

# HOUSE JOURNAL

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EIGHTIETH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SEVENTY-FIFTH DAY — MONDAY, MAY 14, 2007

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

The roll of the house was called and a quorum was announced present (Record 1392).

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

Absent, Excused — Moreno; Vaught.

Absent — Leibowitz.

The invocation was offered by Deacon Ron Walker, chancellor, Diocese of Austin.

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

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Straus who presented Dr. Jennifer Sutton of San Antonio as the "Doctor for the Day."

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

(Bohac 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. 38 and Senate List No. 40).

(Speaker in the chair)

**HCR 234 - ADOPTED**

**(by Hughes, Berman, Flynn, Merritt, and Christian)**

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HCR 234**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 234**, In memory of the Honorable William M. Steger, U.S. District Judge for the Eastern District of Texas.

**HCR 234** was read and was unanimously adopted by a rising vote.

On motion of Representatives Flynn and McClendon, the names of all the members of the house were added to **HCR 234** as signers thereof.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Hughes who introduced friends and family members of the Honorable William M. Steger.

**LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence for today because of illness:

Moreno on motion of Escobar.

Vaught on motion of Harless.

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

Farrar on motion of Hernandez.

**HR 1998 - ADOPTED**

**(by Jackson and Goolsby)**

Representative Jackson moved to suspend all necessary rules to take up and consider at this time **HR 1998**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1998**, Recognizing May 14, 2007, as Mary Kay Ash Day in the State of Texas.

**HR 1998** was read and was adopted.

On motion of Representative Goolsby, the names of all the members of the house were added to **HR 1998** as signers thereof.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Jackson who introduced family members of Mary Kay Ash and representatives of the Mary Kay Corporation.

**LEAVE OF ABSENCE GRANTED**

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

Mowery on motion of Olivo.

**SCR 78 - ADOPTED  
(Isett - House Sponsor)**

Representative Isett moved to suspend all necessary rules to take up and consider at this time **SCR 78**.

The motion prevailed.

The following resolution was laid before the house:

**SCR 78**, Recognizing Bob Knight for his many contributions to the sport of basketball.

**SCR 78** was read and was adopted.

On motion of Representative Jones, the names of all the members of the house were added to **SCR 78** as signers thereof.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Isett who introduced Coach Bob Knight and Chancellor Kent Hance of Texas Tech University. Coach Knight briefly addressed the house.

**SCR 74 - ADOPTED  
(Hopson - House Sponsor)**

Representative Hopson moved to suspend all necessary rules to take up and consider at this time **SCR 74**.

The motion prevailed.

The following resolution was laid before the house:

**SCR 74**, In memory of Clinton Brady Thrasher of McAllen and Henderson.

**SCR 74** was unanimously adopted by a rising vote.

(Eissler in the chair)

**MESSAGE FROM THE SENATE**

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

**HR 1579 - READ  
(by Guillen)**

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

**HR 1579**, Honoring Judge Alicia Pena Perez of Freer on her retirement as a municipal court judge.

#### **HR 1579 - MOTION TO ADD NAMES**

On motion of Representative Raymond, the names of all the members of the house were added to **HR 1579** as signers thereof.

#### **INTRODUCTION OF GUESTS**

The chair recognized Representative Guillen who introduced the Honorable Alicia Pena Perez and members of her family.

(Leibowitz now present)

#### **RESOLUTIONS ADOPTED**

Representative Madden moved to suspend all necessary rules in order to take up and consider at this time **HCR 235, HCR 250, HCR 251, and HCR 252**.

The motion prevailed.

The following resolutions were laid before the house:

**HCR 235** (by Madden, McReynolds, Turner, Riddle, and Phillips), Honoring Sergeant Brian J. Burzynski of the Texas Rangers for investigating allegations of abuse at a Texas Youth Commission facility.

**HCR 250** (by Madden), Honoring Nate Blakeslee of the Texas Observer and Doug Swanson of The Dallas Morning News for their reporting regarding the Texas Youth Commission.

**HCR 251** (by Madden), Commending Ana Yanez Correa and Marc Levin on their contributions to the legislature's deliberations on juvenile justice and criminal justice in general.

**HCR 252** (by Madden), Commending Isela Gutierrez and Will Harrell on their efforts regarding reforming the Texas Youth Commission.

The resolutions were read and were adopted.

On motion of Representative Hochberg, the names of all the members of the house were added to **HCR 235, HCR 250, HCR 251, and HCR 252** as signers thereof.

#### **INTRODUCTION OF GUESTS**

The chair recognized Representative Madden who introduced Sergeant Brian J. Burzynski of the Texas Rangers, members of his family, and individuals involved in the Texas Youth Commission investigation. Sergeant Burzynski briefly addressed the house.

#### **HB 1260 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1260**, A bill to be entitled An Act relating to exempting certain military personnel from certain state and local governmental fees.

Representative Martinez moved to concur in the senate amendments to **HB 1260**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1393): 140 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; Dunnam; Dutton; Eiland; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; 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; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Farrar; Moreno; Mowery; Vaught.

Absent — Burnam; Dukes; Martinez Fischer; Rose.

### Senate Committee Substitute

**CSHB 1260**, A bill to be entitled An Act relating to exempting certain military personnel from certain state and local governmental fees.

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

SECTION 1. Subchapter B, Chapter 431, Government Code, is amended by adding Section 431.039 to read as follows:

Sec. 431.039. EXEMPTION FROM FEES FOR MILITARY PERSONNEL BEING DEPLOYED. A member of the National Guard on federal active duty, or a member of the armed forces of the United States on active duty, who is preparing to be deployed to serve in a hostile fire zone as designated by the United States secretary of defense is exempt from paying the following state or local governmental fees the member incurs because of the deployment to arrange the member's personal affairs:

(1) fees for obtaining copies of:

(A) a birth certificate;

(B) a recorded marriage license;

- (C) a divorce decree;  
(D) a child support order;  
(E) guardianship documents; and  
(F) property tax records;

- (2) fees for issuing a marriage license or duplicate marriage license; and  
(3) fees for transferring title to real or personal property.

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

**HB 1852 - HOUSE CONCURS IN SENATE AMENDMENTS**  
**TEXT OF SENATE AMENDMENTS**

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

**HB 1852**, A bill to be entitled An Act relating to the authority of a county to regulate the installation and use of lighting in certain areas.

Representative Corte moved to concur in the senate amendments to **HB 1852**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1394): 144 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Farrar; Moreno; Mowery; Vaught.

**Senate Committee Substitute**

**CSHB 1852**, A bill to be entitled An Act relating to the authority of a county to regulate the installation and use of lighting in certain areas.

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

SECTION 1. Section 240.031, Local Government Code, is amended by adding Subdivision (4) to read as follows:

(4) "Agricultural use" has the meaning assigned by Section 23.51, Tax Code.

SECTION 2. The heading to Subchapter B, Chapter 240, Local Government Code, is amended to read as follows:

**SUBCHAPTER B. OUTDOOR LIGHTING NEAR  
OBSERVATORIES AND MILITARY INSTALLATIONS**

SECTION 3. Section 240.032, Local Government Code, is amended by adding Subsection (b-1) and amending Subsections (c) and (d) to read as follows:

(b-1) On the request of a United States military installation, base, or camp commanding officer, the commissioners court of a county, any part of which is located immediately adjacent to the installation, base, or camp, may adopt orders regulating the installation and use of outdoor lighting within five miles of the installation, base, or camp in any unincorporated territory of the county.

(c) The orders must be designed to protect against the use of outdoor lighting in a way that interferes with scientific astronomical research of the observatory or military and training activities of the military installation, base, or camp. In the orders, the commissioners court may:

(1) require that a permit be obtained from the county before the installation and use of certain types of outdoor lighting in a regulated area;

(2) establish a fee in an amount to cover the costs of administrating the order for the issuance of the permit;

(3) prohibit the use of a type of outdoor lighting that is incompatible with the effective use of the observatory or military installation, base, or camp;

(4) establish requirements for the shielding of outdoor lighting; and

(5) regulate the times during which certain types of outdoor lighting may be used.

(d) The commissioners court may apply more stringent standards for areas in which the use of outdoor lighting has a greater impact on observatory or military installation, base, or camp activities.

SECTION 4. Subchapter B, Chapter 240, Local Government Code, is amended by adding Section 240.0325 to read as follows:

Sec. 240.0325. EXCEPTION FOR CERTAIN OUTDOOR LIGHTING. The commissioners court may not adopt an order under Section 240.032 regulating the installation and use of outdoor lighting that is located within five miles of a military installation, base, or camp located in the unincorporated area of a county and:

(1) was installed or used before the effective date of the order and is necessary for the operations of:

(A) an electric utility, power generation company, or transmission and distribution utility, as those terms are defined by Section 31.002, Utilities Code;

(B) an electric cooperative or a municipally owned utility, as those terms are defined by Section 11.003, Utilities Code;

(C) a gas utility, as defined by Section 101.003 or 121.001, Utilities Code;

(D) surface coal mining and reclamation operations, as defined by Section 134.004, Natural Resources Code;

(E) a telecommunications provider, as defined by Section 51.002, Utilities Code, or its affiliates; or

(F) a manufacturing facility required by Texas Commission on Environmental Quality rule to hold a permit; or

(2) is owned or maintained for the purpose of illuminating:

(A) a tract of land that is maintained as a single family residence and that is located outside the boundaries of a platted subdivision;

(B) a tract of land maintained for agricultural use;

(C) an activity that takes place on a tract of land maintained for agricultural use;

(D) structures or related improvements located on a tract of land maintained for agricultural use; or

(E) a correctional facility operated by or under a contract with the Texas Department of Criminal Justice.

SECTION 5. 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 1987 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1987**, A bill to be entitled An Act relating to the offense of possessing another person's official ballot or official carrier envelope.

Representative Berman moved to concur in the senate amendments to **HB 1987**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1395): 143 Yeas, 0 Nays, 2 Present, not voting.

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



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

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

Absent, Excused — Farrar; Moreno; Mowery; Vaught.

Absent — Puente.

### Senate Committee Substitute

**CSHB 1987**, A bill to be entitled An Act relating to the offense of possessing another person's official ballot of official carrier envelope.

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

SECTION 1. Section 86.006, Election Code, is amended by amending Subsection (f) and adding Subsection (i) to read as follows:

(f) A person commits an offense if the person knowingly possesses an official ballot or official carrier envelope provided under this code to another. Unless the person possessed the ballot or carrier envelope with intent to defraud the voter or the election authority, ~~[it is an affirmative defense to prosecution under]~~ this subsection does not apply to a [that the] person who, on the date of the offense, was:

(1) related to the voter within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code;

(2) registered to vote at the same address as the voter;

(3) an early voting clerk or a deputy early voting clerk;

(4) a person who possesses the carrier envelope in order to deposit the envelope in the mail or with a common or contract carrier and who provides the information required by Section 86.0051(b) in accordance with that section;

(5) an employee of the United States Postal Service working in the normal course of the employee's authorized duties; or

(6) a common or contract carrier working in the normal course of the carrier's authorized duties if the official ballot is sealed in an official carrier envelope that is accompanied by an individual delivery receipt for that particular carrier envelope.

(i) In the prosecution of an offense under Subsection (f):

(1) the prosecuting attorney is not required to negate the applicability of the provisions of Subsections (f)(1)-(6) in the accusation charging commission of an offense;

(2) the issue of the applicability of a provision of Subsection (f)(1), (2), (3), (4), (5), or (6) is not submitted to the jury unless evidence of that provision is admitted; and

(3) if the issue of the applicability of a provision of Subsection (f)(1), (2), (3), (4), (5), or (6) is submitted to the jury, the court shall charge that a reasonable doubt on the issue requires that the defendant be acquitted.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after September 1, 2007. An offense committed before September 1, 2007, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before September 1, 2007, if any element of the offense occurred before that date.

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

**HB 2004 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 2004**, A bill to be entitled An Act relating to requiring that a doctor who reviews a workers' compensation case be certified in a professional specialty appropriate to the care received by the injured employee.

Representative Giddings 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 2004**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2004**: Giddings, chair; Bailey, Elkins, Solomons, and Zedler.

**HB 1279 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 1279**, A bill to be entitled An Act relating to the requirement that a detector for certain traffic-actuated electric traffic-control devices register the presence of a motorcycle.

Representative Deshotel moved to concur in the senate amendments to **HB 1279**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1396): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycok; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Elkins; England; Escobar; Farabee; Farias;

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

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

Absent, Excused — Farrar; Moreno; Mowery; Vaught.

Absent — Riddle.

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

Amend **HB 1279** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill (page 1, line 20), between "installed" and "at", by inserting "and operating".

(2) Between SECTION 1 and SECTION 2 of the bill (page 1, between lines 26 and 27), by inserting the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 544.0075, Transportation Code, as added by this Act, applies only to a detector that is installed, replaced, calibrated, or recalibrated in connection with a traffic-actuated electric traffic-control signal on or after the effective date of this Act.

### **HB 1922 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1922**, A bill to be entitled An Act relating to eligibility of school districts for state assistance with payment of existing debt.

Representative Kolkhorst moved to concur in the senate amendments to **HB 1922**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1397): 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; 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; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; 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; Morrison; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Farrar; Moreno; Mowery; Vaught.

Absent — Callegari; Miller; Rodriguez.

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

Amend **HB 1922** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 42.2516, Education Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Subject to Subsections (b-1), (g), and (h), but notwithstanding any other provision of this title, a school district is entitled to state revenue necessary to provide the district with the sum of:

(1) the amount of state revenue necessary to maintain state and local revenue per student in weighted average daily attendance in the amount equal to the greater of:

(A) the amount of state and local revenue per student in weighted average daily attendance for the maintenance and operations of the district available to the district for the 2005-2006 school year;

(B) the amount of state and local revenue per student in weighted average daily attendance for the maintenance and operations of the district to which the district would have been entitled for the 2006-2007 school year under this chapter, as it existed on January 1, 2006, or, if the district would have been subject to Chapter 41, as that chapter existed on January 1, 2006, the amount to which the district would have been entitled under that chapter, based on the funding elements in effect for the 2005-2006 school year, if the district imposed a maintenance and operations tax at the rate adopted by the district for the 2005 tax year; or

(C) the amount of state and local revenue per student in weighted average daily attendance for the maintenance and operations of the district to which the district would have been entitled for the 2006-2007 school year under this chapter, as it existed on January 1, 2006, or, if the district would have been

subject to Chapter 41, as that chapter existed on January 1, 2006, the amount to which the district would have been entitled under that chapter, based on the funding elements in effect for the 2005-2006 school year, if the district imposed a maintenance and operations tax at the rate equal to the rate described by Section 26.08(i) or (k)(1), Tax Code, as applicable, for the 2006 tax year;

(2) an amount equal to the product of \$2,500 multiplied by the number of classroom teachers, full-time librarians, full-time counselors certified under Subchapter B, Chapter 21, and full-time school nurses employed by the district and entitled to a minimum salary under Section 21.402; and

(3) an amount equal to the product of \$275 multiplied by the number of students in average daily attendance in grades nine through 12 in the district.

(b-1) The amount determined for a school district under Subsection (b) is increased or reduced as follows:

(1) if for any school year the district is entitled to a greater allotment under Section 42.158 than the allotment to which the district was entitled under that section for the school year on which the district's entitlement under Subsection (b) is based, the district's entitlement under Subsection (b) is increased by an amount equal to the difference between the amount to which the district is entitled under Section 42.158 for that school year and the amount to which the district was entitled under that section for:

(A) the 2005-2006 school year, if the amount determined for the district under Subsection (b) is determined under Subsection (b)(1)(A); or

(B) the 2006-2007 school year, if the amount determined for the district under Subsection (b) is determined under Subsection (b)(1)(B) or (C); and

(2) if for any school year the district is not entitled to an allotment under Section 42.158 or is entitled to a lesser allotment under that section than the allotment to which the district was entitled under that section for the school year on which the district's entitlement under Subsection (b) is based, the district's entitlement under Subsection (b) is reduced by an amount equal to the difference between the amount to which the district was entitled under Section 42.158 for the 2005-2006 or 2006-2007 school year, as appropriate based on whether the district's entitlement under Subsection (b) is determined under Subsection (b)(1)(A), (B), or (C), and the amount to which the district is entitled under Section 42.158 for the current school year.

**SB 893 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Raymond, the house granted the request of the senate for the appointment of a conference committee on **SB 893**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 893**: Raymond, chair; Guillen, Phillips, Pickett, and Quintanilla.

**SB 593 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Hartnett, the house granted the request of the senate for the appointment of a conference committee on **SB 593**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 593**: Hartnett, chair; Hughes, Goolsby, Gonzales, and Hopson.

**SB 103 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Madden, the house granted the request of the senate for the appointment of a conference committee on **SB 103**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 103**: Madden, chair; Hochberg, Jones, McReynolds, and Phillips.

**SB 426 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Hughes, the house granted the request of the senate for the appointment of a conference committee on **SB 426**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 426**: Hill, chair; Creighton, Hochberg, Puente, and Quintanilla.

**HB 522 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

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

Representative Woolley moved to concur in the senate amendments to **HB 522**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1398): 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, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jones; Keffer;

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

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

Absent, Excused — Farrar; Moreno; Mowery; Vaught.

Absent — Davis, J.; Jackson; McClendon.

### Senate Committee Substitute

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

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

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

SUBTITLE J. HEALTH INFORMATION TECHNOLOGY  
CHAPTER 1660. ELECTRONIC DATA EXCHANGE  
SUBCHAPTER A. GENERAL PROVISIONS

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

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

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

(d) The legislature finds that patients often request information about their health care coverage from their health care providers and that health care providers therefore need access to real-time information about their patients' eligibility to receive health care under the health benefit plan, coverage of health care under the health benefit plan, and the benefits associated with the health benefit plan.

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

Sec. 1660.002. DEFINITIONS. In this chapter:

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

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

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

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

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

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

(1) an insurance company;

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

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

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

(5) a reciprocal exchange operating under Chapter 942;

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

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

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

(b) This chapter does not apply to:

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

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

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

(4) a health benefit plan offered by an insurer or health maintenance organization that provides coverage only for dental services.

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

[Sections 1660.005-1660.050 reserved for expansion]

#### SUBCHAPTER B. ADVISORY COMMITTEE

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



(b) The advisory committee is composed of:

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

(A) health benefit coverage consumers;

(B) physicians;

(C) hospital trade associations;

(D) representatives of medical units of institutions of higher education;

(E) representatives of health benefit plan issuers;

(F) health care providers; and

(G) administrators; and

(2) representatives from:

(A) the office of public insurance counsel;

(B) the Texas Health Insurance Risk Pool; and

(C) the Department of Information Resources.

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

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

(1) Section 39.003(a); and

(2) Chapter 2110, Government Code.

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

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

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

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

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

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

(4) the payor's address;

(5) the name and address of the subscriber;

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

(7) the type of service;

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

(9) the effective date of the coverage;

- (10) for professional services:
  - (A) copayment amounts;
  - (B) individual deductible amounts;
  - (C) family deductible amounts; and
  - (D) benefit limitations and maximums;
- (11) for facility services:
  - (A) copayment and coinsurance amounts;
  - (B) individual deductible amounts;
  - (C) family deductible amounts; and
  - (D) benefit limitations and maximums;
- (12) precertification or prior authorization requirements;
- (13) policy maximum limits;
- (14) patient liability for a proposed service; and
- (15) the health benefit plan coverage amount for a proposed service.

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

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

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

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

(b) The advisory committee shall:

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

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

(3) issue a final report to the commissioner containing the committee's recommendations for implementation by December 1, 2008.

[Sections 1660.056-1660.100 reserved for expansion]

SUBCHAPTER C. IDENTIFICATION CARD PILOT PROGRAM

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

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

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

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

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

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

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

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

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

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

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

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

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

### **HB 1396 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1396**, A bill to be entitled An Act relating to the Office for the Elimination of Health Disparities and the health disparities task force.

Representative Geren moved to concur in the senate amendments to **HB 1396**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 1399):  
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, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Farrar; Moreno; Mowery; Vaught.

Absent — Davis, J.; Harper-Brown; Hodge; McClendon.

### STATEMENT OF VOTE

When Record No. 1399 was taken, I was in the house but away from my desk. I would have voted no.

Harper-Brown

### Senate Committee Substitute

**CSHB 1396**, A bill to be entitled An Act relating to the Office for the Elimination of Health Disparities and the health disparities task force.

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

SECTION 1. Subchapter G, Chapter 12, Health and Safety Code, is transferred to Subtitle E, Title 2, Health and Safety Code, redesignated as Chapter 107A, Health and Safety Code, and amended to read as follows:

CHAPTER 107A [SUBCHAPTER G]. OFFICE FOR THE ELIMINATION OF HEALTH DISPARITIES [OF MINORITY HEALTH]

Sec. 107A.001 [~~12.081~~]. OFFICE FOR THE ELIMINATION OF HEALTH DISPARITIES [OF MINORITY HEALTH]. The executive commissioner of the Health and Human Services Commission [department] shall [establish and] maintain an office for the elimination of health disparities [of minority health] in the Health and Human Services Commission [department] to:

(1) assume a leadership role in working or contracting with state and federal agencies, universities, private interest groups, communities, foundations, and offices of minority health to develop [minority] health initiatives to decrease or eliminate health and health access disparities among racial, multicultural, disadvantaged, ethnic, and regional populations, including appropriate language services [bilingual communications]; and

(2) maximize use of existing resources without duplicating existing efforts.

Sec. 107A.002 [~~12.082~~]. POWERS OF OFFICE. The office may:

(1) provide a central information and referral source, including a clearinghouse for health disparities information, and serve as the primary state resource in coordinating, planning, and advocating access to [minority] health care services to eliminate health disparities in this state;

(2) coordinate conferences and other training opportunities to increase skills among state agencies and government staff in management and in the appreciation of cultural diversity;

(3) pursue and administer grant funds for innovative projects for communities, groups, and individuals;

(4) provide recommendations and training in improving minority recruitment in state agencies;

(5) publicize information regarding health disparities and minority health issues through the use of the media;

(6) network with existing minority organizations, community-based health groups, and statewide health coalitions;

(7) solicit, receive, and spend grants, gifts, and donations from public and private sources; and

(8) contract with public and private entities in the performance of its responsibilities.

Sec. 107A.003 [~~12.083~~]. FUNDING. The Health and Human Services Commission [department] may distribute to the office unobligated and unexpended appropriations to be used to carry out its powers.

~~[Sec. 12.084. REPORT TO LEGISLATURE. Not later than January 1 of each odd-numbered year, the office shall submit a biennial report to the legislature regarding the activities of the office and any findings and recommendations relating to minority health issues.]~~

SECTION 2. Sections 107.001 through 107.004 and 107.008, Health and Safety Code, are amended to read as follows:

Sec. 107.001. DEFINITIONS [DEFINITION]. In this chapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(3) "Health and human services agency" means a health and human services agency listed by Section 531.001, Government Code.

(4) "Task[,—"task] force" means the health disparities task force established under this chapter.

Sec. 107.002. PURPOSE. The purpose of the task force is to assist the commission [~~department~~] in accomplishing the following goals:

(1) to eliminate health and health access disparities in Texas among racial, multicultural, disadvantaged, ethnic, and regional populations; and

(2) to structure health and human services agency [~~reorganize department~~] programs to eliminate health and health access [~~those~~] disparities.

Sec. 107.003. DUTIES. (a) The task force shall:

(1) investigate and report on issues related to health and health access disparities among racial, multicultural, disadvantaged, ethnic, and regional populations;

(2) develop short-term and long-term strategies to eliminate health and health access disparities among racial, multicultural, disadvantaged, ethnic, and regional populations, with a focus on structuring health and human services agency [~~reorganizing department~~] programs to eliminate those disparities;

(3) monitor the progress of each health and human services agency [~~the department~~] in:

(A) eliminating [~~the~~] health and health access disparities; and

(B) structuring the agency's program activities [~~reorganizing department programs~~] to eliminate the disparities; and

(4) advise each health and human services agency [~~the department~~] on the implementation of any targeted programs or funding authorized by the legislature to address health and health access disparities.

(b) In performing the duties described in Subsection (a), the task force shall consult with each health and human services agency [~~the department~~], the Office for the Elimination of Health Disparities [~~of Minority Health and Cultural Competency, women's health offices of the department~~], and any other relevant division of the commission [~~the department~~].

Sec. 107.004. REPORT. The task force shall submit a biennial report on the progress of each health and human services agency [~~the department~~] in accomplishing the goals described by Section 107.002 to the governor, lieutenant governor, and speaker of the house of representatives. This report may be combined with any other report required of the commission [~~department~~] by law.

Sec. 107.008. PERSONNEL AND FACILITIES. The task force is administratively attached to the commission [~~department~~]. The commission [~~department~~] shall provide the necessary staff and facilities to assist the task force in performing its duties.

SECTION 3. The changes in law made by this Act do not affect the entitlement of a member serving on the health disparities task force immediately before the effective date of this Act to continue to carry out the task force's functions for the remainder of the member's term.

SECTION 4. (a) On January 1, 2008, or on an earlier date specified by the executive commissioner of the Health and Human Services Commission:

(1) the Department of State Health Services shall transfer any property, records, or personnel of the department related to the administration of the Office for the Elimination of Health Disparities, formerly known as the Office of Minority Health, or the health disparities task force to the Health and Human

Services Commission to assist the commission to begin administering Chapter 107, Health and Safety Code, as amended by this Act, as efficiently as practicable;

(2) all powers, duties, functions, activities, obligations, rights, contracts, records, property, and appropriations or other money of the Office for the Elimination of Health Disparities, formerly known as the Office of Minority Health, or the health disparities task force are transferred to the Health and Human Services Commission;

(3) a rule or form adopted by the Department of State Health Services that relates to the Office for the Elimination of Health Disparities, the Office of Minority Health, or the health disparities task force is a rule or form of the Health and Human Services Commission and remains in effect until altered by the commission; and

(4) a reference in law or an administrative rule to the Department of State Health Services that relates to the Office for the Elimination of Health Disparities, the Office of Minority Health, or the health disparities task force means the Health and Human Services Commission.

(b) The Health and Human Services Commission shall take all action necessary to provide for the transfer of the Office for Elimination of Health Disparities, formerly known as the Office of Minority Health, to the commission as soon as possible after the effective date of this Act but not later than January 1, 2008.

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

### **MESSAGE FROM THE SENATE**

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

### **POSTPONED BUSINESS**

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

#### **SB 1266 ON THIRD READING**

**(Krusee - House Sponsor)**

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

**SB 1266** was read third time on May 9 and was postponed until 10 a.m. today.

(Madden in the chair)

Representative Krusee moved to postpone consideration of **SB 1266** until 10 a.m. Wednesday, May 16.

The motion prevailed.

(Zerwas in the chair)

**SB 1562 ON SECOND READING**  
**(P. King - House Sponsor)**

**SB 1562**, A bill to be entitled An Act relating to animal control officer training.

**SB 1562** was read second time on May 10 and was postponed until 10 a.m. today.

Representative West moved to postpone consideration of **SB 1562** until 4 p.m. today.

The motion prevailed.

**SB 1783 ON SECOND READING**  
**(Hartnett - House Sponsor)**

**SB 1783**, A bill to be entitled An Act relating to the waiting period for issuing a decree in certain suits for divorce.

**SB 1783** was read second time on May 11 and was postponed until 1 p.m. today.

**SB 1783 - POINT OF ORDER**

Representative Thompson raised a point of order against further consideration of **SB 1783** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Hartnett moved to postpone consideration of **SB 1783** until 4:05 p.m. today.

The motion prevailed.

**MAJOR STATE CALENDAR**  
**SENATE BILLS**  
**SECOND READING**

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

**CSSB 903 ON SECOND READING**  
**(Kolkhorst - House Sponsor)**

**CSSB 903**, A bill to be entitled An Act relating to the continuation and functions of the Office of State-Federal Relations and the administrative attachment of that agency to the office of the governor.

**Amendment No. 1**

Representative Dunnam offered the following amendment to **CSSB 903**:

Amend **CSSB 903** as follows:

(1) On page 3, line 8, between "calls" and "with", insert ", open to any member of the legislature who chooses to participate,".

Amendment No. 1 was adopted.



**CSSB 903**, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**CSSB 908 ON SECOND READING**  
**(McClendon - House Sponsor)**

**CSSB 908**, A bill to be entitled An Act relating to the continuation and functions of the State Office of Risk Management.

**CSSB 908** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**CSSB 12 ON SECOND READING**  
**(Bonnen and Giddings - House Sponsors)**

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

**CSSB 12 - POINT OF ORDER**

Representative Krusee raised a point of order against further consideration of **CSSB 12** under Rule 8, Section 21(b) of the House Rules on the grounds that the general appropriations bill has not yet been certified by the comptroller.

The point of order was withdrawn.

Representative Bonnen moved to postpone consideration of **CSSB 12** until 4:30 p.m. today.

The motion prevailed.

**CSSB 1031 ON SECOND READING**  
**(Eissler - House Sponsor)**

**CSSB 1031**, A bill to be entitled An Act relating to the administration of certain assessment instruments in public schools; providing a criminal penalty.

**Amendment No. 1**

Representative Eissler offered the following amendment to **CSSB 1031**:

Amend **CSSB 1031** (House committee printing) as follows:

(1) In the recital to SECTION 7 of the bill (page 5, line 2), strike "(c-2), and (c-3)" and substitute "(c-2), (c-3), (c-4), and (c-5)".

(2) In SECTION 7 of the bill, in amended Section 39.023(c), Education Code (page 6, line 1), between "history." and "A school", insert "The Algebra I, Algebra II, and geometry end-of-course assessment instruments must be administered with the aid of technology.".

(3) In SECTION 7 of the bill, in amended Section 39.023, Education Code (page 7, between lines 25 and 26), insert the following:

(c-4) To the extent practicable, the agency shall ensure that each end-of-course assessment instrument adopted under Subsection (c) is:

(1) developed in a manner that measures a student's performance under the college readiness standards established under Section 28.008; and

(2) validated by national postsecondary education experts for college readiness content and performance standards.

(c-5) A student's performance on an end-of-course assessment instrument required under Subsection (c) must be included in the student's academic achievement record.

(4) In SECTION 8 of the bill, in the heading to added Section 39.0233, Education Code (page 8, line 1), strike "OPTIONAL" and substitute "SPECIAL-PURPOSE".

(5) In SECTION 8 of the bill, in added Section 39.0233, Education Code (page 8, lines 4, 6, 11, 16, and 20), strike "optional" each place it appears.

(6) In SECTION 8 of the bill, in added Section 39.0233, Education Code (page 8, lines 22 through 24), strike added Subsection (c) and substitute the following:

(c) The State Board of Education shall establish a level of performance on the questions adopted under this section that indicates a student's college readiness. A student's performance on the questions adopted under this section must be evaluated separately from the student's performance on the remainder of the assessment instrument. A student's performance on a question adopted under this section may not be used to determine the student's performance on the assessment instrument for purposes of Section 39.023 or 39.025. The commissioner shall adopt rules concerning the reporting of a student's performance on the questions adopted under this section.

(7) In SECTION 9 of the bill, in amended Section 39.025(b), Education Code (page 10, line 15), immediately following "assessment instrument.", insert "A student is not required to retake a course as a condition of retaking an assessment instrument under this subsection.".

(8) In SECTION 14 of the bill, in amended Section 39.051(b)(5), Education Code (page 20, line 12), strike "optional".

(9) In SECTION 16 of the bill, in amended Section 51.3062(q), Education Code (page 23, lines 8 and 15), strike "optional" each place it appears.

(10) Immediately following SECTION 18 of the bill (page 23, immediately following line 27), insert the following appropriately numbered SECTION and renumber the subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. On the expiration of any contract entered into before September 1, 2007, between the Texas Education Agency and a vendor for the development of assessment instruments required under Section 39.023, Education Code, the Texas Education Agency shall issue a request for proposals for the development of end-of-course assessment instruments required under Section 39.023(c), Education Code, as amended by this Act. The Texas Education Agency may allow a vendor with whom the agency has contracted for the development of assessment instruments under Section 39.023, Education Code,

before September 1, 2007, to begin developing end-of-course assessment instruments required under Section 39.023(c), Education Code, as amended by this Act, before the expiration of the contract.

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representatives Eissler, Geren, Anchia, Patrick, and Isett offered the following amendment to **CSSB 1031**:

Amend **CSSB 1031** (House committee printing) as follows:

(1) Immediately following SECTION 6 of the bill (page 4, between lines 26 and 27), insert the following appropriately numbered SECTION and renumber the subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 39, Education Code, is amended by adding Subchapter A to read as follows:

#### SUBCHAPTER A. COMPREHENSIVE REVIEW OF PUBLIC SCHOOL ACCOUNTABILITY SYSTEM

Sec. 39.001. SELECT COMMITTEE ON PUBLIC SCHOOL  
ACCOUNTABILITY. (a) The Select Committee on Public School Accountability is established to conduct a comprehensive review of the public school accountability system.

(b) The committee is composed of 15 members appointed as follows:

(1) the presiding officers of the standing committees of each house of the legislature with primary jurisdiction over public education;

(2) one member of the senate, appointed by the lieutenant governor;

(3) one member of the house of representatives, appointed by the speaker of the house of representatives;

(4) the commissioner;

(5) the commissioner of higher education;

(6) one public school teacher, one public school principal, and one public school district superintendent, each currently employed in this state and each appointed jointly by the lieutenant governor and the speaker of the house of representatives;

(7) two persons each of whom is currently employed as an educator in a public school in this state and each appointed jointly by the lieutenant governor and the speaker of the house of representatives;

(8) one representative from the business community or the public, appointed by the lieutenant governor;

(9) one representative from the business community or the public, appointed by the speaker of the house of representatives; and

(10) two representatives from the business community and the public, at least one of whom has one or more children who currently attend public school in this state, appointed by the governor.

(c) The governor, lieutenant governor, and speaker of the house of representatives shall make the appointments required by Subsection (b) in a timely fashion to permit the committee to comply with Section 39.002(a).

Sec. 39.002. COMMITTEE MEETINGS. (a) Not later than October 1, 2007, the committee shall hold an organizational meeting.

(b) The presiding officers described by Section 39.001(b)(1) serve as co-chairs of the committee.

(c) Committee meetings shall be held at the call of the co-chairs.

Sec. 39.003. COMPENSATION AND REIMBURSEMENT. (a) A member of the committee is entitled to reimbursement for actual and necessary expenses incurred in performing committee duties.

(b) A legislative member of the committee is entitled to reimbursement from the appropriate fund of the house of the legislature in which the member serves.

(c) A member other than a legislative member is entitled to reimbursement from funds appropriated to the committee.

Sec. 39.004. COMMITTEE STAFF. Staff members of the standing committees described by Section 39.001(b)(1) shall serve as the staff of the committee.

Sec. 39.005. OBJECTIVES OF STUDY. (a) The committee shall conduct a comprehensive review of the public school accountability system. In conducting its review, the committee shall study the mission, organizational structure, design, processes, and practices of similar accountability systems in other states and the requirements established by federal law.

(b) A review under this section must include a thorough study of:

(1) each element of the accountability system prescribed by this chapter, with special emphasis on:

(A) the indicators used to determine accreditation status;

(B) rewards and incentives for campus excellence; and

(C) the responsibilities of the commissioner in assisting and, if necessary, imposing sanctions on districts that do not meet state performance standards;

(2) the extent to which the accountability system is aligned with the requirements prescribed by the No Child Left Behind Act of 2001 (20 U.S.C. Section 6301 et seq.);

(3) the extent to which the accountability system reflects the public education mission, objectives, and goals provided by Chapter 4;

(4) the extent to which the accountability system meets public expectations;

(5) the extent to which the accountability system fairly and accurately reports the effectiveness of educators, instructional programs, support services, and financial expenditures and the impact of these elements on student achievement;

(6) the methods available to monitor the progress of each public school student, with special emphasis on methods to monitor demonstrable growth in academic achievement;

(7) the performance indicators that would successfully measure the effectiveness of the campus teaching and learning environment, including the effect of student discipline on that environment;

(8) the effectiveness of the accountability system in reporting the performance of open-enrollment charter schools and alternative education programs;

(9) the implementation of statewide assessment instruments, including specifically end-of-course assessment instruments;

(10) the extent to which the accountability system measures the performance of districts and campuses on important indicators and aspects of the educational process, other than student scores on standardized assessment instruments;

(11) the extent to which the accountability system clearly and accurately reports to parents and interested persons the overall performance of districts and campuses; and

(12) the extent to which the accountability system considers the different student demographics of districts and campuses.

(c) The committee shall conduct public hearings throughout the state and solicit testimony about the accountability system from parents of public school children and other interested persons. At least one public hearing must be held at a public school during a time that public school students are able to attend the hearing.

(d) The commissioner shall ensure that the committee has access to any documentation and agency personnel the committee requests.

(e) The Legislative Budget Board, comptroller, state auditor, and any other state agency, official, or personnel shall cooperate with the committee in carrying out its duties under this subchapter.

(f) The committee may coordinate the study under this subchapter with any other legislative study, as appropriate.

Sec. 39.006. REPORT. (a) Not later than December 1, 2008, the committee shall provide a report that:

(1) states the findings of the study conducted under this subchapter; and

(2) includes any recommendations for statutory changes.

(b) The report must be approved by a majority of the committee members. A member who disagrees with any part of the report may attach a dissenting statement to the report.

Sec. 39.007. EXPIRATION. This subchapter expires January 13, 2009.

(2) In SECTION 17 of the bill (page 23, line 22), between "SECTION 17." and "Section", insert "(a)".

(3) In SECTION 17 of the bill (page 23, between lines 22 and 23), insert the following:

(b) Effective September 1, 2011, Subchapters C, D, and E, Chapter 39, Education Code, are repealed.

(4) In SECTION 20 of the bill (page 24, line 20), strike "This Act" and substitute "Except as otherwise provided by this Act, this Act".

Amendment No. 2 was adopted.

(Speaker in the chair)

**Amendment No. 3**

Representative Phillips offered the following amendment to **CSSB 1031**:

Amend **CSSB 1031** (House committee printing) as follows:

(1) In the recital to SECTION 7 of the bill (page 5, line 2), strike "(c-2), and (c-3)" and substitute "(c-2), (c-3), and (c-4)".

(2) In SECTION 7 of the bill, in amended Section 39.023, Education Code (page 7, lines 9 through 12), strike added Subsection (c-1) and substitute the following:

(c-1) Any assessment instrument required under this section must allow for the measurement of annual improvement in student achievement as required by Sections 39.034(c) and (d).

(3) In SECTION 7 of the bill, in amended Section 39.023, Education Code (page 7, between lines 25 and 26), insert the following:

(c-4) In adopting an end-of-course assessment instrument under this section, the agency shall consider the use of an existing assessment instrument that is currently available.

(4) In SECTION 8 of the bill, in added Section 39.0234, Education Code (page 8, line 26, through page 9, line 1), strike added Subsection (a) and substitute the following:

(a) The agency shall ensure that assessment instruments required under Section 39.023 are capable of being administered by computer.

Amendment No. 3 was adopted.

**Amendment No. 4**

Representative Phillips offered the following amendment to **CSSB 1031**:

Amend **CSSB 1031** (House committee printing) as follows:

(1) Immediately preceding SECTION 1 of the bill (page 1, between lines 4 and 5), insert the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. Section 12.104(b), Education Code, is amended to read as follows:

(b) An open-enrollment charter school is subject to:

(1) a provision of this title establishing a criminal offense; and

(2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) reading instruments and accelerated reading instruction programs under Section 28.006;

(D) requirements for promotion ~~[satisfactory performance on assessment instruments]~~ and ~~[to]~~ accelerated instruction under Section 28.0211;

(E) high school graduation under Section 28.025;

(F) special education programs under Subchapter A, Chapter 29;

(G) bilingual education under Subchapter B, Chapter 29;

- (H) prekindergarten programs under Subchapter E, Chapter 29;
- (I) extracurricular activities under Section 33.081;
- (J) discipline management practices or behavior management techniques under Section 37.0021;
- (K) health and safety under Chapter 38;
- (L) public school accountability under Subchapters B, C, D, and G, Chapter 39;
- (M) the requirement under Section 21.006 to report an educator's misconduct; and
- (N) intensive programs of instruction under Section 28.0213.

(2) Immediately following SECTION 3 of the bill (page 3, between lines 13 and 14), insert the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. Section 28.0211, Education Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (b) or (e), a student may not be promoted to:

(1) the fourth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on the third grade reading assessment instrument under Section 39.023;

(2) the sixth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on the fifth grade mathematics and reading assessment instruments under Section 39.023; or

(3) the ninth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily in the eighth grade reading and mathematics courses in which the student is enrolled, including a failure to perform satisfactorily in the courses due to the student's failure to perform satisfactorily on the eighth grade mathematics and reading assessment instruments under Section 39.023.

(a-1) For purposes of this section, a student is entitled to retake an assessment instrument specified under Subsection (a)(3) and receive accelerated instruction in the manner provided by this section if the student's failure to perform satisfactorily in the eighth grade reading and mathematics courses in which the student is enrolled is due to the student's failure to perform satisfactorily on the eighth grade mathematics and reading assessment instruments under Section 39.023.

(3) In the recital to SECTION 7 of the bill (page 5, line 1), between "Subsections" and "(c-1)", insert "(a-1), (a-2)".

(4) In SECTION 7 of the bill, in amended Section 39.023, Education Code (page 5, between lines 23 and 24), insert the following:

(a-1) The State Board of Education by rule shall require each assessment instrument administered under Subsection (a) to students in grade six, seven, or eight to be an end-of-course assessment instrument. A school district shall comply with State Board of Education rules regarding administration of the end-of-course assessment instruments to students in grade six, seven, or eight and shall adopt a policy that requires a student's performance on an end-of-course assessment instrument to account for 15 percent of the student's final grade for

the course in which the assessment instrument is administered. The end-of-course assessment instruments must be designed to assess the student's essential knowledge and skills in the designated course, the student's mastery of minimum skills necessary for promotion to the next grade level, and the student's readiness for advanced coursework.

(a-2) The State Board of Education shall adopt rules requiring each assessment instrument administered under Subsection (a) to students in grade six, seven, or eight to be an end-of-course assessment instrument beginning with the 2011-2012 school year. This subsection expires August 1, 2012.

(5) In SECTION 14 of the bill, in amended Section 39.051(b), Education Code (page 21, line 2), between "on which" and "each student", insert "or the subject in which".

(6) Renumber the subsequent SECTIONS of the bill accordingly.

Amendment No. 4 was adopted.

### **Amendment No. 5**

Representative Phillips offered the following amendment to **CSSB 1031**:

Amend **CSSB 1031** (House committee printing) as follows:

(1) In the recital to SECTION 7 of the bill (page 5, line 1), between "Subsections" and "(c-1)", insert "(a-1), (a-2),".

(2) In SECTION 7 of the bill, in amended Section 39.023, Education Code (page 5, between lines 23 and 24), insert the following:

(a-1) The State Board of Education by rule shall require each assessment instrument administered under Subsection (a) to students in grade six, seven, or eight to be an end-of-course assessment instrument. A school district shall comply with State Board of Education rules regarding administration of the end-of-course assessment instruments to students in grade six, seven, or eight and shall adopt a policy that requires a student's performance on an end-of-course assessment instrument to account for 15 percent of the student's final grade for the course in which the assessment instrument is administered. The end-of-course assessment instruments must be designed to assess the student's essential knowledge and skills in the designated course, the student's mastery of minimum skills necessary for promotion to the next grade level, and the student's readiness for advanced coursework.

(a-2) The State Board of Education shall adopt rules requiring each assessment instrument administered under Subsection (a) to students in grade six, seven, or eight to be an end-of-course assessment instrument beginning with the 2011-2012 school year. This subsection expires August 1, 2012.

Amendment No. 5 was withdrawn.

### **Amendment No. 6**

Representative Kolkhorst offered the following amendment to **CSSB 1031**:



Amend **CSSB 1031** (house committee printing) in SECTION 7 of the bill, in amended Subsection (a)(4), Section 39.023, Education Code, between "social studies," and "in grade" (page 5, line 18), by inserting "including Texas history,".

Amendment No. 6 was adopted.

(Taylor in the chair)

#### **Amendment No. 7**

Representative Patrick offered the following amendment to **CSSB 1031**:

Amend **CSSB 1031** by adding the following appropriately numbered SECTIONS and renumbering the following SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.035 to read as follows:

Sec. 39.035. LIMITATION ON FIELD TESTING OF ASSESSMENT INSTRUMENTS. (a) The agency may conduct field testing of questions for any assessment instrument administered under Section 39.023(a), (b), (c), (d), or (1) that is separate from the administration of the assessment instruments:

(1) only during the spring semester after the assessment instruments are administered; and

(2) on the same school campus only once during a period of four school years.

(b) The agency shall ensure that field testing is conducted on a rotating basis among campuses in the state.

SECTION \_\_\_\_\_. Section 39.023, Education Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) In adopting a schedule for the administration of assessment instruments under this section, the State Board of Education shall require assessment instruments administered under Subsection (a) to be administered on a schedule so that the first assessment instrument is administered at least two weeks later than the date on which the first assessment instrument was administered under Subsection (a) during the 2006-2007 school year.

Amendment No. 7 was adopted.

#### **Amendment No. 8**

Representative Phillips offered the following amendment to **CSSB 1031**:

Amend **CSSB 1031** (House committee printing) as follows:

(1) In SECTION 9 of the bill, in amended Section 39.025(a), Education Code (page 9, lines 20 and 21), strike "on the end-of-course [~~secondary exit level~~] assessment instruments for the following courses" and substitute "in the following courses [~~on the end of course assessment instruments for~~]".

(2) In SECTION 9 of the bill, in amended Section 39.025(a-2), Education Code (page 10, line 10), strike "to be used to satisfy" and substitute "to be used toward satisfaction of".

(3) In SECTION 9 of the bill, in amended Section 39.025(b), Education Code (page 10, line 14), strike "on the assessment instrument [~~for that subject area~~]" and substitute "in each necessary course due to a failure to perform satisfactorily on the end-of-course assessment instrument for that course [subject area]".

(4) In SECTION 9 of the bill, in amended Section 39.025(c), Education Code (page 10, lines 18 and 19), strike "on each necessary end-of-course [~~secondary exit level~~] assessment instrument" and substitute "in each necessary course [on each secondary exit level assessment instrument]".

### **Amendment No. 9**

Representative Phillips offered the following amendment to Amendment No. 8:

Amend Amendment No. 8 by Phillips to **CSSB 1031** by adding the following appropriately numbered item to the amendment and renumbering the subsequent items of the amendment accordingly:

( ) In SECTION 9 of the bill, in amended Section 39.025, Education Code (page 10, between lines 10 and 11), insert the following:

(a-3) Notwithstanding Section 39.023(c), a student's performance on an end-of-course assessment instrument for a course listed in Subsection (a) in which the student is required to perform satisfactorily in order to receive a high school diploma accounts for 25 percent of the student's final grade for the course.

Amendment No. 9 was adopted.

Amendment No. 8, as amended, was adopted.

### **Amendment No. 10**

Representative Delisi offered the following amendment to **CSSB 1031**:

Amend **CSSB 1031** as follows:

(1) On page 1, between lines 4 and 5, insert the following appropriately numbered SECTION to the bill:

SECTION \_\_\_\_\_. Subchapter B, Chapter 7, Education Code, is amended by adding Section 7.032 to read as follows:

Sec. 7.032. SUMMARY REPORT ON PUBLIC EDUCATION ACCOUNTABILITY MANDATES. (a) In this section, "public education accountability mandate" means an accountability requirement established by federal or state law.

(b) The agency shall prepare a summary report that:

(1) identifies each public education accountability mandate that applies in this state; and

(2) references the federal or state law authorizing the mandate.

(c) The agency shall:

(1) make the summary report produced under this section available as an electronic document on the agency's Internet website; and

(2) update the electronic document periodically to include any additions or changes to the summary report.

(d) Not later than December 1, 2008, the agency shall deliver in an electronic format a copy of the summary report produced under this section to the governor, lieutenant governor, speaker of the house, and presiding officers of the standing committees of each house of the legislature with primary jurisdiction over public education. The summary report provided under this subsection must include the following additional information relating to public education accountability mandates:

(1) whether a mandate imposed by federal law duplicates all or part of a mandate imposed by state law; and

(2) whether any conflict exists between a mandate imposed by federal law and a mandate imposed by state law.

(e) Subsection (d) and this subsection expire January 15, 2009.

(2) Renumber subsequent SECTIONS of the bill accordingly.

Amendment No. 10 was adopted.

(Speaker in the chair)

### FIVE DAY POSTING RULE SUSPENDED

Representative Hartnett moved to suspend the five day posting rule to allow the Committee on Judiciary to consider **HB 4139** at 3:30 p.m. or upon adjournment today in E2.028.

The motion prevailed.

### CSSB 1031 - (consideration continued)

#### Amendment No. 11

Representative Olivo offered the following amendment to **CSSB 1031**:

Amend **CSSB 1031** by adding the following appropriately numbered SECTION and renumbering the subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 28.0211, Education Code, is amended by amending Subsections (a), (c), and (f) and adding Subsections (c-1), (c-2), (c-3), (c-4), and (p) to read as follows:

(a) Except as provided by Subsection (c-3) [~~(b) or (e)~~], a student may not be promoted to:

(1) the fourth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on the third grade reading assessment instrument under Section 39.023;

(2) the sixth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on the fifth grade mathematics and reading assessment instruments under Section 39.023; or

(3) the ninth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on the eighth grade mathematics and reading assessment instruments under Section 39.023.

(c) The first [~~Each~~] time a student fails to perform satisfactorily on an assessment instrument specified under Subsection (a), the school district in which the student attends school shall provide the student with an opportunity to take the assessment instrument a second time. Before administering the assessment

instrument to the student a second time, the district shall establish a grade placement committee to prescribe ~~to~~ the ~~student~~ accelerated instruction that must be provided by the district to the student in the applicable subject area, including reading instruction for a student who fails to perform satisfactorily on a reading assessment instrument, and establish an educational plan for the student. The educational plan must be designed to enable the student to perform at the appropriate grade level by the conclusion of the school year. An accelerated instruction group administered by a school district under this section may not have a ratio of more than 10 students for each teacher.

(c-1) The grade placement committee established under Subsection (c) shall be composed of the principal or the principal's designee, the student's parent or guardian, and the teacher of the subject of an assessment instrument on which the student failed to perform satisfactorily. The district shall notify the parent or guardian of the time and place for convening the grade placement committee and the purpose of the committee.

(c-2) In addition to providing accelerated instruction to a student and establishing an educational plan for a student under Subsection (c), the district shall notify the student's parent or guardian of:

(1) the student's failure to perform satisfactorily on the assessment instrument;

(2) the accelerated instruction program to which the student is assigned;

(3) the educational plan developed for the student;

(4) the opportunity for the student to take the assessment instrument a second time; and

(5) the possibility that the student might be retained at the same grade level for the next school year if the student fails to perform satisfactorily after taking the assessment instrument a second time.

(c-3) If ~~After~~ a student fails to perform satisfactorily on an assessment instrument a second time, the ~~a~~ grade placement committee shall determine whether the student should be promoted. The grade placement committee may promote the student if the committee determines that the student has demonstrated an overall competency in the essential knowledge and skills of the student's grade level. If the grade placement committee determines that the student should not be promoted, the grade placement committee shall provide the student with an opportunity to take the assessment instrument a third time. If the student's parent or guardian declines the opportunity for the student to take the assessment instrument a third time or if the student takes the assessment instrument a third time and fails to perform satisfactorily on the assessment instrument, the student may not be promoted to the next grade level unless the grade placement committee determines that the student has demonstrated an overall competency in the essential knowledge and skills of the student's grade level. A student may not be retained on the basis of the grade placement committee's decision under this subsection unless that decision is unanimous. The commissioner by rule shall establish a time line for making the placement determination. This subsection does not create a property interest in promotion ~~be established to prescribe the accelerated instruction the district shall provide to~~

~~the student before the student is administered the assessment instrument the third time. The grade placement committee shall be composed of the principal or the principal's designee, the student's parent or guardian, and the teacher of the subject of an assessment instrument on which the student failed to perform satisfactorily. The district shall notify the parent or guardian of the time and place for convening the grade placement committee and the purpose of the committee. An accelerated instruction group administered by a school district under this section may not have a ratio of more than 10 students for each teacher.~~

(c-4) In determining whether a student has demonstrated an overall competency in the essential knowledge and skills of the student's grade level under Subsection (c-3) the grade placement committee shall consider:

(1) evidence of the student's satisfactory performance, including grades, portfolios, work samples, local assessments, and individual reading and mathematics diagnostic tests or inventories;

(2) the student's grades in language arts, mathematics, science, and social studies for the grade level from which the student seeks promotion;

(3) the student's performance on the individual assessment instruments administered to the student under Section 39.023;

(4) the student's total scores on the assessment instrument or instruments specified by Subsection (a); and

(5) extenuating circumstances that have adversely affected the student's participation in the required assessments.

(f) A school district shall provide to a student who, after two [three] attempts, has failed to perform satisfactorily on an assessment instrument specified under Subsection (a) accelerated instruction during the next school year as prescribed by the [an] educational plan developed for the student by the student's grade placement committee [established] under Subsection (c). The district shall provide that accelerated instruction regardless of whether the student has been promoted or retained. [The educational plan must be designed to enable the student to perform at the appropriate grade level by the conclusion of the school year.] During the school year, the student shall be monitored to ensure that the student is progressing in accordance with the educational plan developed for the student under Subsection (c). The district shall administer to the student the assessment instrument for the grade level in which the student is placed at the time the district regularly administers the assessment instruments for that school year.

(p) If at any point during the school year a teacher determines that a student who is required to take an assessment instrument specified under Subsection (a) is not performing at grade level, the teacher shall notify the student's parent or guardian in writing and by telephone and request a conference with the parent or guardian. The teacher must request the conference not later than the 30th day before the first day on which the assessment instrument specified under Subsection (a) is administered to the student.

SECTION \_\_\_\_\_. Sections 28.0211(b), (d), and (e), Education Code, are repealed.

Amendment No. 11 was adopted.

**CSSB 1031**, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

### POSTPONED BUSINESS

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

#### **SB 1562 ON SECOND READING** **(P. King - House Sponsor)**

**SB 1562**, A bill to be entitled An Act relating to animal control officer training.

**SB 1562** was read second time on May 10, postponed until 10 a.m. today, and was again postponed until this time.

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

Representative P. King offered the following amendment to **SB 1562**:

Amend **SB 1562** (House committee report) in SECTION 1 of the bill, immediately following proposed Section 829.001, Health and Safety Code (page 1, between lines 13 and 14), by inserting the following:

Sec. 829.0015. APPLICABILITY OF CHAPTER. This chapter applies only to a county:

- (1) that has a population of more than 75,000; or
- (2) in which the commissioners court by order has adopted this chapter.

Amendment No. 1 was adopted.

(Cohen in the chair)

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

Representative West offered the following amendment to **SB 1562**:

Amend **SB 1562** (Senate engrossment) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 38.151(c), Penal Code, is amended to read as follows:

(c) An offense under this section is:

(1) a Class C misdemeanor if the person commits an offense under Subsection (b)(1);

(2) a Class B misdemeanor if the person commits an offense under Subsection (b)(2);

(3) a Class A misdemeanor if the person commits an offense under Subsection (b)(3), (4), or (5);

(4) except as provided by Subdivision (5), a state jail felony if the person commits an offense under Subsection (b)(6) or (7) by injuring a police service animal or by engaging in conduct likely to injure the animal; or

(5) a felony of the second ~~third~~ degree if the person commits an offense under Subsection (b)(6) or (7) by:

(A) killing a police service animal or ~~by~~ engaging in conduct likely to kill the animal;

(B) injuring a police service animal in a manner that materially and permanently affects the ability of the animal to perform as a police service animal; or

(C) engaging in conduct likely to injure a police service animal in a manner that would materially and permanently affect the ability of the animal to perform as a police service animal.

SECTION \_\_\_\_\_. The changes in law made to Section 38.151(c), Penal Code, by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative Aycock offered the following amendment to **SB 1562**:

Amend **SB 1562** (house committee printing) as follows:

(1) In SECTION 1 of the bill in added Subsection (a), Section 829.003, Health and Safety Code (page 2, line 8) between "courses." and "The" insert "The department shall ensure that the basic and continuing education courses are made available to be completed on the department's internet website."

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

SECTION \_\_\_\_\_. Notwithstanding Section 829.002, Health and Safety Code, as added by this Act, a person is not required to complete animal control officer training until the training is available to be completed online in accordance with Section 829.003, Health and Safety Code, as added by this Act.

Amendment No. 3 was adopted.

**SB 1562**, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: C. Howard and Phillips recorded voting no.)

(Speaker in the chair)

### **SB 1783 ON SECOND READING (Hartnett - House Sponsor)**

**SB 1783**, A bill to be entitled An Act relating to the waiting period for issuing a decree in certain suits for divorce.

**SB 1783** was read second time on May 11, postponed until 1 p.m. today, and was again postponed until this time.

Representative Hartnett moved to postpone consideration of **SB 1783** until 1 p.m. tomorrow.

The motion prevailed.

**MAJOR STATE CALENDAR**  
**(consideration continued)**

**CSSB 61 ON SECOND READING**  
**(McClendon - House Sponsor)**

**CSSB 61**, A bill to be entitled An Act relating to the performance of the functions of the governing body of a political subdivision in the event of a disaster.

**CSSB 61** 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.)

**CONSTITUTIONAL AMENDMENTS CALENDAR**  
**SENATE JOINT RESOLUTIONS**  
**SECOND READING**

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

**SJR 20 ON SECOND READING**  
**(Chavez, T. King, Guillen, Herrero, and Lucio - House Sponsors)**

**SJR 20**, A joint resolution proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board to provide assistance to economically distressed areas.

A record vote was requested.

**SJR 20** was adopted by (Record 1400): 113 Yeas, 22 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bailey; Berman; Bohac; Bolton; Branch; Brown, B.; Burnam; Callegari; Castro; Chavez; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Creighton; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Frost; Gallego; Garcia; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hardcastle; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Murphy; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Rodriguez; Rose; Smith, W.; Smithee; Strama; Straus; Swinford; Thompson; Van Arsdale; Villarreal; Vo; West; Woolley; Zedler.



Nays — Anderson; Ayccock; Bonnen; Brown, F.; Crabb; Crownover; Flynn; Geren; Hamilton; Hancock; Harless; Harper-Brown; Macias; Madden; McCall; O'Day; Riddle; Ritter; Talton; Taylor; Truitt; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; Moreno; Mowery; Vaught.

Absent — Chisum; Christian; Davis, Y.; Keffer; King, S.; Phillips; Smith, T.; Solomons; Turner; Veasey.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1400. I intended to vote no.

B. Brown

I was shown voting yes on Record No. 1400. I intended to vote no.

J. Davis

I was shown voting yes on Record No. 1400. I intended to vote no.

Kolkhorst

I was shown voting yes on Record No. 1400. I intended to vote no.

Kuempel

When Record No. 1400 was taken, I was in the house but away from my desk. I would have voted no.

T. Smith

I was shown voting yes on Record No. 1400. I intended to vote no.

Van Arsdale

I was shown voting yes on Record No. 1400. I intended to vote no.

Zedler

### LEAVE OF ABSENCE GRANTED

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

Chavez on motion of Burnam.

### GENERAL STATE CALENDAR SENATE BILLS SECOND READING

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

### SB 143 ON SECOND READING (Veasey - House Sponsor)

**SB 143**, A bill to be entitled An Act relating to fetal and infant mortality review and health warnings related to fetal and infant mortality; imposing a penalty.

**SB 143** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 99 ON SECOND READING**  
**(Guillen - House Sponsor)**

**SB 99**, A bill to be entitled An Act relating to the identification of and provision of assistance to colonias and for tracking the progress of certain state-funded projects that benefit colonias.

**SB 99** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Harper-Brown recorded voting no.)

**CSSB 382 ON SECOND READING**  
**(Taylor - House Sponsor)**

**CSSB 382**, A bill to be entitled An Act relating to certain refund requirements regarding credit insurance.

**CSSB 382** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 1426 ON SECOND READING**  
**(Hamilton - House Sponsor)**

**SB 1426**, A bill to be entitled An Act relating to the issuance of a food and beverage certificate to the holder of a wine and beer retailer's permit or a retail dealer's on-premise license.

**SB 1426** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Aycock recorded voting no.)

**SB 596 ON SECOND READING**  
**(Turner - House Sponsor)**

**SB 596**, A bill to be entitled An Act relating to the confidentiality of certain information involving real estate transactions of the School Land Board, Veterans' Land Board, General Land Office, or Commissioner of the General Land Office.

**SB 596** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Leibowitz recorded voting no.)

**SB 814 ON SECOND READING**  
**(Dukes - House Sponsor)**

**SB 814**, A bill to be entitled An Act relating to environmental lead investigations by the Department of State Health Services.

**SB 814** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 952 ON SECOND READING**  
**(Hamilton - House Sponsor)**

**SB 952**, A bill to be entitled An Act relating to designation of certain areas as the premises of a mixed beverage permit holder.

**SB 952** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Aycok recorded voting no.)

**SB 811 ON SECOND READING**  
**(Dukes - House Sponsor)**

**SB 811**, A bill to be entitled An Act relating to requiring the Department of State Health Services to allow health care providers to use certain vaccines in the vaccines for children program.

**Amendment No. 1**

On behalf of Representative Dukes, Representative Hopson offered the following amendment to **SB 811**:

Amend **SB 811** (house committee printing) by striking added Subdivisions (1) and (2), Subsection (b), Section 161.0102, Health and Safety Code (page 1, lines 14 through 24), and substituting the following:

- (1) select influenza vaccines from the list of all influenza vaccines that:
- (A) are approved by the United States Food and Drug Administration and recommended by the federal Advisory Committee on Immunization Practices; and
  - (B) are either:
    - (i) within the limits of the vaccines annually allocated by the Centers for Disease Control and Prevention of the United States Public Health Service to the department for the vaccines for children program; or
    - (ii) not offered in the annual allocation under Subparagraph (i), but are available from the Centers for Disease Control and Prevention of the United States Public Health Service and for which the Centers for Disease Control and Prevention awards to the department additional funds; and
- (2) use both inactivated influenza vaccines and live, attenuated influenza vaccines.

Amendment No. 1 was adopted.

(Pickett in the chair)

**Amendment No. 2**

Representative Hopson offered the following amendment to **SB 811**:

Amend the Engrossed version of **SB 811** by adding the appropriately numbered section.

SECTION \_\_\_\_\_. Subchapter A, Chapter 161, Health and Safety Code, is amended by adding Section 161.0103 to read as follows:

Sec. 161.0103. VACCINES FOR CHILDREN PROGRAM. (a) In this section:

(1) "Vaccines for children program" means the program operated by the department under authority of 42 U.S.C. Section 1396s.

(2) "Equivalent vaccines" means two or more vaccines, excluding the influenza vaccine, that protect a recipient of a vaccine against the same infection or infections, that requires the same number of doses, and that have similar safety and efficacy profiles and which are recommended for comparable populations.

(b) Except as provided by Subsection (d), where two or more manufacturers produce equivalent vaccines, the department shall procure an equal supply of the vaccine from each manufacturer.

(c) An equivalent vaccine must be:

(1) approved by the United States Food and Drug Administration;

(2) recommended by the federal Advisory Committee on Immunization Practices; and

(3) made available to the department by the Centers for Disease Control and Prevention of the United States Public Health Service.

(d) The department shall procure an equal supply of each equivalent vaccine under Subsection (b) only if the cost to the department of providing each equivalent vaccine is not more than 110 percent of the lowest priced equivalent vaccine.

Amendment No. 2 was adopted.

**SB 811**, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 75 ON SECOND READING**  
**(Rose - House Sponsor)**

**SB 75**, A bill to be entitled An Act relating to penalties for certain repeat and habitual felony sex offenders.

**SB 75** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**CSSB 64 ON SECOND READING**  
**(Strama - House Sponsor)**

**CSSB 64**, A bill to be entitled An Act relating to the reporting of political contributions accepted or political expenditures made near an election; providing a civil penalty.

**CSSB 64** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 22 ON SECOND READING**  
**(Delisi - House Sponsor)**

**SB 22**, A bill to be entitled An Act relating to long-term care insurance and a partnership for long-term care program.

**SB 22** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 802 ON SECOND READING**  
**(S. King - House Sponsor)**

**SB 802**, A bill to be entitled An Act relating to the child fatality review process, including the composition and functions of the child fatality review team committee.

**SB 802** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 244 ON SECOND READING**  
**(Riddle - House Sponsor)**

**SB 244**, A bill to be entitled An Act relating to the temporary sealing of certain affidavits on which search warrants are based.

**SB 244** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Castro recorded voting no.)

**SB 1667 ON SECOND READING**  
**(Corte - House Sponsor)**

**SB 1667**, A bill to be entitled An Act relating to the amount of an administrative penalty assessed by the Railroad Commission of Texas for a violation of the Texas Surface Coal Mining and Reclamation Act or a permit issued under that act.

**SB 1667** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 600 ON SECOND READING**  
**(Hartnett - House Sponsor)**

**SB 600**, A bill to be entitled An Act relating to compensation paid to statutory county court judges and certain court-related fees.

**SB 600** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**CSSB 82 ON SECOND READING**  
**(Eissler - House Sponsor)**

**CSSB 82**, A bill to be entitled An Act relating to safety regulations for certain public school extracurricular activities.

**Amendment No. 1**

Representative Solomons offered the following amendment to **CSSB 82**:

Amend **CSSB 82** in SECTION 1 of the bill, in added Section 33.203(c), Education Code (page 3, line 21 through page 4, line 6), by striking Subsection (c) and substituting the following:

(c) The Texas Medical Board shall adopt a form to be used as the "Preparticipation Physical Evaluation–Medical History" form.

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

REPRESENTATIVE SOLOMONS: I'm all for doing legislative intent. I think Mr. Zedler's up here insisting that we put people in there in the statute, and, quite frankly, since we have different statutes, I think from a legislative intent, for what I'm trying to accomplish, which is forms for your bill, Mr. Eissler, I'm more than happy to do legislative intent.

REPRESENTATIVE EISSLER: And the intent is to not exclude chiropractors and nurses from their current practices?

SOLOMONS: Absolutely not. It's not my intent to do that.

EISSLER: Then this amendment is acceptable to the author.

**REMARKS ORDERED PRINTED**

Representative Eissler moved to print remarks between Representative Solomons and Representative Eissler.

The motion prevailed.

Amendment No. 1 was adopted.

**LEAVE OF ABSENCE GRANTED**

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

Gattis on motion of Homer.

**CSSB 82 - (consideration continued)**

**CSSB 82**, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Jones, Merritt, and Phillips recorded voting no.)

**SB 502 ON SECOND READING  
(Smithee - House Sponsor)**

**SB 502**, A bill to be entitled An Act relating to minimum insurance coverage amounts to establish evidence of financial responsibility under the Texas Motor Vehicle Safety Responsibility Act.

**Amendment No. 1**

On behalf of Representative Miller, Representative Callegari offered the following amendment to **SB 502**:

Amend **SB 502**, house committee printing, as follows:

(1) On page 1, line 9, strike "2008, the" and substitute "2008, and, except as provided by Section 601.0725, the".

(2) On page 1, line 20, strike "2011, the" and substitute "2011, and, except as provided by Section 601.0725, the".

(3) On page 2, between lines 18 and 19, insert the following:

SECTION 2. Subchapter D, Chapter 601, Transportation Code, is amended by adding Section 601.0725 to read as follows:

Sec. 601.0725. MINIMUM COVERAGE AMOUNTS FOR PERSONS CONVICTED OF CERTAIN OFFENSES. (a) Effective January 1, 2008, the minimum amounts of motor vehicle liability insurance coverage required to establish financial responsibility under this chapter for a vehicle operated by a person convicted of an offense relating to the operation of a motor vehicle while intoxicated are:

(1) \$100,000 for bodily injury to or death of one person in one accident;

(2) \$200,000 for bodily injury to or death of two or more persons in one accident, subject to the amount provided by Subdivision (1) for bodily injury to or death of one of the persons; and

(3) \$100,000 for damage to or destruction of property of others in one accident.

(b) On cancellation or nonrenewal of a motor vehicle insurance policy subject to this section, the insurer that issued the policy shall, in the manner prescribed by the department, notify:

(1) the policyholder and the department of the cancellation or nonrenewal; and

(2) the policyholder that the department is being notified under Subdivision (1) of the cancellation or nonrenewal.

(4) Renumber Sections of the bill appropriately.

Amendment No. 1 was withdrawn.

### **Amendment No. 2**

Representative Alonzo offered the following amendment to **SB 502**:

Amend **SB 502**, house committee printing, as follows:

(1) In SECTION 1 of the bill, strike added Subsection (c) in amended Section 601.072, Transportation Code, (page 2, lines 17-18) and substitute the following:

(c) The Texas Department of Insurance shall establish an outreach program to inform persons of the requirements of this chapter and the ability to comply with the financial responsibility requirements of this chapter through motor vehicle liability insurance coverage. The commissioner of insurance, by rule, shall establish the requirements for the program. The program must be designed to encourage compliance with the financial responsibility requirements, and must be made available in English and Spanish.

(d) Subsection (a) and this section expire December 31, 2010.

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative Smithee offered the following amendment to **SB 502**:

Amend **SB 502** as follows:

(1). On page 1, line 9 delete "January" and substitute "April".

(2). On page 1, lines 21 and 22, delete "January" and substitute "April".

Amendment No. 3 was adopted.

**SB 502**, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Berman, B. Brown, Flynn, and Harper-Brown recorded voting no.)

## **POSTPONED BUSINESS**

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

### **CSSB 12 ON SECOND READING (Bonnen and Giddings - House Sponsors)**

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

**CSSB 12** was read second time earlier today and was postponed until this time.



**Amendment No. 1**

On behalf of Representative Villarreal, Representative Bonnen offered the following amendment to **CSSB 12**:

Amend **CSSB 12** (House committee printing) as follows:

(1) In the recital to SECTION 3.03 of the bill (page 30, lines 15 and 16), strike "Subsection (b), Section 44.901, Education Code, is amended" and substitute "Section 44.901, Education Code, is amended by amending Subsection (b) and adding Subsection (b-1)".

(2) In SECTION 3.03 of the bill (page 30, between lines 21 and 22), insert the following:

(b-1) Not later than January 30 of each year, the board of trustees of a school district shall report to the State Energy Conservation Office:

(1) the electric consumption of the district for the preceding year; and

(2) a description of the district's plan for reducing annual electric consumption as required under Subsection (b).

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Naishtat offered the following amendment to **CSSB 12**:

Amend **CSSB 12** (House committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the subsequent ARTICLES accordingly:

ARTICLE \_\_\_\_ . GLOBAL WARMING TASK FORCE

SECTION \_\_\_\_.01. (a) The state climatologist shall establish a global warming task force composed of business leaders, academic scholars, scientists, economists, and environmentalists to develop a balanced and authoritative assessment of the global warming challenges and opportunities facing Texas. The global warming task force shall focus on the economic opportunities available for Texas businesses in preventing global warming and protecting public health from the effects of global warming.

(b) The global warming task force shall:

(1) assess and update the findings presented by the Task Force on Climate Change in Texas in its 1995 report titled "The Impact of Global Warming on Texas";

(2) assess the feasibility of implementing a carbon emissions credit system in this state; and

(3) determine opportunities in this state for increasing:

(A) efficiency in the use of energy;

(B) the use of renewable sources of energy; and

(C) the capture and sequestration of carbon emissions from the use of fossil fuels.

(c) Not later than October 1, 2008, the global warming task force shall present to the state climatologist findings relating to the assessments conducted under Subsection (b). Not later than November 1, 2008, the state climatologist shall distribute the task force's findings to the governor and each member of the legislature.

SECTION \_\_\_\_\_.02. Not later than November 1, 2007, the state climatologist shall establish a global warming task force as required by this article.

Representative Bonnen moved to table Amendment No. 2.

(Mowery now present)

A record vote was requested.

The motion to table prevailed by (Record 1401): 88 Yeas, 52 Nays, 2 Present, not voting.

Yeas — 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; Farabee; Flores; Flynn; Geren; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; Hill; Hodge; Homer; Hopson; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; McClendon; McReynolds; Merritt; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pierson; Pitts; Quintanilla; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Anderson; Bailey; Bolton; Burnam; Castro; Cohen; Coleman; Crabb; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farias; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Tourelles; Heflin; Hernandez; Herrero; Hochberg; Howard, D.; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; Menendez; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Puente; Raymond; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo.

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

Absent, Excused — Chavez; Farrar; Moreno; Vaught.

Absent, Excused, Committee Meeting — Gattis.

Absent — Hartnett; Miles; Miller.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 1401. I intended to vote yes.

Anderson

I was shown voting yes on Record No. 1401. I intended to vote no.

Pierson

**Amendment No. 3**

Representative Krusee offered the following amendment to **CSSB 12**:

Amend **CSSB 12** in Section 2.15 of the bill by striking amended Subsection (b-1), Section 501.138, Transportation Code (house committee printing, page 26, line 21 through page 27, line 5), and substituting:

(b-1) Fees collected under Subsection (b) to be sent to the comptroller shall be deposited as follows:

(1) before September 1, 2008, to the credit of the Texas emissions reduction plan fund; and

(2) on or after September 1, 2008, to the credit of the Texas Mobility Fund, except that \$5 of each fee imposed under Subsection (a)(1) and deposited on or after September 1, 2008, and before September 1, 2015 [~~2010~~], shall be deposited to the credit of the Texas emissions reduction plan fund.

Amendment No. 3 was adopted.

**Amendment No. 4**

Representative Leibowitz offered the following amendment to **CSSB 12**:

Amend **CSSB 12** (House Committee Printing) by adding the following appropriately numbered SECTIONS to ARTICLE 3 of the bill and renumbering the subsequent SECTIONS of the article accordingly:

SECTION \_\_\_\_\_. Chapter 202, Property Code, is amended by adding Section 202.008 to read as follows:

Sec. 202.008. REGULATION OF SOLAR ENERGY DEVICES. (a) In this section, "solar energy device" has the meaning assigned by Section 171.107, Tax Code.

(b) Except as otherwise provided by this section, a property owners' association may not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from installing a solar energy device.

(c) A provision that violates Subsection (b) is void.

(d) This section does not prohibit the inclusion or enforcement of a provision in a dedicatory instrument that prohibits a solar energy device that:

(1) threatens the public health or safety;

(2) violates a law;

(3) is located on property owned or maintained by the property owners' association;

(4) is located on property owned in common by the members of the property owners' association;

(5) is located in an area on the property owner's property other than:

(A) on the roof of the home; or

(B) in a fenced yard or patio maintained by the property owner; or

(6) is mounted on a device that is taller or more visually obtrusive than is necessary for the solar energy device to operate at not less than 90 percent of its rated efficiency.

SECTION \_\_\_\_\_. Section 202.008, Property Code, as added by this article, applies to a dedicatory instrument without regard to whether the dedicatory instrument takes effect or is renewed before, on, or after the effective date of this Act.

Amendment No. 4 was adopted.

**Amendment No. 5**

Representative Coleman offered the following amendment to **CSSB 12**:

Amend **CSSB 12** by adding the following sections, numbered appropriately, and renumbering the sections of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 39, Utilities Code, is amended by adding Section 39.9051 to read as follows:

Sec. 39.9051. ENERGY EFFICIENCY DEMONSTRATION PROJECTS FOR SOLAR ELECTRIC SYSTEM; GRANT PROGRAM. (a) The commission by rule shall establish grant programs for:

(1) a demonstration project for installation of solar electric systems for new residential subdivisions;

(2) a demonstration project for installation of solar electric systems for new or established affordable housing for persons with low incomes; and

(3) a demonstration project for installation of solar electric systems for not more than three small businesses.

(b) To qualify for a grant under this section, the solar electric system must be a device that:

(1) generates electricity using solar resources;

(2) has a generating capacity of not more than 1,000 kilowatts; and

(3) is installed with a warranty against breakdown or undue degradation

for a period of at least five years.

(c) A demonstration project grant program established under this section must provide for full or partial payment of the cost of equipment and installation for the solar electric systems. The commission shall establish for each grant program a competitive bidding process for grant applicants. The commission shall consider the value of funding demonstration projects in different parts of this state, after considering the demographic and geographic diversity of this state.

(d) To qualify for a grant under Subsection (a)(1) the applicant:

(1) must be a person whose primary business activity is the building of residential housing developments; and

(2) must have installed or must be contractually obligated to install qualifying solar electric systems in each residence constructed in a residential subdivision.

(e) To qualify for a grant under Subsection (a)(2) the applicant must have installed or be contractually obligated to install a qualifying solar electric system for residential real property:

(1) appraised in accordance with Section 23.21, Tax Code, as affordable housing property; or

(2) subject to a contractual obligation that the property will be appraised in accordance with Section 23.21, Tax Code, as affordable housing property within a reasonable time after the grant is received.

(f) To qualify for a grant under Subsection (a)(3), the applicant must be a small business or owner of a small business that meets qualifications adopted by the commission after consideration of federal Small Business Administration standards for qualification for loans from that administration.

(g) The commission shall issue a report to the governor, lieutenant governor, and speaker of the house of representatives not later than December 1 of each even-numbered year summarizing the status of the grant programs established under Subsection (a). The report must include the amount of money granted to each demonstration project and an evaluation of whether the projects demonstrate the economic and ecologic viability of solar electric system installations.

(h) This section expires December 31, 2010.

SECTION \_\_\_\_\_. (a) The Public Utility Commission of Texas may apply to a demonstration project grant program established under Section 39.9051, Utilities Code, as added by this Act, any money appropriated to the commission that may be used for that purpose.

(b) The Public Utility Commission of Texas may solicit and accept gifts, grants, and other donations from any source to carry out the demonstration grant program established under Section 39.9051, Utilities Code, as added by this Act.

(c) Contingent on the passage and becoming law of S.B. No. 482, Acts of the 80th Legislature, Regular Session, 2007, or similar legislation that enacts a provision that establishes a fee on a retail electric provider related to the number of customers the provider gains in a given period, notwithstanding any law dedicating that fee revenue for a particular purpose, that fee revenue may be appropriated for use by the Public Utility Commission of Texas for a demonstration project grant program under Section 39.914, Utilities Code, as added by this Act.

(c) This section expires December 31, 2010.

SECTION \_\_\_\_\_. Subchapter Z, Chapter 39, Utilities Code, is amended by adding Section 39.9032 to read as follows:

Sec. 39.9032. INTERCONNECTION OF DISTRIBUTED RENEWABLE GENERATION. (a) In this section:

(1) "Distributed renewable generation" means electric generation with a capacity of not more than 2,000 kilowatts provided by a renewable energy technology, as defined by Section 39.904, that is installed on a retail electric customer's side of the meter.

(2) "Distributed renewable generation owner" means the owner of distributed renewable generation.

(3) "Interconnection" means the right of a distributed renewable generation owner to physically connect distributed renewable generation to an electricity distribution system, and the technical requirements, rules, or processes for the connection.

(b) A transmission and distribution utility or electric utility shall allow interconnection if:

(1) the distributed renewable generation to be interconnected has a five-year warranty against breakdown or undue degradation; and

(2) the rated capacity of the distributed renewable generation does not exceed the service entrance capacity.

(c) A customer may request interconnection by filing an application for interconnection with the transmission and distribution utility or electric utility. Procedures of a transmission and distribution utility or electric utility for the submission and processing of a customer's application for interconnection shall be consistent with rules adopted by the commission regarding interconnection.

(d) The commission by rule shall establish safety, technical, and performance standards for distributed renewable generation that may be interconnected. In adopting the rules, the commission shall consider standards published by the Underwriters Laboratories, the National Electric Code, the National Electric Safety Code, and the Institute of Electrical and Electronics Engineers.

(e) A transmission and distribution utility, electric utility, or retail electric provider may not require a distributed renewable generation owner whose distributed renewable generation meets the standards established by rule under Subsection (d) to purchase an amount, type, or classification of liability insurance the distributed renewable generation owner would not have in the absence of the distributed renewable generation.

(f) A transmission and distribution utility shall make available to a distributed renewable generation owner for purposes of this section metering required for services provided under this section, including separate meters that measure the load and generator output or a single meter capable of measuring separately in-flow and out-flow at the point of common coupling meter point. The distributed renewable generation owner must pay the differential cost of the metering unless the meters are provided at no additional cost. Except as provided by this section, Section 39.107 applies to metering under this section.

(g) A renewable energy credit that is earned by a distributed renewable generation owner through the interconnection of a renewable electric system is the sole property of the distributed renewable generation owner unless the distributed renewable generation owner engages in a transaction to sell or trade the credit under Section 39.904.

(h) A transmission and distribution utility, an electric utility or retail electric provider shall provide for net metering and may contract with a distributed renewable generation owner so that:

(1) surplus electricity produced by distributed renewable generation is made available for sale to the transmission grid and distribution system; and

(2) the net value of that surplus electricity is credited to the distributed renewable generation owner.

(j) For distributed renewable generation owners in areas in which customer choice has been introduced, the distributed renewable generation owner must sell the owner's surplus electricity produced to the retail electric provider that serves

the distributed renewable generation owner's load at a value agreed to between the distributed renewable generation owner and the provider that serves the owner's load. Without limiting any mutually agreed commercial arrangement, the agreed value may be based on the clearing price of energy at the time of day that the electricity is made available to the grid or may be a credit applied to an account during a billing period that may be carried over to subsequent billing periods until the credit has been redeemed. The independent organization identified in Section 39.151 shall develop procedures so that the amount of electricity purchased from a distributed renewable generation owner under this section is accounted for in settling the total load served by the provider that serves that owner's load by January 1, 2009. A distributed renewable generation owner requesting net metering services for purposes of this section must have metering devices capable of providing measurements consistent with the independent organization's settlement requirements.

SECTION \_\_\_\_\_. Section 39.9032, Utilities Code, as added by this Act, takes effect January 1, 2009.

Amendment No. 5 was adopted.

#### **Amendment No. 6**

Representatives Vo, Thompson, and Hernandez offered the following amendment to **CSSB 12**:

Amend **CSSB 12** (House committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the subsequent ARTICLES accordingly:

ARTICLE \_\_\_\_\_. CONTROL OF EMISSIONS OF AIR CONTAMINANTS

SECTION \_\_\_\_\_.01. Section 382.0205, Health and Safety Code, is amended to read as follows:

Sec. 382.0205. SPECIAL PROBLEMS RELATED TO AIR CONTAMINANT EMISSIONS. Consistent with applicable federal law, the commission by rule shall ~~may~~ control air contaminants as necessary to protect against adverse effects related to:

- (1) acid deposition;
- (2) stratospheric changes, including depletion of ozone; ~~and~~
- (3) climatic changes, including global warming; and
- (4) air pollution.

SECTION \_\_\_\_\_.02. Subchapter B, Chapter 382, Health and Safety Code, is amended by adding Sections 382.0206 and 382.0207 to read as follows:

Sec. 382.0206. AIR POLLUTANT WATCH LIST. (a) The commission shall establish and maintain an air pollutant watch list. The air pollutant watch list must identify:

(1) each air contaminant that the commission determines, on the basis of federal or state ambient air quality standards or effects screening levels for the contaminant, should be included on the air pollutant watch list; and

(2) each geographic area of the state for which ambient air quality monitoring data indicates that the individual or cumulative emissions of one or more air contaminants identified by the commission under Subdivision (1) may cause short-term or long-term adverse human health effects or odors in that area.

(b) The commission shall publish notice of and allow public comment on:

(1) an addition of an air contaminant to or removal of an air contaminant from the air pollutant watch list; or

(2) an addition of an area to or removal of an area from the air pollutant watch list.

(c) Each year, the commission shall hold a public meeting in each area listed on the air pollutant watch list to provide residents of the area with information regarding:

(1) the reasons for the area's inclusion on the air pollutant watch list;  
and

(2) commission actions to reduce the emissions of air contaminants contributing to the area's inclusion on the air pollutant watch list.

(d) Not later than December 1 of each year, the commission shall prepare an electronic report regarding the air pollutant watch list and provide the report to the governor, the lieutenant governor, and the speaker of the house of representatives. The report must include:

(1) the areas and air contaminants currently listed on the air pollutant watch list;

(2) the areas and air contaminants added to or removed from the air pollutant watch list during the preceding fiscal year;

(3) the actions taken by the commission during the preceding fiscal year to reduce the ambient air concentration levels of air contaminants included on the air pollutant watch list; and

(4) any additional monitoring that is needed in a particular area of the state to determine whether the area should be included on the air pollutant watch list.

(e) The air pollutant watch list and the addition of or removal of a pollutant or area to or from the list are not matters subject to the procedural requirements of Subchapter B, Chapter 2001, Government Code.

Sec. 382.0207. PUBLICATION OF AMBIENT AIR QUALITY STANDARDS ON INTERNET WEBSITE. The commission shall promptly publish on its Internet website any ambient air quality data collected by the commission from mobile or stationary ambient air quality monitors.

SECTION \_\_.03. Not later than December 1, 2008, the Texas Commission on Environmental Quality shall prepare and provide to the governor, the lieutenant governor, and the speaker of the house of representatives the initial report required under Section 382.0206(d), Health and Safety Code, as added by this article.

SECTION \_\_.04. Notwithstanding any other provision of this Act, the change in law made by this Article to Section 382.0205, Health and Safety Code, takes effect September 1, 2010.

Amendment No. 6 was adopted.



**Amendment No. 7**

Representative Anchia offered the following amendment to **CSSB 12**:

Amend **CSSB 12** (House Committee Printing) in Article 3 of the bill by inserting the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS accordingly:

SECTION 3. \_\_\_\_\_. Subtitle C, Title 5, Health and Safety Code, is amended by adding Chapter 392 to read as follows:

**CHAPTER 392. APPLIANCE EFFICIENCY STANDARDS**

Sec. 392.001. MINIMUM EFFICIENCY STANDARDS FOR CERTAIN APPLIANCES. Not later than September 1, 2008, the comptroller, in consultation with the state energy conservation office, shall adopt rules establishing minimum efficiency standards for each type of new product described by Section 392.002(a). The standards adopted must be the same standards as have been adopted in at least one other state to reduce energy use.

Sec. 392.002. APPLICABILITY; EXEMPTIONS. (a) This chapter applies to the following new products sold, offered for sale, or installed in this state:

- (1) bottle-type water dispensers;
- (2) commercial hot food holding cabinets;
- (3) compact audio products;
- (4) DVD players and recorders;
- (5) metal halide lamp fixtures;
- (6) portable electric spas;
- (7) residential pool pumps;
- (8) single-voltage external AC to DC power supplies; and
- (9) state-regulated incandescent reflector lamps.

(b) This chapter does not apply to:

- (1) a new product manufactured in this state and sold outside this state;
- (2) a new product manufactured outside this state and sold at wholesale inside this state for final retail sale and installation outside this state; or
- (3) a product installed in a mobile manufactured home at the time of the home's construction.

Sec. 392.003. PRODUCT COMPLIANCE. (a) A new product described by Section 392.002(a) may not be sold or offered for sale in this state unless the efficiency of the new product meets or exceeds the applicable efficiency standards prescribed by the rules adopted under this chapter.

(b) On or after the first anniversary of the date the sale or offering for sale of a new product becomes subject to an efficiency standard adopted under this chapter, that product may not be installed for compensation in this state unless the efficiency of the product meets or exceeds the applicable efficiency standards prescribed by the rules adopted under this chapter.

Sec. 392.004. PRODUCT CERTIFICATION. (a) Except as provided by Subsection (c), the manufacturer of a new product subject to an efficiency standard adopted under this chapter shall certify in writing to the comptroller that the product is in compliance with that standard. The comptroller shall accept as an alternative certification a product's certification to another state with like standards if that state publishes a database of compliant products.

(b) The comptroller shall adopt rules governing the certification of products under this section and shall coordinate certification by this state with the certification programs of other states and federal agencies with similar standards.

(c) Subsection (a) does not apply to a manufacturer of single-voltage external AC to DC power supplies.

Sec. 392.005. COMPLAINTS. The comptroller shall investigate a complaint received concerning a violation of this chapter and shall report the results of the investigation to the attorney general.

Sec. 392.006. ATTORNEY GENERAL ENFORCEMENT. The attorney general may institute proceedings to enforce this chapter.

Sec. 392.007. VIOLATIONS AND PENALTIES. (a) The comptroller shall issue a warning to a person for the person's first violation of this chapter.

(b) A person's second and subsequent violations are subject to a civil penalty of not more than \$250.

(c) Each violation constitutes a separate violation, and each day that a violation continues constitutes a separate violation.

Sec. 392.008. RULES FOR IMPLEMENTATION AND ENFORCEMENT. The comptroller may adopt additional rules necessary to ensure the proper implementation and enforcement of this chapter.

SECTION 3. \_\_\_\_ . (a) The efficiency standards prescribed by rules adopted under Chapter 392, Health and Safety Code, as added by this article, apply only to the sale or offer of sale of a new product to which that chapter applies that occurs on or after January 1, 2009.

(b) Notwithstanding Subsection (a) of this section:

(1) a new residential pool pump that does not meet the efficiency standards adopted under Chapter 392, Health and Safety Code, as added by this article, may be sold in this state through December 31, 2009; and

(2) a new single-voltage external AC to DC power supply made available by a manufacturer directly to a consumer or to a service or repair facility after and separate from the original sale of a product requiring the power supply as a service part or spare part is not required to meet the standards adopted under Chapter 392, Health and Safety Code, as added by this article, until January 1, 2013.

Amendment No. 7 was adopted.

### **Amendment No. 8**

Representative Bonnen offered the following amendment to **CSSB 12**:

Amend **CSSB 12** (House committee printing) as follows:

(1) Strike SECTION 1.03 of the bill (page 2, lines 2-11) and renumber subsequent SECTIONS accordingly.

(2) In SECTION 2.10 of the bill, in proposed Subsection (c), Section 387.003, Health and Safety Code (page 21, lines 16-19), strike from "must include" through the period at the end of that sentence and substitute the following:

may not have more than 11 members, must include two persons of relevant scientific expertise to be nominated by the commission, and may not include more than four county judges selected from counties in the Houston-Galveston-Brazoria and Dallas-Fort Worth nonattainment areas.

(3) In SECTION 3.01 of the bill, in proposed Subsection (b-1), Section 388.003, Health and Safety Code (page 27, line 24), strike "commercial".

(4) In SECTION 3.01 of the bill, in proposed Subsection (b-1), Section 388.003, Health and Safety Code (page 27, line 27), strike "initial editions" and substitute "energy codes".

(5) In SECTION 3.01 of the bill, in proposed Subsection (b-1), Section 388.003, Health and Safety Code (page 28, line 2), strike "editions" and substitute "energy codes".

(6) In SECTION 3.01 of the bill, in amended Section 388.003, Health and Safety Code, strike proposed Subsection (b-2) (page 28, lines 8-15) and substitute the following:

(b-2) The State Energy Conservation Office by rule shall establish a procedure for persons who have an interest in the adoption of energy codes under Subsection (b-1) to have an opportunity to comment on the codes under consideration and to have the commentary considered by the laboratory in developing its recommendations. The office shall consider persons who have an interest in adoption of those codes to include:

- (1) commercial and residential builders, architects, and engineers;
- (2) municipal, county, and other local government authorities; and
- (3) environmental groups.

Amendment No. 8 was adopted.

### MESSAGE FROM THE SENATE

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

### CSSB 12 - (consideration continued)

**CSSB 12**, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: B. Brown, Flynn, C. Howard, and W. Smith recorded voting no.)

### SB 1666 ON SECOND READING (Corte - House Sponsor)

**SB 1666**, A bill to be entitled An Act relating to the authority of the Railroad Commission of Texas to file a lien on certain land adversely affected by past mining practices and reclaimed by the commission.

**SB 1666** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**LEAVE OF ABSENCE GRANTED**

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

Kolkhorst on motion of Geren.

(Speaker in the chair)

**SB 1615 ON SECOND READING  
(Isett - House Sponsor)**

**SB 1615**, A bill to be entitled An Act relating to the collection of delinquent obligations owed to the state.

**SB 1615** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 744 ON SECOND READING  
(Rose - House Sponsor)**

**SB 744**, A bill to be entitled An Act relating to retaliation for reports of possible abuse, neglect, or exploitation of certain persons receiving home and community-based services.

**SB 744** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 528 ON SECOND READING  
(Peña - House Sponsor)**

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

Representative Peña moved to postpone consideration of **SB 528** until 11 a.m. tomorrow.

The motion prevailed.

**CSSB 563 ON SECOND READING  
(Madden - House Sponsor)**

**CSSB 563**, A bill to be entitled An Act relating to assistance by the attorney general in the prosecution of certain offenses involving the use, unlawful appropriation, or misapplication of state property or unlawful conduct in certain state-funded facilities or on other state property.

**CSSB 563** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 344 ON SECOND READING**  
**(J. Davis - House Sponsor)**

**SB 344**, A bill to be entitled An Act relating to the additional exit conference required following inspection, survey, or investigation of certain facilities.

**Amendment No. 1**

Representative J. Davis offered the following amendment to **SB 344**:

Amend **SB 344** (House Committee Report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 243.002, Health and Safety Code, is amended by amending Subdivision (3) and adding Subdivisions (3-a), (3-b), and (5) to read as follows:

(3) "Department" means the [~~Texas~~] Department of State Health Services.

(3-a) "Designated physician group" means any business entity formed exclusively by one or more physicians licensed to practice medicine in this state, including a professional association, a professional corporation, a professional limited liability company, or a professional limited liability partnership.

(3-b) "Facility" means the physical premises that the department determines constitutes an ambulatory surgical center.

(5) "Sublicense agreement" means a written and executed agreement between a licensed ambulatory surgical center and a designated physician group under which the ambulatory surgical center allows the designated physician group to use its facility to provide surgical services to the designated physician group's patients.

SECTION \_\_\_\_\_. The heading to Section 243.003, Health and Safety Code, is amended to read as follows:

Sec. 243.003. LICENSE REQUIRED; SUBLICENSE AGREEMENTS.

SECTION \_\_\_\_\_. Section 243.003, Health and Safety Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) Except as provided by Subsection (d), a [A] license is not transferable or assignable.

(d) An ambulatory surgical center may share its license with a designated physician group under a written sublicense agreement if:

(1) the sublicense agreement is filed with and approved by the department; and

(2) the sublicense agreement provides that:

(A) the ambulatory surgical center remains responsible for ensuring that the facility and all surgical and other services provided by the ambulatory surgical center or in the facility by any designated physician group complies with this chapter and applicable department rules; and

(B) all surgical services provided by the designated physician group as an ambulatory surgical center sublicense holder are provided in the facility.

SECTION \_\_\_\_\_. Section 843.002, Insurance Code, is amended by adding Subdivision (1-a) and amending Subdivision (24) to read as follows:

(1-a) "Ambulatory surgical center" means a facility licensed under Chapter 243, Health and Safety Code. The term includes a designated physician group operating under a sublicense agreement under Section 243.003, Health and Safety Code.

(24) "Provider" means:

(A) a person, other than a physician, who is licensed or otherwise authorized to provide a health care service in this state, including:

(i) a chiropractor, registered nurse, pharmacist, optometrist, registered optician, or acupuncturist; or

(ii) a pharmacy, hospital, ambulatory surgical center, or other institution or organization;

(B) a person who is wholly owned or controlled by a provider or by a group of providers who are licensed or otherwise authorized to provide the same health care service; or

(C) a person who is wholly owned or controlled by one or more hospitals and physicians, including a physician-hospital organization.

SECTION \_\_\_\_\_. Section 1301.001, Insurance Code, is amended by amending Subdivisions (1) and (4) and adding Subdivision (1-a) to read as follows:

(1) "Ambulatory surgical center" means a facility licensed under Chapter 243, Health and Safety Code. The term includes a designated physician group operating under a sublicense agreement under Section 243.003, Health and Safety Code.

(1-a) "Health care provider" means a practitioner, institutional provider, or other person or organization that furnishes health care services and that is licensed or otherwise authorized to practice in this state. The term does not include a physician.

(4) "Institutional provider" means an ambulatory surgical center, [a] hospital, nursing home, or other medical or health-related service facility that provides care for the sick or injured or other care that may be covered in a health insurance policy.

SECTION \_\_\_\_\_. Section 401.011, Labor Code, is amended by adding Subdivision (4-a) and amending Subdivision (20) to read as follows:

(4-a) "Ambulatory surgical center" means a facility licensed under Chapter 243, Health and Safety Code. The term includes a designated physician group operating under a sublicense agreement under Section 243.003, Health and Safety Code.

(20) "Health care facility" means a hospital, ambulatory surgical center, emergency clinic, outpatient clinic, or other facility providing health care.

SECTION \_\_\_\_\_. The change in law made by this Act applies only to a sublicense agreement under Section 243.003, Health and Safety Code, as amended by this Act, that is entered into and approved by the Department of State Health Services on or after the effective date of this Act. A sublicense

agreement entered into before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative Riddle offered the following amendment to **SB 344**:

Amend **SB 344** (House Committee Report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 247.050, Health and Safety Code, is amended by adding Subsection (d) to read as follows:

(d) The department may not delete or permanently remove any information or data pertaining to an unlicensed assisted living facility, including any information required for the report prepared under Subsection (a)(2), from the registry maintained by the department as required under Subsection (a)(1) or from any electronic database, file, or other data storage location of the department.

Amendment No. 2 was adopted.

**SB 344**, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

### **SB 178 ON SECOND READING (Rose - House Sponsor)**

**SB 178**, A bill to be entitled An Act relating to working papers and electronic communications of State Office of Administrative Hearings administrative law judges.

**SB 178** was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Leibowitz recorded voting no.)

### **SCR 73 - ADOPTED (Coleman - House Sponsor)**

Representative T. King moved to suspend all necessary rules to take up and consider at this time **SCR 73**.

The motion prevailed.

The following resolution was laid before the house:

**SCR 73**, Congratulating Eric R. Bittner for his selection as a 2007 Fellow by the John Simon Guggenheim Memorial Foundation.

**SCR 73** was adopted.

**FIVE DAY POSTING RULE SUSPENDED**

Representative Keffer moved to suspend the five day posting rule to allow the Committee on Ways and Means to consider **SB 504** at 8 a.m. tomorrow in E1.014.

The motion prevailed.

Representative Eissler moved to suspend the five day posting rule to allow the Committee on County Affairs to consider **SB 792** upon adjournment today at Desk 105.

The motion prevailed.

Representative Smithee moved to suspend the five day posting rule to allow the Committee on Insurance to consider **SB 828** upon adjournment today in E1.026.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Business and Industry, 9 a.m. tomorrow, E2.026, for a formal meeting, to consider **SB 1437**, **SB 1444**, and pending business.

**COMMITTEES GRANTED PERMISSION TO MEET**

Representative Delisi requested permission for the Committee on Public Health to meet while the house is in session, during bill referral today, in E2.036, to continue the posted hearing.

Permission to meet was granted.

Pursuant to House Rule 4, Section 9, Representative Morrison requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings.

Permission to meet was granted.

**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 1045** and **SB 2039** at 8 a.m. tomorrow in JHR 120.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Juvenile Justice and Family Issues, upon adjournment today, Desk 115, for a formal meeting, to consider **SB 74**.

Natural Resources, upon adjournment today, Desk 112, for a formal meeting, to consider **SB 1341**.



Public Education, upon adjournment today, Desk 31, for a formal meeting, to consider committee business.

Local Government Ways and Means, upon adjournment today, Desk 73, for a formal meeting, to consider **SB 407**, **SB 1336**, **SB 2015**, and **SJR 44**.

Licensing and Administrative Procedures, upon adjournment today, Desk 99, for a formal meeting, to consider **SB 1729** and **SB 1738**.

Culture, Recreation, and Tourism, upon adjournment today, Desk 66, for a formal meeting, to consider senate bills.

Appropriations, upon adjournment today, Desk 98, for a formal meeting, to consider **SB 10**.

Calendars, during bill referral today, 3W.9, for a formal meeting, to consider a calendar.

(Anderson in the chair)

County Affairs, 6:30 p.m. today, 3N.3, for a formal meeting, to consider pending business.

Rules and Resolutions, 9:30 a.m. tomorrow, 3N.3, for a formal meeting, to consider the congratulatory and memorial calendar.

#### **STATEMENT BY REPRESENTATIVE CHAVEZ**

On May 14, 2007, I asked Representative Guillen to excuse me as I had a family illness and needed to be with my father in El Paso. He did not excuse me. Representative Burnam excused me at 4:35 p.m.

Chavez

#### **PROVIDING FOR ADJOURNMENT**

Representative Madden moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees and the receipt of senate messages, the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

#### **BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES CORRECTIONS IN REFERRAL**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

#### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative P. King requested permission for all committees announced to meet on the house floor upon adjournment to be allowed to meet on the house floor pending the receipt of senate messages and bill referral.

Permission to meet was granted.

(Hughes in the chair)

### **MESSAGE FROM THE SENATE**

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

### **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.)

### **ADJOURNMENT**

In accordance with a previous motion, the house, at 9:11 p.m., adjourned until 10 a.m. tomorrow.

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### **ADDENDUM**

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### **REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

#### **List No. 1**

**HB 4140** (By Macias), Relating to the authority of the Cow Creek Groundwater Conservation District to exempt property from ad valorem taxation.  
To Natural Resources.

**HCR 237** (By Corte), Convening a joint memorial session to honor all Texans killed during the Global War on Terrorism.  
To Defense Affairs and State-Federal Relations.

**HR 1937** (By Straus), Encouraging Texans to associate the white cane and guide dog with visually impaired individuals and to exercise caution when driving in proximity to such individuals.  
To Rules and Resolutions.

**HR 2031** (By Dutton), Congratulating the Caring Communities Home Restoration Project team on the occasion of AmeriCorps Week.  
To Rules and Resolutions.

**HR 2032** (By Hardcastle), Congratulating Davis Lunsford of Graham on earning the rank of Eagle Scout.  
To Rules and Resolutions.

**HR 2033** (By Hardcastle), Commemorating the 150th anniversary of the founding of Forestburg.

To Rules and Resolutions.

**HR 2034** (By Gattis), In memory of Norman Gus "Bunky" Whitlow of Round Rock.

To Rules and Resolutions.

**HR 2035** (By Christian), Congratulating Dr. James O. Standley on his 28 years of service as an academic dean at Stephen F. Austin State University.

To Rules and Resolutions.

**HR 2036** (By Leibowitz), Congratulating Hillary Babida of Harlandale High School on being named a 2006-2007 Harlandale ISD Gates Millennium Scholar.

To Rules and Resolutions.

**HR 2037** (By Leibowitz), Congratulating Aleksandra Martinez of Harlandale High School on being named a 2006-2007 Harlandale ISD Gates Millennium Scholar.

To Rules and Resolutions.

**HR 2040** (By S. King), Honoring U.S. Air Force Staff Sergeant Glenn A. Wright on his receipt of the Bronze Star.

To Rules and Resolutions.

**HR 2041** (By S. King), Honoring U.S. Air Force Staff Sergeant Brian D. Borrero on his receipt of the Bronze Star.

To Rules and Resolutions.

**HR 2042** (By Naishtat), Honoring the Continental Club in Austin on the 50th anniversary of its founding.

To Rules and Resolutions.

**HR 2043** (By Naishtat), Honoring Leslie Weston for her service as a legislative intern.

To Rules and Resolutions.

**HR 2044** (By Naishtat), Honoring Alexander Melis for his service as a legislative intern.

To Rules and Resolutions.

**HR 2045** (By Naishtat), Honoring Laurie Hernandez for her service as a legislative intern.

To Rules and Resolutions.

**HR 2046** (By Escobar), Honoring the life of Alvino Soza and commemorating the 2007 Soza family reunion.

To Rules and Resolutions.

**HR 2047** (By Escobar), Congratulating Simon Salinas on his retirement as Willacy County judge.

To Rules and Resolutions.

**HR 2048** (By Escobar), Honoring Judge Arturo Salas for his contributions to the community of La Feria.

To Rules and Resolutions.

**HR 2049** (By Hilderbran), In memory of Sandra Davison of Kerrville.

To Rules and Resolutions.

**HR 2050** (By Hilderbran), Congratulating Marie Hurt on her retirement as public information officer at the Dietert Senior Center in Kerrville.

To Rules and Resolutions.

**HR 2051** (By Vaught), In memory of Russell Plunk of Dallas.

To Rules and Resolutions.

**HR 2052** (By Callegari), In memory of U.S. Army Master Sergeant James Curtis Coons, U.S. Army Captain James Alexander Funkhouser, Jr., U.S. Marine Corporal Benjamin Salgado Rosales, U.S. Army First Lieutenant Jonathan D. Rozier, and U.S. Marine Sergeant James Rodney Tijerina of Katy.

To Rules and Resolutions.

**HR 2053** (By Herrero), Commemorating the 100th anniversary of the city of Robstown.

To Rules and Resolutions.

**HR 2054** (By Hochberg), Congratulating the Reverend J. Amos Jones and Odessa Jones of Houston on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 2055** (By Delisi), Recognizing May 13-19, 2007, as SPJST Legislative Awareness Week and May 14-18, 2007, as Texas Fraternal Week.

To Rules and Resolutions.

**HR 2056** (By Gallego), Honoring Dora G. Alcala of Del Rio for her distinguished career in public service.

To Rules and Resolutions.

**HR 2057** (By Gallego), Congratulating Mr. and Mrs. Jose Luis Nanez of Del Rio on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 2058** (By Gallego), In memory of Alfredo Granado, Jr., of Fort Davis.

To Rules and Resolutions.

**HR 2059** (By Gallego), Honoring the members of the Moreno/Rangel Legislative Leadership Program Class of 2007.

To Rules and Resolutions.

**HR 2060** (By Smithee), Honoring the West Texas A&M University football team for its success during the 2005 and 2006 seasons.

To Rules and Resolutions.

**HR 2061** (By Smithee), In memory of Frances Robbie Wileman Dudley of Austin.

To Rules and Resolutions.

**HR 2062** (By Smithee), Honoring Dr. Russell Long of Amarillo on his professional achievements and congratulating him on his designation as president emeritus of West Texas A&M University.

To Rules and Resolutions.

**HR 2063** (By B. Brown), Requesting the speaker to appoint an interim committee to study the rights of foster parents.

To Human Services.

**HR 2064** (By Goolsby), Designating the grandchildren of house members as honorary mascots.

To House Administration.

**HR 2065** (By Hochberg), Honoring Dr. Phil Hatlen on his retirement from the Texas School for the Blind and Visually Impaired.

To Rules and Resolutions.

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

To Rules and Resolutions.

**HR 2067** (By Frost), Congratulating Pansy Baird on her retirement as treasurer of Bowie County.

To Rules and Resolutions.

**SB 62** to Financial Institutions.

**SB 107** to Ways and Means.

**SB 420** to Higher Education.

**SB 1537** to Land and Resource Management.

**SB 2042** to Natural Resources.

**SB 2043** to Natural Resources.

**SCR 43** to State Affairs.

**SCR 75** to Rules and Resolutions.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

**SB 49** to Higher Education.

**List No. 2**

**SB 792** to County Affairs.

**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**House List No. 38**

**HB 34, HB 35, HB 143, HB 208, HB 233, HB 365, HB 398, HB 402, HB 518, HB 630, HB 632, HB 679, HB 732, HB 862, HB 864, HB 944, HB 1416, HB 1449, HB 1491, HB 1560, HB 1716, HB 1768, HB 1780, HB 1781, HB 1784, HB 1853, HB 1947, HB 1962, HB 2005, HB 2018, HB 2090, HB 2127, HB 2130, HB 2708, HB 2727, HB 2839, HB 3437, HCR 15, HCR 30**

**Senate List No. 40**

**SB 404, SB 573, SB 1104, SB 1360, SB 1950, SB 1960, SB 1978, SB 1981, SB 1982, SB 2018, SCR 61, SCR 63, SCR 67**

**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  
Monday, May 14, 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:**

**HB 416** Strama SPONSOR: Watson  
Relating to providing for restroom access for persons with certain medical conditions; providing a criminal penalty.  
(Committee Substitute)

**HB 741** King, Tracy SPONSOR: Zaffirini  
Relating to an exemption from tuition and fees at public institutions of higher education for children of certain volunteer peace officers who are killed or disabled in the line of duty.

**HB 1044** Dutton SPONSOR: Ellis  
Relating to the delivery of voter registration certificates.  
(Amended)

**HB 1210** Jackson, Jim SPONSOR: Harris  
Relating to the extension of the deadline for filing an application for a refund of an overpayment or erroneous payment of ad valorem taxes.  
(Amended)

**HB 1472** Miller SPONSOR: Wentworth

Relating to the annexation of land for which property taxes are imposed based on the land's value for agricultural or wildlife management purposes or timber production.

**HB 2219** Solomons SPONSOR: Harris  
Relating to service of process on financial institutions.

**HB 2618** Guillen SPONSOR: Zaffirini  
Relating to authorizing political subdivisions to lease property owned by the political subdivision to other governmental entities without following competitive purchasing procedures.

**HB 2967** Hartnett SPONSOR: Watson  
Relating to a performance bond required of a statutory probate court judge.  
(Committee Substitute)

**HCR 94** King, Susan SPONSOR: Fraser  
Designating June 2007 as Juneteenth/Frontier Cowboy Month.

**SCR 78** Duncan  
Recognizing Bob Knight for his contributions to the sport of basketball.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Monday, May 14, 2007 - 2

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 106** Ellis  
Relating to the exemption from the sales tax for clothing and footwear.

**SB 544** Wentworth  
Relating to authorized activities for the holder of a distiller's and rectifier's permit.

**SB 1143** Deuell  
Relating to ranking of physicians by health benefit plans.

**SB 1597** Janek  
Relating to adoption of the Revised Uniform Anatomical Gift Act; providing criminal penalties.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

**SB 913** (31 Yeas, 0 Nays)

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 3**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Monday, May 14, 2007 - 3

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 750** Deuell  
Relating to the creation of offices of inspectors general within certain state agencies.

**SB 753** Shapleigh  
Relating to requirements to report certain data from credit services organizations regarding certain transactions.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 4**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Monday, May 14, 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 439** Deuell



Relating to advance directives and health care and treatment decisions.

**SB 792**

Williams

Relating to the authority of certain counties and other entities with respect to certain transportation projects and to comprehensive development agreements with regard to such projects; authorizing the issuance of bonds; providing penalties.

Respectfully,

Patsy Spaw

Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**May 11**

Business and Industry - **SB 979**

Criminal Jurisprudence - **SB 6, SB 159, SB 167, SB 306, SB 691, SB 1283**

Culture, Recreation, and Tourism - **SB 537, SB 1736**

Defense Affairs and State-Federal Relations - **SB 1724**

Economic Development - **SB 194, SB 637, SB 1023, SB 1365, SB 1619**

Elections - **SB 1776**

Government Reform - **SB 35, SB 72**

Higher Education - **SB 141, SB 1231, SB 1232, SB 1233**

Licensing and Administrative Procedures - **SB 914**

Natural Resources - **HB 4085, SB 683, SB 847**

Public Health - **SB 30**

State Affairs - **SB 1299**

Transportation - **SB 731, SB 1032, SB 1118, SB 1795**

**ENGROSSED**

**May 13 - HB 14, HB 52, HB 152, HB 209, HB 289, HB 315, HB 345, HB 358, HB 405, HB 408, HB 430, HB 454, HB 470, HB 525, HB 539, HB 541, HB 544, HB 573, HB 586, HB 615, HB 649, HB 670, HB 744, HB 773, HB 777, HB 778, HB 831, HB 866, HB 1113, HB 1121, HB 1166, HB 1168, HB 1205, HB 1264, HB 1267, HB 1275, HB 1370, HB 1385, HB 1431, HB 1432, HB 1435, HB 1481, HB 1606, HB 1637, HB 1662, HB 1671, HB 1673, HB 1675, HB 1687, HB 1747, HB 1749, HB 1757,**

HB 1795, HB 1815, HB 1919, HB 1960, HB 1997, HB 2001, HB 2034,  
HB 2043, HB 2063, HB 2074, HB 2078, HB 2099, HB 2100, HB 2167,  
HB 2184, HB 2207, HB 2256, HB 2283, HB 2399, HB 2496, HB 2498,  
HB 2501, HB 2532, HB 2540, HB 2560, HB 2561, HB 2564, HB 2608,  
HB 2622, HB 2644, HB 2646, HB 2653, HB 2660, HB 2662, HB 2667,  
HB 2701, HB 2723, HB 2739, HB 2740, HB 2785, HB 2827, HB 2862,  
HB 2868, HB 2884, HB 2909, HB 2936, HB 3008, HB 3035, HB 3105,  
HB 3171, HB 3184, HB 3190, HB 3248, HB 3261, HB 3266, HB 3268,  
HB 3282, HB 3297, HB 3298, HB 3299, HB 3377, HB 3396, HB 3417,  
HB 3431, HB 3439, HB 3443, HB 3487, HB 3503, HB 3521, HB 3524,  
HB 3541, HB 3575, HB 3584, HB 3609, HB 3647, HB 3659, HB 3666,  
HB 3706, HB 3709, HB 3736, HB 3764, HB 3780, HB 3828, HB 3837,  
HB 3838, HB 3845, HB 3854, HB 3858, HB 3862, HB 3872, HB 3873,  
HB 3934, HB 3954, HB 3982, HB 3991, HB 4004, HB 4010, HB 4014,  
HB 4015, HB 4019, HB 4022, HB 4024, HB 4028, HB 4032, HB 4053,  
HB 4057, HB 4060, HB 4069, HB 4072, HB 4093, HB 4095, HB 4097,  
HB 4098, HB 4100, HB 4101, HB 4109, HB 4110, HB 4112, HB 4114,  
HB 4122, HB 4123, HCR 12, HCR 16, HCR 35, HCR 94, HCR 109,  
HCR 143, HCR 151, HCR 187, HCR 193, HCR 201, HCR 212

#### ENROLLED

May 11 - HB 34, HB 35, HB 143, HB 208, HB 233, HB 365, HB 398,  
HB 402, HB 518, HB 630, HB 632, HB 679, HB 732, HB 862, HB 864,  
HB 944, HB 1416, HB 1449, HB 1491, HB 1560, HB 1716, HB 1768,  
HB 1780, HB 1781, HB 1784, HB 1853, HB 1947, HB 1962, HB 2005,  
HB 2018, HB 2090, HB 2127, HB 2130, HB 2708, HB 2727, HB 2839,  
HB 3437, HCR 15, HCR 30

#### SENT TO THE GOVERNOR

May 11 - HB 66, HB 1071, HB 1311, HB 1312, HB 1622, HCR 213,  
HCR 236, HCR 241

#### SIGNED BY THE GOVERNOR

May 11 - HB 374, HB 484, HB 1379, HB 1763, HCR 173