942 was taken, I was in the house but away from my desk. I would have voted yes.

Parker

#### REMARKS ORDERED PRINTED

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

The motion prevailed.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Geren requested permission for the Committee on Licensing and Administrative Procedures to meet while the house is in session, today, in 3W.9, for a formal meeting, to consider **HB 465**.

Permission to meet was granted.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING  
AND REFERRAL TO COMMITTEES**

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

**COMMITTEES GRANTED PERMISSION TO MEET**

Pursuant to House Rule 4, Section 9, Representative Hughes requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings, and that for purposes of this motion, those house committees and subcommittees that are scheduled to meet upon adjournment today be considered to be scheduled to meet upon final recess today.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Joint Select Committee on the Operation and Management of the Texas Youth Commission, 8 a.m. tomorrow, E1.036.

Public Health, during bill referral today, 3N.4, for a formal meeting, to consider pending business.

Licensing and Administrative Procedures, during bill referral today, 3W.9, for a formal meeting, to consider **HB 465** and pending business.

**HR 1895 - ADOPTED  
(by Harless)**

Representative Harless moved to suspend all necessary rules to take up and consider at this time **HR 1895**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1895**, In memory of U.S. Army Specialist Dustin R. Donica.

**HR 1895** was unanimously adopted by a rising vote.

**HR 1799 - ADOPTED  
(by Villarreal)**

Representative Allen moved to suspend all necessary rules to take up and consider at this time **HR 1799**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1799**, Honoring Dr. Manuel P. Berriozabal of San Antonio for receiving the Innovations in Education Award from The University of Texas System.

**HR 1799** was adopted.

**HR 1878 - ADOPTED**  
**(by Allen)**

Representative Allen moved to suspend all necessary rules to take up and consider at this time **HR 1878**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1878**, Honoring Justin C. Stewart on his graduation from the Thurgood Marshall School of Law at Texas Southern University.

**HR 1878** was adopted.

**FIVE DAY POSTING RULE SUSPENDED**

Representative Hartnett moved to suspend the five day posting rule to allow the Committee on Judiciary to consider **SB 966** and **SB 1204**, at 3:30 p.m. or upon adjournment Monday, May 7 in E2.028.

The motion prevailed.

**PROVIDING FOR RECESS**

Representative Hughes moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 9 a.m. today.

The motion prevailed.

(Creighton in the chair)

**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.)

**RECESS**

In accordance with a previous motion, the house, at 1:37 a.m. Friday, May 4, recessed until 9 a.m. today.

---

**ADDENDUM**

---

**REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

**List No. 1**

**HCR 222** (By Gallego), Encouraging the board of the Texas Youth Commission, or its successor entity, to name the TYC facility in Sheffield in honor of William David Slaughter, Jr.

To State Affairs.

**HR 1660** (By Guillen), Recognizing April 26, 2007, as Zapata County Day at the State Capitol.

To Rules and Resolutions.

**HR 1719** (By Anderson), Congratulating Gary and Ruth Clark of Woodway on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1720** (By Anderson), Congratulating Don and Jo Guest of Waco on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1721** (By Anderson), Congratulating Frankie and Glenda Moore on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1722** (By Anderson), Congratulating Roger and Barbara Jones of Hewitt on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1723** (By Anderson), Congratulating James and Peggy Rappe Young of Waco on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1724** (By Anderson), Congratulating Gottfried "Jeff" and Carol Kolb of Waco on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1725** (By Anderson), Congratulating Kenneth and Wanda Glaze on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1726** (By Anderson), Congratulating Juan and Sonia Banda of Waco on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1727** (By Dutton), Congratulating April Molnar of Humble ISD on being named an honoree of the Lake Houston Science Collaborative for Excellence in Science Teaching.

To Rules and Resolutions.

**HR 1728** (By Dutton), Congratulating Rian Keegan of Northeast Christian Academy in Kingwood on being named an honoree of the Lake Houston Science Collaborative for Excellence in Science Teaching.

To Rules and Resolutions.

**HR 1729** (By Dutton), Congratulating Theresa Nevins of Humble ISD on being named an honoree of the Lake Houston Science Collaborative for Excellence in Science Teaching.

To Rules and Resolutions.

**HR 1730** (By Dutton), Congratulating Celia Maria Jenkins of the Archdiocese of Galveston-Houston on being named an honoree of the Lake Houston Science Collaborative for Excellence in Science Teaching.

To Rules and Resolutions.

**HR 1731** (By Dutton), Congratulating Peggy Mensik of Humble ISD on being named an honoree of the Lake Houston Science Collaborative for Excellence in Science Teaching.

To Rules and Resolutions.

**HR 1732** (By Dutton), Congratulating Antonia "Peggy" Mangano of Humble ISD on being named an honoree of the Lake Houston Science Collaborative for Excellence in Science Teaching.

To Rules and Resolutions.

**HR 1733** (By Dutton), Congratulating Debbie Shaddix of New Caney ISD on being named an honoree of the Lake Houston Science Collaborative for Excellence in Science Teaching.

To Rules and Resolutions.

**HR 1734** (By Dutton), Congratulating Courtney Ruff of Humble ISD on being named an honoree of the Lake Houston Science Collaborative for Excellence in Science Teaching.

To Rules and Resolutions.

**HR 1735** (By Dutton), Congratulating Cheryl Rucka of Crosby ISD on being named an honoree of the Lake Houston Science Collaborative for Excellence in Science Teaching.

To Rules and Resolutions.

**HR 1736** (By Leibowitz), Honoring Michael Herzik on being named a finalist in the National Hispanic Recognition Program.

To Rules and Resolutions.

**HR 1737** (By Leibowitz), Honoring Andrew Houston on being named a finalist in the National Hispanic Recognition Program.

To Rules and Resolutions.

**HR 1738** (By Leibowitz), Honoring Katrina Rajunov on being named a finalist in the National Hispanic Recognition Program.

To Rules and Resolutions.

**HR 1739** (By Leibowitz), Honoring Julian Ordaz-Fernandez on being named a finalist in the National Hispanic Recognition Program.

To Rules and Resolutions.

**HR 1740** (By Leibowitz), Honoring Ommar Bribiesca on being named a finalist in the National Hispanic Recognition Program.

To Rules and Resolutions.

**HR 1741** (By Leibowitz), Honoring Sean Glover on being named a finalist in the National Hispanic Recognition Program.

To Rules and Resolutions.

**HR 1742** (By Leibowitz), Honoring John Curran on being named a finalist in the National Hispanic Recognition Program.

To Rules and Resolutions.

**HR 1743** (By Leibowitz), Honoring Adam Carillo on being named a finalist in the National Hispanic Recognition Program.

To Rules and Resolutions.

**HR 1744** (By Leibowitz), Honoring Mark Rocha on being named a finalist in the National Hispanic Recognition Program.

To Rules and Resolutions.

**HR 1745** (By Leibowitz), Honoring Mark Stone of O'Connor High School on being named the 2007 Campus High School Educator of the Year by the Northside Independent School District.

To Rules and Resolutions.

**HR 1746** (By Leibowitz), Honoring Adrian Lopez-Mobilia on being named a finalist in the National Hispanic Recognition Program.

To Rules and Resolutions.

**HR 1747** (By Leibowitz), Honoring Ashley Guerra on being named a finalist in the National Hispanic Recognition Program.

To Rules and Resolutions.

**HR 1748** (By Leibowitz), Honoring Roxanne Ramirez of Rayburn Middle School on being named the 2007 Campus Middle School First Year Educator of the Year by the Northside Independent School District.

To Rules and Resolutions.

**HR 1749** (By Leibowitz), Honoring Cesar Medrano on being named a finalist in the National Hispanic Recognition Program.

To Rules and Resolutions.

**HR 1750** (By Leibowitz), Honoring Dr. Bloyce H. Britton of San Antonio for his contributions to the community.

To Rules and Resolutions.

**HR 1751** (By Leibowitz), Recognizing Jesse Lozano of San Antonio for winning the 2007 Region VI Chess Championships and the Susan Polgar Scholarship.

To Rules and Resolutions.

**HR 1752** (By Leibowitz), Congratulating Jason Wester and Nina Salinas on the opening of their new business in Helotes.

To Rules and Resolutions.

**HR 1753** (By Leibowitz), Honoring Kathleen Henckel of Clark High School on being named the 2007 Campus High School Educator of the Year by the Northside Independent School District.

To Rules and Resolutions.

**HR 1754** (By Leibowitz), Honoring James Joseph of Clark High School on being named the 2007 Campus High School First Year Educator of the Year by the Northside Independent School District.

To Rules and Resolutions.

**HR 1755** (By Leibowitz), Honoring Alison White of Rayburn Middle School on being named the 2007 Campus Middle School Educator of the Year by the Northside Independent School District.

To Rules and Resolutions.

**HR 1756** (By Harper-Brown), Commemorating the 50th anniversary of the founding of Plymouth Park Baptist Church in Irving.

To Rules and Resolutions.

**HR 1757** (By R. Cook), Honoring the city of Bastrop on its 175th anniversary.

To Rules and Resolutions.

**HR 1758** (By Flynn), Honoring Sarah Monroe Wells of Van Zandt County on her 90th birthday.

To Rules and Resolutions.

**HR 1760** (By Farabee), Honoring Carroll Wilson on his retirement as editor-in-chief of the Wichita Falls Times Record News.

To Rules and Resolutions.

**HR 1761** (By West), Recognizing Landon West Satterwhite of Odessa on his acceptance into Reagan Magnet Elementary School.

To Rules and Resolutions.

**HR 1763** (By Gallego), Commemorating the dedication of Lieutenant Thomas Romanelli Memorial Park in Del Rio on May 9, 2007.

To Rules and Resolutions.

**HR 1764** (By Gallego), In memory of Jack L. Richardson of Del Rio.

To Rules and Resolutions.

**HR 1765** (By Gallego), Congratulating Captain Abelardo Paniagua of the Del Rio Police Department on his retirement.

To Rules and Resolutions.



**HR 1766** (By Gallego), In memory of Nora Sotelo Cordero of Marfa.  
To Rules and Resolutions.

**HR 1767** (By Gallego), Recognizing Del Rio firefighter Daniel Young on his selection as 2006 Firefighter of the Year.  
To Rules and Resolutions.

**HR 1768** (By Gallego), Recognizing Jason Ford on his receipt of the Del Rio Fire and Rescue Department's 2006 Medal of Merit.  
To Rules and Resolutions.

**HR 1769** (By Gallego), Congratulating Sergeant Raul Arrendondo of the Del Rio Police Department on his retirement.  
To Rules and Resolutions.

**HR 1770** (By Gallego), Honoring retired Master Sergeant Jose Martinez of Del Rio for his service to his country and his community.  
To Rules and Resolutions.

**HR 1771** (By Gallego), Honoring the 2007 Big Bend Air Show in Alpine.  
To Rules and Resolutions.

**HR 1772** (By B. Brown), Congratulating Dr. Thomas Autry Wallis of the Mabank Independent School District on being selected as the 2007 Texas Secondary School Principal of the Year by the Texas Association of Secondary School Principals.  
To Rules and Resolutions.

**HR 1773** (By Driver), Honoring Captain Clifton H. Grumbles of San Antonio on his retirement from the Texas Department of Public Safety.  
To Rules and Resolutions.

**HR 1774** (By D. Howard), Honoring the Austin Symphonic Band on its 25th anniversary.  
To Rules and Resolutions.

**HR 1775** (By Leibowitz), Honoring Felicia Quiroz of Adams Hill Elementary School on being named the 2007 Campus Elementary First Year Educator of the Year by the Northside Independent School District.  
To Rules and Resolutions.

**HR 1776** (By Leibowitz), Honoring Belinda Martinez of Adams Hill Elementary School on being named the 2007 Campus Elementary Educator of the Year by the Northside Independent School District.  
To Rules and Resolutions.

**HR 1777** (By Leibowitz), Honoring Amber Haby of Galm Elementary School on being named the 2007 Campus Elementary First Year Educator of the Year by the Northside Independent School District.  
To Rules and Resolutions.

**HR 1778** (By Leibowitz), Honoring Hope Gonzales of Galm Elementary School on being named the 2007 Campus Elementary Educator of the Year by the Northside Independent School District.

To Rules and Resolutions.

**HR 1779** (By Leibowitz), Honoring Katia Lopez of Lackland City Elementary School on being named the 2007 Campus Elementary First Year Educator of the Year by the Northside Independent School District.

To Rules and Resolutions.

**HR 1780** (By Leibowitz), Honoring Karen Billnitzer of Lackland City Elementary School on being named the 2007 Campus Elementary Educator of the Year by the Northside Independent School District.

To Rules and Resolutions.

**HR 1781** (By Leibowitz), Honoring Lizette Ballesteros of Valley Hi Elementary School on being named the 2007 Campus Elementary First Year Educator of the Year by the Northside Independent School District.

To Rules and Resolutions.

**HR 1782** (By Leibowitz), Honoring Donita Montgomery of Valley Hi Elementary School on being named the 2007 Campus Elementary Educator of the Year by the Northside Independent School District.

To Rules and Resolutions.

**HR 1783** (By Leibowitz), Honoring William Kingsbery of O'Connor High School on being named the 2007 Campus High School First Year Educator of the Year by the Northside Independent School District.

To Rules and Resolutions.

**HR 1784** (By Leibowitz), Congratulating Trevor Ohman of Clark High School in San Antonio on being named a National Merit Scholar semifinalist.

To Rules and Resolutions.

**HR 1785** (By Leibowitz), Congratulating Dahlia Baldinger of Clark High School in San Antonio on being named a National Merit Scholar semifinalist.

To Rules and Resolutions.

**HR 1786** (By Leibowitz), Honoring Hunter Ellis on being named a finalist in the National Hispanic Recognition Program.

To Rules and Resolutions.

**HR 1787** (By Leibowitz), Congratulating Nathan Swaney of O'Connor High School in San Antonio on being named a National Merit Scholar semifinalist.

To Rules and Resolutions.

**HR 1788** (By Leibowitz), Honoring Susie Diaz of Helotes Elementary School on being named the 2007 Campus Elementary Educator of the Year by the Northside Independent School District.

To Rules and Resolutions.

**HR 1789** (By Dutton), Honoring Ernest McMillan of Houston on his retirement as the CEO and executive director of the Fifth Ward Enrichment Program.

To Rules and Resolutions.

**HR 1790** (By Martinez Fischer), Honoring the League of Women Voters of the San Antonio Area.

To Rules and Resolutions.

**HR 1791** (By Jones), Honoring the memory of Clifton H. Cummings of Lubbock on the occasion of the annual Furr's, Inc., employee reunion.

To Rules and Resolutions.

**HR 1794** (By Flynn), Honoring the drama department of Van High School on its many successes.

To Rules and Resolutions.

**HR 1796** (By Hughes), Congratulating the Honorable Charles "Chad" Everingham IV on his appointment as the first U.S. Magistrate Judge to serve the Marshall Division, Eastern District of Texas, on a full-time basis.

To Rules and Resolutions.

**HR 1798** (By Menendez), Honoring Dr. Charles Holshouser for his service to the citizens of San Antonio.

To Rules and Resolutions.

**HR 1800** (By Patrick), Commemorating the 25th anniversary of the founding of Miller Elementary School in Arlington.

To Rules and Resolutions.

**HR 1801** (By Peña), Honoring Elva Jackson Garza of Edinburg for her contributions to her community.

To Rules and Resolutions.

**HR 1802** (By Peña), Honoring Robert Capello of Edcouch-Elsa High School for his success as a basketball coach and his record of athletic achievement.

To Rules and Resolutions.

**HR 1803** (By Murphy), Honoring Ray Miller on his contributions to the broadcasting industry and to Harris County.

To Rules and Resolutions.

**HR 1804** (By Murphy), Honoring the Houston Young Republicans for their participation in the political process.

To Rules and Resolutions.

**HR 1805** (By Talton), Honoring Jessica Zenker and her sixth-grade class at YES Prep Southeast School in Houston for their efforts in behalf of Kemp's ridley sea turtles.

To Rules and Resolutions.

**HR 1806** (By Martinez), Honoring Sylvia G. Pena on her 50th birthday.

To Rules and Resolutions.

**HR 1807** (By Woolley), In memory of Michael T. Howard of Houston.  
To Rules and Resolutions.

**HR 1808** (By Woolley), Honoring Dr. James T. Willerson and The University of Texas Health Science Center at Houston on the center's 35th anniversary.

To Rules and Resolutions.

**HR 1809** (By Woolley), In memory of Harry Stanton Hassel.  
To Rules and Resolutions.

**HR 1810** (By Guillen), Honoring Judge Alicia Pena Perez of Freer on her retirement as a municipal court judge.

To Rules and Resolutions.

**HR 1811** (By Guillen), Congratulating Gabriel Salinas III of Roma on his success at the 2006 Amateur Athletic Union Junior Olympic Games.

To Rules and Resolutions.

**HR 1812** (By Murphy), Honoring Louie Welch, former mayor of Houston, on his civic and professional achievements.

To Rules and Resolutions.

**HR 1813** (By Murphy), Honoring Houston Chronicle editor emeritus Jack Loftis for his career achievements and for his contributions to his community.

To Rules and Resolutions.

**HR 1814** (By Murphy), Honoring Drayton McLane, chairman and CEO of the Houston Astros.

To Rules and Resolutions.

**HR 1815** (By Murphy), Honoring the Asian Chamber of Commerce 2007 Entrepreneurs of the Year.

To Rules and Resolutions.

**HR 1816** (By J. Davis), Honoring the Reverend Alberto Arcilla Maullon, Jr., on 25 years of service to the Archdiocese of Galveston-Houston.

To Rules and Resolutions.

**HR 1818** (By Hodge), In memory of Lillian M. Cooper of Dallas.

To Rules and Resolutions.

**HR 1819** (By Naishtat), Honoring Texas Foster Youth, Inc.

To Rules and Resolutions.

**HR 1821** (By Flynn), Honoring Ray and Jerry Kirkpatrick of Grand Saline on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1822** (By Flynn), Recognizing June 15 and 16, 2007, as Audie Murphy Days in Greenville and Hunt County.

To Rules and Resolutions.

**HR 1824** (By Heflin), Recognizing the Honorable Giles W. Dalby on his retirement as Garza County Judge.

To Rules and Resolutions.

**HR 1825** (By Heflin), Congratulating the Honorable William Hardin on his retirement as the county judge of Floyd County.

To Rules and Resolutions.

**HR 1827** (By Crownover), Honoring George Reynolds Brown of Midland on his 90th birthday.

To Rules and Resolutions.

**HR 1828** (By Harper-Brown), Honoring the career of Cherie Clodfelter on the occasion of her retirement from the University of Dallas.

To Rules and Resolutions.

**HR 1829** (By S. King), Commending the Honorable Robert D. Hunter for his service to his state as a member of the Texas House of Representatives.

To Rules and Resolutions.

**HR 1830** (By T. Smith), Congratulating Tiffany Burgess of Trinity High School on being named a 2006-2007 National Achievement Scholar.

To Rules and Resolutions.

**HR 1831** (By T. Smith), Honoring Euless city manager Joe Hennig on his retirement.

To Rules and Resolutions.

**HR 1832** (By T. Smith), Congratulating Ron and Charlessa Crittenden of Hurst on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1833** (By T. Smith), Honoring Tracy Duren, Mike "Doc" Pruitt, and Jessica Ferris for saving the life of a student at Trinity High School in Euless.

To Rules and Resolutions.

**HR 1834** (By T. Smith), Congratulating Linda Kay and Harlon E. Smith of Hurst on their 50th anniversary.

To Rules and Resolutions.

**HR 1835** (By T. Smith), Congratulating Gene and Myrth Faurot of Hurst on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1836** (By Aycock), Honoring the 125th anniversary of the founding of Killeen.

To Rules and Resolutions.

**HR 1837** (By Allen), Honoring Dr. Robert F. Austin of Houston on his 75th birthday.

To Rules and Resolutions.

**HR 1840** (By Farabee), Honoring the Rider High School boys' soccer team of Wichita Falls for winning the 2007 Class 4A state title.

To Rules and Resolutions.

**HR 1841** (By Dutton), Congratulating Lisa Phillip of Houston on her selection as the 2007 Small Business Exporter of the Year by the Houston District Office of the U.S. Small Business Administration.

To Rules and Resolutions.

**HR 1842** (By Dutton), Congratulating Sheila Lee Coates of Katy on her selection as the 2007 Home-Based Business Champion of the Year by the Houston District Office of the U.S. Small Business Administration.

To Rules and Resolutions.

**HR 1843** (By Dutton), Congratulating Valerie Boudreaux-Allen of Houston on her selection as the 2007 Women in Business Champion of the Year by the Houston District Office of the U.S. Small Business Administration.

To Rules and Resolutions.

**HR 1848** (By Herrero), Honoring Johnny Canales for his achievements and community service and commemorating the founding of the Johnny Canales International Chapter of the American GI Forum.

To Rules and Resolutions.

**HR 1849** (By Leibowitz), Honoring Constance Bridges of San Antonio on her receipt of a 2007 Texas Excellence Award for Outstanding Teachers from the UT Texas Exes.

To Rules and Resolutions.

**HR 1850** (By Leibowitz), Congratulating Ed Suarez of the South San Antonio Independent School District on his receipt of two Texas School Public Relations Association Gold Star Awards for excellence in school communications.

To Rules and Resolutions.

**HR 1851** (By Leibowitz), Honoring Mark E. Moseley of Helotes on his receipt of a 2007 Outstanding Achievement Award for Stewardship from the Society for Range Management.

To Rules and Resolutions.

**HR 1852** (By Martinez Fischer), In memory of Peter Torres, Jr., of San Antonio.

To Rules and Resolutions.

**HR 1857** (By Strama), In memory of U.S. Army Corporal Yari Mokri of Pflugerville.

To Rules and Resolutions.

**HR 1858** (By Strama), In memory of U.S. Army Captain Sean Lyerly of Pflugerville.

To Rules and Resolutions.

**HR 1859** (By Y. Davis), Commending Chidi Umez for her service as a legislative intern in the office of Representative Yvonne Davis.

To Rules and Resolutions.

**HR 1860** (By Y. Davis), Congratulating Dallas city manager Mary K. Suhm on her selection as the 2007 North Texas Public Administrator of the Year.

To Rules and Resolutions.

**HR 1861** (By Y. Davis), Congratulating Ruby J. Scott on her receipt of the Anthionette Hardemen Award from the Dallas Council of PTAs.

To Rules and Resolutions.

**HR 1862** (By Y. Davis), Congratulating Kathlyn Gilliam on her receipt of a Texas PTA Life Membership Award and a National PTA Life Achievement Award.

To Rules and Resolutions.

**HR 1863** (By Y. Davis), Congratulating Pamela Craddock on her receipt of a Texas PTA Extended Service Award.

To Rules and Resolutions.

**HR 1864** (By Solomons), In memory of Carl Benjamin "Catfish" Montgomery of Dallas.

To Rules and Resolutions.

**HR 1868** (By Naishtat), Congratulating Julia Eleanor Griffith Goodacre and Robert Forrest Goodacre of Austin on the birth of their daughter, Audrey Eleanor Goodacre.

To Rules and Resolutions.

**SB 127** to Public Education.

**SB 217** to Public Education.

**SB 221** to Juvenile Justice and Family Issues.

**SB 232** to Judiciary.

**SB 280** to Criminal Jurisprudence.

**SB 361** to Elections.

**SB 377** to Ways and Means.

**SB 404** to Natural Resources.

**SB 415** to Public Health.

**SB 429** to Juvenile Justice and Family Issues.

**SB 440** to Criminal Jurisprudence.

**SB 441** to Criminal Jurisprudence.

**SB 443** to Public Education.

**SB 486** to Economic Development.

**SB 537** to Culture, Recreation, and Tourism.

**SB 637** to Economic Development.

**SB 654** to Land and Resource Management.

**SB 661** to Natural Resources.

- SB 680 to County Affairs.
- SB 703 to Public Health.
- SB 707 to Natural Resources.
- SB 722 to Law Enforcement.
- SB 731 to Transportation.
- SB 737 to Appropriations.
- SB 745 to Law Enforcement.
- SB 747 to Natural Resources.
- SB 789 to Criminal Jurisprudence.
- SB 791 to Civil Practices.
- SB 798 to Law Enforcement.
- SB 817 to Public Education.
- SB 827 to Public Education.
- SB 828 to Insurance.
- SB 876 to Transportation.
- SB 878 to County Affairs.
- SB 900 to Culture, Recreation, and Tourism.
- SB 979 to Business and Industry.
- SB 986 to Urban Affairs.
- SB 992 to Appropriations.
- SB 1040 to Transportation.
- SB 1042 to Appropriations.
- SB 1051 to Higher Education.
- SB 1115 to Public Health.
- SB 1118 to Transportation.
- SB 1125 to Judiciary.
- SB 1127 to Transportation.
- SB 1177 to Environmental Regulation.
- SB 1215 to Licensing and Administrative Procedures.
- SB 1217 to Licensing and Administrative Procedures.
- SB 1230 to Judiciary.
- SB 1252 to Transportation.
- SB 1268 to Transportation.
- SB 1283 to Criminal Jurisprudence.



**SB 1305** to Civil Practices.  
**SB 1317** to Urban Affairs.  
**SB 1324** to Environmental Regulation.  
**SB 1332** to Financial Institutions.  
**SB 1339** to Agriculture and Livestock.  
**SB 1347** to Corrections.  
**SB 1351** to Environmental Regulation.  
**SB 1360** to Land and Resource Management.  
**SB 1365** to Economic Development.  
**SB 1379** to Judiciary.  
**SB 1437** to Business and Industry.  
**SB 1495** to Higher Education.  
**SB 1510** to County Affairs.  
**SB 1523** to Economic Development.  
**SB 1531** to Transportation.  
**SB 1549** to Public Health.  
**SB 1574** to Energy Resources.  
**SB 1601** to Higher Education.  
**SB 1615** to Ways and Means.  
**SB 1617** to Ways and Means.  
**SB 1619** to Economic Development.  
**SB 1632** to Transportation.  
**SB 1646** to Elections.  
**SB 1658** to Public Health.  
**SB 1691** to Natural Resources.  
**SB 1709** to Law Enforcement.  
**SB 1714** to Public Health.  
**SB 1715** to Insurance.  
**SB 1731** to Public Health.  
**SB 1737** to Criminal Jurisprudence.  
**SB 1741** to Corrections.  
**SB 1746** to Ways and Means.  
**SB 1750** to Licensing and Administrative Procedures.  
**SB 1757** to Urban Affairs.

**SB 1783** to State Affairs.  
**SB 1786** to Transportation.  
**SB 1788** to Public Education.  
**SB 1792** to Public Education.  
**SB 1834** to Government Reform.  
**SB 1836** to Transportation.  
**SB 1886** to Ways and Means.  
**SB 1888** to Border and International Affairs.  
**SB 1896** to Public Health.  
**SB 1915** to Juvenile Justice and Family Issues.  
**SB 1933** to Culture, Recreation, and Tourism.  
**SB 1942** to Natural Resources.  
**SB 1953** to Transportation.  
**SB 1977** to Natural Resources.  
**SB 1981** to Natural Resources.  
**SB 1985** to Natural Resources.  
**SB 1986** to Natural Resources.  
**SB 1987** to Natural Resources.  
**SB 1988** to Natural Resources.  
**SB 1997** to Natural Resources.  
**SB 2002** to Natural Resources.  
**SB 2007** to Natural Resources.  
**SB 2014** to Natural Resources.  
**SB 2016** to Judiciary.  
**SB 2018** to Judiciary.  
**SJR 64** to Transportation.

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

**SB 359** to Environmental Regulation.  
**SB 603** to Public Education.

**List No. 2**

**SB 966** to Judiciary.  
**SB 1204** to Judiciary.

**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**House List No. 32**

**HB 11, HB 189, HB 2105, HCR 9, HCR 10, HCR 123, HCR 160, HCR 168, HCR 171, HCR 174, HCR 175, HCR 178, HCR 179, HCR 182, HCR 183, HCR 185, HCR 188, HCR 230**

**House List No. 33**

**HB 1840, HB 1892, HB 2252, HB 2296**

**Senate List No. 33**

**SB 57, SB 91, SB 158, SB 237, SB 331, SB 342, SB 355, SB 393, SB 471, SB 580, SB 622, SB 948, SB 1074, SB 1580, SCR 57**

**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

Thursday, May 3, 2007

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 1204** Duncan

Relating to the reorganization and administration of, and procedures relating to, courts in this state, including procedures for appeals.

Respectfully,

Patsy Spaw

Secretary of the Senate

**Message No. 2**

## MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, May 3, 2007 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

**LOCAL AND UNCONTESTED CALENDAR**

**HB 11** Cook, Byron SPONSOR: Eltife  
Relating to the filing of sales reports with the comptroller by wholesalers and distributors of certain alcohol and tobacco products.

**HB 85** Branch SPONSOR: Van de Putte

Relating to credit card marketing activities at postsecondary educational institutions; providing a civil penalty.  
(Committee Substitute)

**HB 121** Dukes SPONSOR: Hinojosa  
Relating to public school policies designed to prevent dating violence.  
(Committee Substitute)

**HB 189** Hochberg SPONSOR: Janek  
Relating to the receipt of financial benefits by school district superintendents for services performed for business entities.

**HB 320** West, George "Buddy" SPONSOR: Carona  
Relating to use of electronically readable information from a driver's license or personal identification certificate by a commercial business.

**HB 570** Leibowitz SPONSOR: Carona  
Relating to the use of motor vehicle registration or license plate information collected by a toll project entity.

**HB 823** Ritter SPONSOR: Williams  
Relating to the liability of certain licensed or registered professionals for damages arising from certain services provided during an emergency.  
(Committee Substitute)

**HB 863** Cook, Byron SPONSOR: Ellis  
Relating to the exemption of certain persons from the requirement that a person who requires disclosure of a social security number adopt a privacy policy.

**HB 886** Giddings SPONSOR: Watson  
Relating to an optional preauthorization plan for the workers' compensation return-to-work pilot program for small employers.

**HB 973** Eissler SPONSOR: Averitt  
Relating to the eligibility of certain educational employees to participate or be enrolled in certain group health benefit programs.

**HB 1059** Parker SPONSOR: Nelson  
Relating to an immunization awareness program in certain school districts.

**HB 1164** Gallego SPONSOR: Watson

Relating to the presentation of Star of Texas awards to federal law enforcement officers and special agents who are killed or sustain serious or fatal injuries while assisting state or local law enforcement agencies in this state.

**HB 1237** Farabee SPONSOR: Hegar  
Relating to the confidentiality of certain information of a person licensed to practice law held by the State Bar of Texas.

**HB 1295** Hartnett SPONSOR: Wentworth  
Relating to filing fees for certain actions filed in a court with probate jurisdiction.

**HB 1840** Bonnen SPONSOR: Hegar  
Relating to the punishment for failing to stop following a motor vehicle accident.

**HB 2007** Solomons SPONSOR: Fraser  
Relating to modernization of the regulation of banking in this state.

**HB 2024** Kolkhorst SPONSOR: Estes  
Relating to the continuation and functions of the Texas Veterinary Medical Diagnostic Laboratory.

**HB 2105** Chisum SPONSOR: Williams  
Relating to the issuance of disabled parking placards to and the registration of vehicles by certain veterans with disabilities.

**HB 2252** Taylor SPONSOR: Williams  
Relating to provision of health-related services, health care information, and incentives promoting disease prevention, wellness, and health by certain insurers and related entities and certain health care providers.

**HB 2296** Krusee SPONSOR: Watson  
Relating to the designation of a portion of State Highway 130 in Williamson, Travis, Caldwell, and Guadalupe Counties in honor of former United States Congressman J. J. "Jake" Pickle as the Pickle Parkway.

**SB 280** Gallegos  
Relating to the program for improvement of collection of court costs, fees, and fines imposed in criminal cases.

**SB 297** West, Royce  
Relating to the composition of the committee appointed to review the uniform general conditions of state building construction contracts.

**SB 442** Deuell  
Relating to the payment of the costs of a hearing regarding the court-ordered administration of psychoactive medication to certain criminal defendants.

**SB 463** Harris  
Relating to the statute of limitations for misdemeanors.

**SB 680** Williams  
Relating to certain swimming pools as public nuisances in the unincorporated areas of counties.

**SB 722** Hegar  
Relating to summary destruction or summary forfeiture of controlled substance property or controlled substance plants.

- SB 900** Deuell  
Relating to the continuation and functions of the Texas Historical Commission.
- SB 992** Nelson  
Relating to the use of money from the permanent fund for health-related programs to provide grants to nursing education programs.
- SB 1116** Carona  
Relating to the appeal of certain hearings related to a grant of deferred adjudication community supervision and to certain related applications for a writ of habeas corpus.
- SB 1118** Carona  
Relating to the licensing and regulation of tow trucks, tow truck operators, and vehicle storage facilities; providing penalties.
- SB 1129** Hegar  
Relating to information included in the judgment in a criminal case.
- SB 1185** Nelson  
Relating to certain low-interest home loan programs offered by the state.
- SB 1255** Averitt  
Relating to the powers and duties of certain small and large employer health cooperatives.
- SB 1332** West, Royce  
Relating to the establishment of debt management policies and guidelines by the Bond Review Board, including the approval by the board of certain interest rate management agreements.
- SB 1361** Williams  
Relating to the interception or the collection of information from certain communications in an investigation of criminal conduct.
- SB 1373** Carona  
Relating to the issuance and enforcement of motor carrier overweight or oversize vehicle permits and motor carrier registrations; providing administrative penalties.
- SB 1451** Ellis  
Relating to the Safe Routes to School Program.
- SB 1531** Hinojosa  
Relating to disposing of salvage or surplus personal property and purchasing by navigation districts.
- SB 1615** Averitt  
Relating to the collection of delinquent obligations owed to the state.
- SB 1691** Duncan  
Relating to a groundwater conservation district's regulation of groundwater use by any person, including a state agency or political subdivision.
- SB 1729** Carona  
Relating to the inspection, installation, maintenance, and repair of elevators, escalators, chairlifts, people movers, moving sidewalks, platform lifts, and related equipment.

**SB 1897**

Carona

Relating to the authority of the Texas Department of Transportation to refuse to register a motor vehicle in certain circumstances.

**SB 1942**

Deuell

Relating to the creation of the Gastonia-Scurry Special Utility District; providing authority to impose taxes and issue bonds; granting the power of eminent domain.

**SB 1969**

Hegar

Relating to the creation of the Las Damas Management District; providing authority to levy an assessment, impose a tax, and issue bonds.

**SB 1987**

Hegar

Relating to the powers and duties of the Cinco Southwest Municipal Utility District No. 2; providing authority to impose a tax and issue bonds.

**SB 1997**

Jackson, Mike

Relating to the creation of the Galveston County Municipal Utility District No. 65; 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

Thursday, May 3, 2007 - 3

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

## THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HB 1003**

Giddings

SPONSOR: Watson

Relating to professional licensing requirements for independent review of certain medical decisions regarding workers' compensation claims.

**HB 1006**

Giddings

SPONSOR: Watson

Relating to doctor licensing requirements for peer review, utilization, and retrospective review of medical decisions regarding workers' compensation claims.

**HB 1390**

Turner

SPONSOR: Jackson,  
Mike

Relating to a firefighters' relief and retirement fund in certain municipalities.

**HB 1505** Lucio III SPONSOR: Lucio  
 Relating to a fee to support intercollegiate athletics at The University of Texas at  
 Brownsville.  
 (Committee Substitute/Amended)

**HCR 195** Pena SPONSOR: Hinojosa  
 In memory of Dr. Luis M. Rios, Sr., of Edinburg.

**HCR 230** Smith, Wayne  
 Instructing the enrolling clerk of the house to make corrections to H.B. No. 1892.

**HJR 19** Branch SPONSOR: Carona  
 Proposing a constitutional amendment to require a house of the legislature to take  
 a record vote on certain legislative measures and actions and to provide for public  
 Internet access to those record votes.  
 (Committee Substitute)

Respectfully,  
 Patsy Spaw  
 Secretary of the Senate

**Message No. 4**

MESSAGE FROM THE SENATE  
 SENATE CHAMBER  
 Austin, Texas  
 Thursday, May 3, 2007 - 4

The Honorable Speaker of the House  
 House Chamber  
 Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 365** Nelson  
 Relating to the creation and implementation of the health professional education  
 grant program.

**SB 377** Janek  
 Relating to the electronic payment of certain taxes and the electronic filing of  
 certain reports.

**SB 666** Carona  
 Relating to an exemption from ad valorem taxation of the residence homesteads  
 of certain totally disabled veterans.

**SB 791** Williams  
 Relating to classifying oysters as an inherently unsafe product for personal  
 consumption.

**SB 920** Patrick, Dan  
 Relating to informed consent to an abortion.



**SB 972** Van de Putte  
Relating to prohibiting the use of unsafe children's products; providing a civil penalty.

**SB 1238** Ellis  
Relating to local regulation of the distance requirements for the sale and consumption of alcoholic beverages near certain homeless shelters and substance abuse treatment centers.

**SB 1313** Uresti  
Relating to reporting requirements for health occupation regulatory agencies.

**SB 1379** Shapleigh  
Relating to reimbursements made to El Paso County by Culberson and Hudspeth Counties for certain costs.

**SB 1572** Shapleigh  
Relating to reports of performance data of private or independent institutions of higher education and the publication of that data.

**SB 1582** Van de Putte  
Relating to payment of claims to pharmacies and pharmacists.

**SB 1620** Van de Putte  
Relating to a study regarding the confidentiality of prescription information.

**SB 2007** Hinojosa  
Relating to the creation of the Heart's Delight Groundwater Conservation District; providing conditional authority to impose a tax and authority to issue bonds.

**SJR 29** Carona  
Proposing a constitutional amendment authorizing the legislature to exempt all or part of the residence homesteads of certain totally disabled veterans from ad valorem taxation.

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

**SB 44** (30 Yeas, 0 Nays)

**SB 370** (30 Yeas, 0 Nays)

**SB 699** (30 Yeas, 0 Nays)

**SB 1106** (30 Yeas, 0 Nays)

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

**HB 8**

Senate Conferees: Deuell - Chair/Brimer/Hinojosa/Ogden/Shapiro

Respectfully,

Patsy Spaw

Secretary of the Senate

**Message No. 5**MESSAGE FROM THE SENATE  
SENATE CHAMBER

Austin, Texas

Thursday, May 3, 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 31** Nelson  
Relating to the creation and administration of the rural physician and dentist loan repayment program.

**SB 503** Hegar  
Relating to funding for the continuing education of certain peace officers.

**SB 1070** Janek  
Relating to the creation of Booth Ranch Municipal Utility District of Fort Bend County, Texas; providing authority to impose taxes and issue bonds; granting the power of eminent domain.

**SB 1280** Van de Putte  
Relating to requirements concerning solid waste facilities, including recycling facilities, and to the storage of combustible recyclable materials, including compost and mulch.

**SB 1283** Van de Putte  
Relating to the prosecution and punishment of the offense of trafficking of persons and reports concerning the offense.

**SB 1324** Watson  
Relating to a program for the recycling of computer equipment of consumers in this state; providing administrative penalties.

**SB 1448** West, Royce  
Relating to reports on racial profiling in connection with motor vehicle stops; providing a penalty.

**SB 1812** Duncan  
Relating to electronic publication of legal notice.

**SB 1908** Ellis  
Relating to the system by which an application for a low income housing tax credit is scored.

**SB 2002** Estes

Relating to the creation of the Rolling V Ranch Water Control and Improvement District No. 1 of Wise County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**SB 2015**

Duncan

Relating to the consummation of sales for purposes of the computation of local sales and use taxes.

Respectfully,

Patsy Spaw

Secretary of the Senate

**Message No. 6**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Thursday, May 3, 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 1520**

Wentworth

Relating to ad valorem tax lien transfers.

Respectfully,

Patsy Spaw

Secretary of the Senate

---

**APPENDIX**

---

**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**May 2**

Border and International Affairs - **SB 781, SB 1236**

Business and Industry - **HB 2044, HB 3709**

Corrections - **HB 2103, HB 2938, HB 3958, HR 1482**

Criminal Jurisprudence - **HB 1939, HB 2437**

Culture, Recreation, and Tourism - **HB 3845, HB 4135, SB 535, SB 620, SB 1659**

Defense Affairs and State-Federal Relations - **SB 274, SB 310, SB 311**  
Elections - **HB 2390, HB 2926, HB 4076, SB 64**  
Government Reform - **HB 970, SB 608**  
Human Services - **HB 1738, HB 2670, HB 3575**  
Insurance - **HB 2547, SB 561, SB 978**  
Judiciary - **HB 4039, SB 600, SB 885, SB 1182, SB 1412, SB 1413, SB 1416, SB 1519**  
Juvenile Justice and Family Issues - **HB 3997**  
Land and Resource Management - **SB 214, SB 596, SB 1509**  
Law Enforcement - **HB 2101, HB 2813**  
Licensing and Administrative Procedures - **HB 1469, HB 3100**  
Local Government Ways and Means - **HB 3024**  
Natural Resources - **HB 2299, HB 2301, HB 2523, HB 2531, HB 3477, HB 3481, HB 3508, HB 3980, HB 3987, HB 4068, HB 4073, SB 975**  
Pensions and Investments - **SB 247**  
Public Education - **HB 136, HB 833, HB 2183, HB 2238, HB 2495, HB 3404, HB 3419**  
Public Health - **HB 2026**  
State Affairs - **HB 904, HB 905, HB 1222, HB 2323, HB 2374, HB 2998**  
Transportation - **HB 2422, HB 3152, HB 3947, SB 959, SB 964, SB 969, SB 1089**  
Urban Affairs - **HB 614**  
Ways and Means - **HB 1524, HB 1868, HB 3314, HJR 81, HJR 93, SB 796**

#### ENGROSSED

**May 2 - HB 149, HB 182, HB 434, HB 556, HB 606, HB 643, HB 693, HB 1207, HB 1456, HB 1567, HB 1833, HB 1944, HB 2060, HB 2095, HB 2128, HB 2171, HB 2195, HB 2222, HB 2293, HB 2346, HB 2371, HB 2455, HB 2557, HB 2585, HB 2591, HB 2623, HB 2625, HB 2639, HB 2820, HB 2895, HB 2896, HB 2897, HB 2945, HB 2992, HB 3131, HB 3210, HB 3211, HB 3273, HB 3449, HB 3460, HB 3493, HB 3494, HB 3514, HB 3630, HB 3769, HB 3827, HB 3879, HB 3955, HB 3992, HB 3993, HB 4007, HB 4045**

#### ENROLLED

**May 2 - HCR 139, HCR 173, HCR 226, HJR 36**

**SENT TO THE GOVERNOR**

**May 2 - HB 76, HB 178, HB 313, HB 368, HB 374, HB 423, HB 481, HB 484, HB 504, HB 622, HB 889, HB 1308, HB 1379, HB 1562, HB 1676, HB 1763, HCR 204**

**SENT TO THE SECRETARY OF THE STATE**

**May 2 - HJR 36**

