

HOUSE JOURNAL

EIGHTIETH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-SIXTH DAY — THURSDAY, MARCH 29, 2007

The house met at 9 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 218).

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

Absent — Burnam; Castro; Coleman; Cook, B.; Corte; Davis, J.; Eiland; England; Haggerty; Hardcastle; Hilderbran; Howard, C.; Madden; Merritt; Naishtat; Olivo; Parker; Pierson.

The invocation was offered by Hector Patiño, pastor, Christian Family Center, Laredo.

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

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative Geren who presented Dr. Russell Gamber of Fort Worth as the "Doctor for the Day."

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

(Flores in the chair)

(England now present)

RESOLUTIONS ADOPTED

Representative Hamilton moved to suspend all necessary rules in order to take up and consider at this time **HCR 3, HR 766, HR 1266, and HR 1291**.

The motion prevailed.

The following resolutions were laid before the house:

HCR 3 (by Dukes), Commending the Together Rx Access card program and participating pharmaceutical companies for their efforts to help uninsured Texans get prescription medication at reduced rates.

HR 766 (by Delisi), Recognizing March 30, 2007, as Osteopathic Medicine Day at the State Capitol.

HR 1266 (by Coleman), Congratulating the members of Omega Psi Phi Fraternity on the organization's 96th anniversary.

HR 1291 (by Dutton), Honoring Dale Roberts on his retirement from PrimeWay Federal Credit Union.

(Speaker in the chair)

The resolutions were adopted.

HR 1041 - ADOPTED (by Hopson)

Representative Hopson moved to suspend all necessary rules to take up and consider at this time **HR 1041**.

The motion prevailed.

The following resolution was laid before the house:

HR 1041, Welcoming the Jacksonville Leadership Institute to the State Capitol on March 29, 2007.

HR 1041 was adopted.

(Krusee in the chair)

(Burnam, J. Davis, and Parker now present)

INTRODUCTION OF GUESTS

The chair recognized Representative Hopson who introduced members of the Jacksonville Leadership Institute.

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. 17).

(Speaker in the chair)

(B. Cook, Eiland, Madden, Naishtat, Olivo, and Pierson now present)

**EMERGENCY CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 1 ON SECOND READING
(by Chisum and Guillen)**

CSHB 1, General Appropriations Bill.

(Swinford in the chair)

MESSAGES FROM THE SENATE

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

(Hardcastle and Merritt now present)

(Speaker in the chair)

**HR 1052 - ADOPTED
(by Christian)**

Representative Christian moved to suspend all necessary rules to take up and consider at this time **HR 1052**.

The motion prevailed.

The following resolution was laid before the house:

HR 1052, Recognizing March 27, 2007, as Shelby County Day at the State Capitol.

HR 1052 was read and was adopted.

(Castro, Coleman, Corte, Hilderbran, and C. Howard now present)

**HR 969 - ADOPTED
(by Christian)**

Representative Christian moved to suspend all necessary rules to take up and consider at this time **HR 969**.

The motion prevailed.

The following resolution was laid before the house:

HR 969, In memory of Frank Edward Parker of Center.

HR 969 was read and was unanimously adopted by a rising vote.

On motion of Representative McReynolds, the names of all the members of the house were added to **HR 969** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Christian who introduced family members of Frank Edward Parker.

(Haggerty now present)

(McClendon in the chair)

HR 885 - ADOPTED (by Veasey)

Representative Veasey moved to suspend all necessary rules to take up and consider at this time **HR 885**.

The motion prevailed.

The following resolution was laid before the house:

HR 885, Congratulating the Dunbar High School Lady Wildcats on winning the 2007 UIL 4A girls' state basketball championship.

HR 885 was adopted.

On motion of Representative Geren, the names of all the members of the house were added to **HR 885** as signers thereof.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 16).

(Speaker in the chair)

CSHB 1 - (consideration continued)

Amendment No. 1

Representative Chisum offered the following amendment to **CSHB 1**:
Floor Packet Page No. 97

Amend **CSHB 1** as follows:

(1) In Article II, strike Rider 39 following the appropriation to the Department of Aging and Disability Services (page II-13, house committee printing).

(2) In Article III, in the appropriations for Higher Education Employees Group Insurance Contributions (page III-34, house committee printing):

(A) add an appropriately numbered strategy under Goal C for University of North Texas System Administration and appropriate \$460,360 for the strategy for each fiscal year of the biennium;

(B) decrease the appropriation under Strategy C.1.17 (University of North Texas) by \$460,360 for each fiscal year of the biennium;

(C) add an appropriately numbered strategy under Goal C for Texas Tech System Administration and appropriate \$461,604 for the strategy for each fiscal year of the biennium; and

(D) decrease the appropriation under Strategy C.1.21 (Texas Tech University) by \$461,604 for each fiscal year of the biennium.

(3) In Article III of the bill, in Strategy Q.1.2 under the appropriations for Public Community/Junior Colleges (page III-164, house committee printing), strike "\$2,558,346" and substitute "\$1,258,346".

(4) In Article III of the bill, strike Rider 21 under the appropriations for Public Community/Junior Colleges (page III-170, house committee printing).

(5) In Article VII, in Strategy A.2.1 under the appropriations to the Texas Workforce Commission (page VII-31, house committee printing), in the appropriation for the state fiscal year ending August 31, 2008, strike "\$24,814,239" and substitute "\$26,114,239".

(6) In Article VII, add the following appropriately numbered rider following the appropriations to the Texas Workforce Commission:

_____. West Texas Welding Program. Out of funds appropriated in Strategy A.2.1, Skills Development, the Texas Workforce Commission shall grant \$1,300,000 in general revenue for the fiscal year ending August 31, 2008, to a community college in West Texas for the purpose of supporting the expansion of instructional capacity, including building start-up costs, to provide greater welding and welding fabrication training. The unexpended balance of the funds are appropriated for the fiscal year ending August 31, 2009, for the same purpose.

(7) In Article III of the bill, strike Riders 2 and 3 following the appropriations to the Texas Transportation Institute (page III-189, house committee printing) and substitute the following:

2. Transportation Safety Center. Out of State Highway Fund No. 006, \$500,000 in the fiscal year ending August 31, 2008, and \$500,000 in the fiscal year ending August 31, 2009, shall be used to fund the Transportation Safety Center to conduct research, education, and technology transfer to improve the safety of Texas' roads and highways.

3. Center for International Intelligent Transportation. Out of State Highway Fund No. 006, \$850,000 in the fiscal year ending August 31, 2008, and \$850,000 in the fiscal year ending August 31, 2009, shall be used to fund the Center for International Intelligent Transportation in El Paso to conduct research, education, and technology transfer to improve the safety of Texas' roads and highways for secure international transportation and other issues specific to the El Paso region, international and border settings.

(8) In Article III of the bill, strike Section 23 following the Special Provisions Relating Only to State Agencies of Higher Education (pages III-207 and III-208, house committee printing) and substitute the following:

Sec. 23. County Indigent Care Contracts.

1. Contracts Required. It is the intent of the Legislature that each institution of higher education providing indigent health care contract with relevant counties in the institution's service area to recover the costs associated with treating those counties' indigent patients.

2. County Indigent Care Contracts Reporting. The University of Texas Medical Branch at Galveston, The University of Texas M. D. Anderson Cancer Center, and The University of Texas Health Center at Tyler shall submit to the Legislative Budget Board and the Governor at the end of each fiscal year a list of counties whose indigent residents have been served by each institution; the total amount of reimbursement received by each institution from each county pursuant to the Indigent Health Care and Treatment Act; and the total cost, by county, of services provided by each institution for which counties are liable pursuant to the Indigent Health Care and Treatment Act. In addition, each institution shall report annually to the Legislative Budget Board and Governor on the status of contract agreements or negotiations with each county whose indigent residents have been served by the institution.

(9) In Article IX, in Section 10.09(a) (page IX-49, house committee printing):

- (A) strike "\$37,145,795" and substitute "\$62,145,795";
- (B) strike "\$57,013,381" and substitute "\$95,384,737";
- (C) strike "\$35,762,540" and substitute "\$60,762,540"; and
- (D) strike "\$53,733,306" and substitute "\$91,295,868".

(10) In Article IX, strike Section 13.12 (page IX-60, house committee printing) and renumber the subsequent sections in Part 13 of Article IX accordingly.

(11) In Article XI, insert the following on page XI-84 (house committee printing) following "VIII Regulatory":

EXEMPT POSITION SALARY ADJUSTMENTS

<u>Exempt Positions</u>		<u>Annual Salary</u>		<u>Biennial Increase</u>							
Group	Group	2006-07	2006-07	2008-09	Contingent						
Position Title	Gov.*	Current Request	Actual	Auth.	Req.	<u>From 2006-07 Salary</u>	Change**	MOF	Revenue		
Administrative Hearings, State Office of (360)											
Chief											
Administrative							GR/				
Law Judge	X	3	3	\$98,625	\$98,625	\$118,625	\$33,320	\$33,320	Both	Fund 6	
Banking, Texas Department of (451)											
Commissioner	5	5	\$136,191	\$136,191	\$136,191	\$0	\$0	NC	GR	X	
Chiropractic Examiners, Texas Board of (508)											
Executive											
Director	1	1	\$56,000	\$56,000	\$65,000	\$14,994	\$14,994	Both	GR	X	
Consumer Credit Commissioner, Office of (466)											
Commissioner	3	3	\$100,000	\$100,000	\$100,000	\$0	\$0	NC	GR		
Credit Union Department (469)											
Commissioner	4	4	\$105,000	\$105,000	\$125,880	\$34,786	\$0	Auth.	GR	X	
Dental Examiners, Texas State Board of (504)											
Executive											
Director	2	2	\$67,500	\$70,000	\$75,000	\$8,330	\$8,330	Both	GR	X	

Funeral Service
Commission (513)

Executive

Director 1 1 \$55816 \$55816 \$55816 \$0 \$0 NC GR

(12) In Article XI, under the language for the State Office of Administrative Hearings (page XI-86, house committee printing), strike "IAC" and substitute "GR".

Amendment No. 1 - Point of Order

Representative Gallego raised a point of order against further consideration of Amendment No. 1 under Rule 8, Section 4 of the House Rules on the grounds that the amendment would change general law.

The point of order was withdrawn.

LEAVE OF ABSENCE GRANTED

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

Smithee on motion of Eissler.

CSHB 1 - (consideration continued)

Amendment No. 1 - Point of Order

Representative Talton raised a point of order against further consideration of Amendment No. 1 under Rule 8, Section 4 of the House Rules on the grounds that the amendment would change general law.

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

The chair respectfully overrules the point of order because the rider is only effective to the "extent allowed by state and federal law." Therefore, if the rider conflicts with the statute, it has no effect.

AMENDMENT NO. 1 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE PITTS: Dan, you remember last session we passed the QAF [Quality Assurance Fee] bill twice. I filed one this session and Patrick Rose has one now.

REPRESENTATIVE GATTIS: Right. There's several issues that I think we need to talk about real quick just before we get into the process. One of the things is, as you remember, we passed the QAF last session. We made some assumptions in the budget to make sure we got nursing homes with rate increases. It went over to the senate and the senate wouldn't do it; and therefore we didn't have money to pay for rate increases. The LBB in the interim stepped up, and there is some discrepancy on what the agreement was, but they basically gave the nursing homes an 11 percent increase in their rates.

When I was serving on Article II this time through, when it was brought to me that we were again going to try to do the quality insurance fee to try to get our nursing homes some more money; it was brought to me—when it was brought—was that the way it would be spent is the first monies out of the quality assurance fee would go to pay back the nursing homes for any money that they

put forth. The next dollars would go for paying back what we did—what the LBB did—for kind of reimbursing what the state did for kind of stepping up and going in and increasing rates through the interim.

Now there's some discrepancy on whether that was an agreement with the nursing homes or not. I will tell you that when it was brought to me it was the understanding of the senate, it was the understanding of the governor's office, and it was the understanding of the speaker's office that that's what was supposed to be done. Very seldom has it been known in my short time in this legislative body, that all three bodies have the same message, and so I kind of went, "Well, kind of sounds like that wasn't an agreement." I think that some people are saying that there was an agreement and there's some disagreement over whether or not some part of that money should go to pay back for what we stepped up on, but then the next dollars will go to rate increases.

As originally envisioned in the bill, there was going to be about \$50 million, somewhere around there, that was going to be gone to a qualified nursing program to get our nursing system up. I think what this amendment does is it says we're not going to do that. Everything in the QAF goes back to the nursing homes.

PITTS: Everything in the QAF goes back to the nursing homes?

GATTIS: Correct, I believe that that's what this amendment does.

PITTS: One hundred percent of the QAF money goes back to the nursing homes?

GATTIS: Correct. Either in the form of paying them back for their initial dollars that they will pay through the fee, or through the reimbursement of what we have already done through the 11 percent increase, or through other rate increases that we're allowed to do because we will have additional money.

PITTS: Okay, rate increases for whom? For the nursing homes?

GATTIS: Correct. For the nursing homes.

PITTS: And not for the providers?

GATTIS: No, no, no because if you remember last time through, part of our deal with the nursing homes was we will give you a percentage increase, but we're going to use some of that money for other provider rate increases. I don't think we have made any assumptions that that money will be used for other provider rate increases. We've done that just by stepping up pure GR, and I know that this issue will continue to be a debate as we go through the process. As you well know, Chairman Pitts, it's the way it's done. I think the senate has some varying views on how we should do the quality insurance fee and I think that's something we will work out through this process.

REMARKS ORDERED PRINTED

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

The motion prevailed.

Amendment No. 1 - Point of Order

Representative Dunnam raised a point of order against further consideration of Amendment No. 1 under the Committee on Calendars rule adopted on March 21 on the grounds that the amendment is not revenue neutral.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 1.

STATEMENT BY SPEAKER CRADDICK

The speaker submitted and had read the following statement regarding pre-filed Texas Enterprise Fund amendments to **CSHB 1**:

Before we begin, several amendments have been drafted that include reductions to the Texas Enterprise Fund. I wanted to give some background on that fund and its current method of funding.

Prior to the 79th Legislature, funding for the Texas Enterprise Fund consisted of undedicated general revenue funds. However, last session, **HB 2421** changed the method of funding of the Enterprise Fund. That bill, authored by Representative Chavez, Representative Villarreal, Representative Castro, and Representative Leibowitz, and which passed the house 141-1, added Subchapter G, Chapter 204, Labor Code, and created an employment and training investment assessment on certain employers of one-tenth of one percent of wages paid by the employer. This assessment is placed in the employment and training investment holding fund, which is a special trust fund outside of the state treasury in the custody of the comptroller, separate and apart from all public money or funds of this state. In this year, 75 percent to the holding fund was transferred to the Texas Enterprise Fund created under Section 481.078, Government Code. I have discussed this matter with LBB and LBB indicates to me that all the funds in this appropriations bill relating to the Enterprise Fund have been transferred by law to special trust funds outside the state treasury and, as such, are not funds against on which the appropriation can be certified.

Therefore, an amendment that used Texas Enterprise Funds to offset an increase in appropriations would not be in order because it would violate that portion of the calendar rule which requires that "any amendment that adds or increases an item of appropriation in Articles I-X is not in order unless the amendment contains an equal or greater reduction in one or more other items of appropriation in one of those articles from the fund or funds against which the appropriation is to be certified. In short, to allow such an amendment would allow an appropriation from general revenue without an offsetting certifiable reduction in general revenue, which is in direct conflict with the calendar rule.

Under this analysis and LBB's view that the Enterprise Fund is a fund outside of the state treasury, the chair rules that the following amendments are out of order: Amendments on Pages 4, 42, 44, 95, 96, 102, 109, 114, 115, 154, 156, 158, 160, and 176 of the prefiled amendments packet.

The chair has also determined that a large portion of the Fund 06 funds are either constitutionally dedicated funds or monies that are statutorily dedicated and not general revenue. As such, the following amendments are out of order: Pages 112, 118, and 206 of the prefiled amendments packet.

Amendment No. 2

Representative Frost offered the following amendment to **CSHB 1**:
Floor Packet Page No. 2

Amend **CSHB 1** as follows:

(1) On page I-4, Office of the Attorney General, decrease the appropriation for Goal A, Provide Legal Services, by \$5,879,515 in Fiscal Year 2008 and \$4,122,596 in Fiscal Year 2009; and

(2) On page I-4, Office of the Attorney General, increase the appropriation for Strategy B.1.1, Child Support Enforcement, by \$5,879,515 in Fiscal Year 2008 and \$4,122,596 in Fiscal Year 2009.

Amendment No. 3

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

Amend Floor Amendment No. 2 to **CSHB 1** by Frost (page 2 of the prefiled amendments packet) as follows:

(1) on lines 5-6, strike "\$5,879,515 in Fiscal Year 2008 and \$4,122,596 in Fiscal Year 2009" and substitute "\$1,667,020 for state fiscal year 2008 and \$1,667,020 for state fiscal year 2009".

(2) on lines 9-10, strike "\$5,879,515 in Fiscal Year 2008 and \$4,122,596 in Fiscal Year 2009" and substitute "1,667,020 for state fiscal year 2008 and \$1,667,020 for state fiscal year 2009".

Amendment No. 3 was adopted.

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

A record vote was requested.

The motion to table prevailed by (Record 219): 93 Yeas, 51 Nays, 1 Present, not voting.

Yeas — Allen; Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dutton; Eissler; Elkins; England; Flores; Flynn; Gattis; Geren; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hill; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; McCall; McClendon; McReynolds; Menendez; Miller; Morrison; Murphy; O'Day; Orr; Otto; Parker; Patrick; Peña; Phillips; Pickett; Pitts; Puente; Riddle; Rose; Smith, T.; Smith, W.; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Alonzo; Anchia; Bolton; Burnam; Castro; Cohen; Coleman; Cook, R.; Davis, Y.; Dunnam; Eiland; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Tourelles; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Leibowitz; Mallory Caraway; Martinez; Martinez Fischer; Merritt; Miles; Moreno; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pierson; Quintanilla; Raymond; Ritter; Rodriguez; Strama; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Smithee.

Absent — Guillen; Mowery; Paxton; Thompson.

STATEMENTS OF VOTE

When Record No. 219 was taken, my vote failed to register. I would have voted no.

Guillen

When Record No. 219 was taken, I was in the house but away from my desk. I would have voted no.

Thompson

Amendment No. 4

Representative Veasey offered the following amendment to **CSHB 1**:
Floor Packet Page No. 3

Amend **CSHB 1** in Article I, appropriation for the Office of the Attorney General, by inserting the following appropriately-numbered rider and renumbering any subsequent riders accordingly:

"____. VOTER INTIMIDATION. It is the intent of the Legislature that none of the funds appropriated to the Office of the Attorney General may be used for the investigation or other action by the office related to intentional acts or willful failures to act that, under state or federal law, are:

- (1) classified as criminal offenses;
- (2) initially required to be prosecuted by an attorney for the state other than the attorney general or the office and that cannot be prosecuted by the attorney general or the office unless the attorney for the state requests the assistance of the attorney general or the office; and
- (3) related to causing:
 - (A) ineligible persons to participate in the election process;
 - (B) eligible persons to be excluded from the election process;
 - (C) ineligible votes to be cast in an election;
 - (D) eligible votes not to be cast or counted; or
 - (E) other interference with or invalidation of election results."

Amendment No. 4 - Point of Order

Representative Gattis raised a point of order against further consideration of Amendment No. 4 under Rule 8, Section 4 of the House Rules on the grounds that the amendment would change general law.

The chair sustained the point of order.

The ruling precluded further consideration of Amendment No. 4.

Amendment No. 5

Representative Villarreal offered the following amendment to **CSHB 1**:
Floor Packet Page No. 5

Amend **CSHB 1** (House committee printing) as follows:

(1) Add the following appropriately numbered rider in Article I following the appropriations to the Comptroller of Public Accounts:

_____. Contingent Appropriation: Review of Appraisal District Appraisal Standards. (a) Contingent on the enactment of **HB 2513** or similar legislation of the 80th Legislature relating to periodic reviews of appraisal district appraisal standards, the Article X appropriations to the Texas House of Representatives for Strategy A.1.1. (page X-2) for the fiscal year ending August 31, 2008, are reduced by \$1,500,000, and those appropriations for the fiscal year ending August 31, 2009, are reduced by \$1,500,000, and the amount of \$1,500,000 from the same methods of finance is added to the amounts otherwise appropriated for each of those fiscal years to the Comptroller of Public Accounts for the purpose of conducting those periodic reviews of appraisal district appraisal standards.

(b) The unexpended balance of the amount appropriated by Subsection (a) for the fiscal year ending August 31, 2008, is appropriated to the Comptroller of Public Accounts for the same purpose for the fiscal year ending August 31, 2009.

(2) Adjust article and agency totals (pages I-21 and X-2) accordingly.

Amendment No. 5 was adopted.

Amendment No. 6

Representative Gallego offered the following amendment to **CSHB 1**:
Floor Packet Page No. 6

Amend **CSHB 1** by adding the following appropriately numbered rider in Article I of the bill after the appropriation to the Comptroller of Public Accounts:

_____. Out of the appropriation made in this Article for the Comptroller of Public Accounts, the Comptroller of Public Accounts shall expend funds to issue a report to be made easily accessible by the public, itemized by fund, on the use of state taxes and fees for purposes other than the purpose for which they were expressly collected.

Amendment No. 7

Representative Chisum offered the following amendment to Amendment No. 6:

Amend the amendment to **CSHB 1** by adding the following appropriately number revised rider in Article I of the bill after the appropriation to the Comptroller of Public Accounts:

_____. Out of the appropriation made to this Article for the Comptroller of Public Accounts, the Comptroller of Public Accounts shall expend funds to issue a report to be placed on the agency's website ~~made easily accessible by the public~~, itemized by General Revenue-Dedicated Fund ~~fund~~, on the use of state taxes and fees for purposes other than the purpose for which ~~they~~ the General Revenue-Dedicated Funds were expressly collected.

Amendment No. 7 was adopted.

Amendment No. 6, as amended, was adopted.

Amendment No. 8

Representative Burnam offered the following amendment to **CSHB 1**:

Floor Packet Page No. 9

Amend **CSHB 1** as follows:

(1) In Article I, insert the following appropriately numbered Rider to the appropriation for the Texas Enterprise Fund, Account No. 5107, to read as follows and renumbering subsequent Riders accordingly:

"_____. Out of funds appropriated for the Texas Enterprise Fund, \$60 million must be spent on the establishment and expansion of enterprises in this state that have as their primary purpose one of the following: the creation of energy derived from renewable energy technology; the creation of devices that will store energy created by renewable energy sources; the improvement or creation of technology to allow for capture and sequestration of carbon from fossil-fuel burning electric generating units; or, the improvement or creation of technology that improves energy efficiency."

Representative Chisum moved to table Amendment No. 8.

A record vote was requested.

The motion to table prevailed by (Record 220): 87 Yeas, 51 Nays, 1 Present, not voting.

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

Nays — Allen; Anchia; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Dunnam; Dutton; Eiland; Escobar; Farias; Farrar; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; Miles; Moreno; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pierson; Quintanilla; Raymond; Rodriguez; Strama; Thompson; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Smithee.

Absent — Alonzo; Callegari; Darby; Flores; Frost; McClendon; Menendez; Pickett; Ritter; Straus.

Amendment No. 9

Representative Villarreal offered the following amendment to **CSHB 1**:
Floor Packet Page No. 10

Amend **CSHB 1** in Article I of the bill by adding the following appropriately numbered rider following the appropriations to the Trusteed Programs within the Office of the Governor:

_____. Small Business Assistance. Out of the funds appropriated above in Strategy A.1.8, Texas Enterprise Fund, \$500,000 for the state fiscal year ending August 31, 2008, is transferred for that fiscal year to the funds appropriated above in Strategy A.1.9, Economic Development and Tourism, and may be used only for assistance to small businesses under the capital access program established under Subchapter BB, Chapter 481, Government Code.

Amendment No. 10

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

Amend Amendment No. 9 by Villarreal to **CSHB 1** (Page 10, pre-filed amendments packet) by adding the following to the end of the amendment:

(2) In Article I of the bill, add the following appropriately numbered rider following the appropriations to the Trusteed Programs within the Office of the Governor:

_____. Texas Enterprise Fund Grants for System Center-San Antonio. Out of the funds appropriated above in Strategy A.1.8., Texas Enterprise Fund, the amount of \$10,157,000 may be granted only to Texas A&M University-Kingsville for the purposes of funding infrastructure development at the university's System Center-San Antonio, community development resulting from improvements and operations at System Center-San Antonio, or job training programs offered by System Center-San Antonio. The amount granted may be spent by the university for the purposes prescribed by the grant during the state fiscal biennium ending August 31, 2009.

Amendment No. 10 was adopted.

Amendment No. 11

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

Amend Amendment No. 9 by Villarreal to **CSHB 1** (Page 10, pre-filed amendments packet) by adding the following to the end of the amendment:

(2) In Article I of the bill, add the following appropriately numbered rider following the appropriations to the Trusteed Programs within the Office of the Governor:

_____. Texas Enterprise Fund Grants for Housing Trust Fund. Out of the funds appropriated above in Strategy A.1.8., Texas Enterprise Fund, the amount of \$12,000,000 may be granted only to the Department of Housing and Community Affairs for the community development purposes of the Housing Trust Fund. The granted amounts shall be deposited into the Housing Trust Fund and are appropriated out of the trust fund to the Department of Housing and Community Affairs for the state fiscal biennium ending August 31, 2009 for the purpose of providing affordable housing programs and for any other purposes authorized for money in that fund.

Amendment No. 11 was withdrawn.

Amendment No. 9 - Point of Order

Representative Corte raised a point of order against further consideration of Amendment No. 9, as amended, under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 9, as amended.

Amendment No. 12

Representative Burnam offered the following amendment to **CSHB 1**:
Floor Packet Page No. 11

Amend **CSHB 1** as follows:

(1) In Article I, insert the following appropriately numbered Rider to the appropriation for the Emerging Technology Fund, Account No. 5124, to read as follows and renumbering subsequent Riders accordingly:

" _____. Out of funds appropriated for the Emerging Technology Fund, \$25 million must be spent on the establishment and expansion of enterprises in this state that have as their primary purpose one of the following: the creation of energy derived from renewable energy technology; the creation of devices that will store energy created by renewable energy sources; the improvement or creation of technology to allow for capture and sequestration of carbon from fossil-fuel burning electric generating units; or, the improvement or creation of technology that improves energy efficiency."

Representative Chisum moved to table Amendment No. 12.

A record vote was requested.

The motion to table prevailed by (Record 221): 96 Yeas, 48 Nays, 1 Present, not voting.

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

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Cohen; Coleman; Davis, Y.; Dunnam; Eiland; Escobar; Farias; Farrar; Frost; Gallego; Garcia; Gonzales; Gonzalez Toureilles; Heflin; Hernandez; Herrero; Hochberg; Hodge; Hopson; Howard, D.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; Menendez; Miles; Moreno; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pierson; Raymond; Rodriguez; Strama; Thompson; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Smithee.

Absent — Driver; Dutton; Krusee; Quintanilla.

Amendment No. 13

Representative Menendez offered the following amendment to **CSHB 1**:
Floor Packet Page No. 15

Amend **CSHB 1** as follows:

Add the following appropriately numbered rider following the appropriations to the trustee programs within the office of the governor:

_____. Grants to Certain Peace Officer Organizations. The Criminal Justice Division may not use any money appropriated under this Act to make a grant or other distribution to an association, group, union, lodge, local, or other organization, whether incorporated or unincorporated, in which peace officers participate and which exists wholly or partly to deal with employers concerning grievances, labor disputes, wages and rates of pay, hours of employment, and conditions of work if:

(1) the organization or an employee of the organization is required to register under Chapter 305, Government Code;

(2) the organization employs a person for the purpose of affecting the outcome of legislation, agency rules, ordinances, or other governmental policies;
or

(3) the organization provides legal representation to its members.

Amendment No. 14

Representative Menendez offered the following amendment to Amendment No. 13:

Amend the Menendez amendment to **CSHB 1** (page 15 of the amendment packet) as follows:

(1) On page 1 of the amendment, line 2, before "Add the", insert "(1)".

(2) On page 1 of the amendment, following line 20, insert the following:

(2) Add the following appropriately numbered rider following the Article VII appropriations to the Texas Department of Transportation:

_____. Grants to Certain Peace Officer Organizations. The Texas Department of Transportation may not use any money appropriated under this Act to make a grant or other distribution to an association, group, union, lodge, local, or other organization, whether incorporated or unincorporated, in which peace officers participate and which exists wholly or partly to deal with employers concerning grievances, labor disputes, wages and rates of pay, hours of employment, and conditions of work if:

(1) the organization or an employee of the organization is required to register under Chapter 305, Government Code;

(2) the organization employs a person for the purpose of affecting the outcome of legislation, agency rules, ordinances, or other governmental policies; or

(3) the organization provides legal representation to its members.

(3) Add the following appropriately numbered rider to Article IX of the bill:

_____. Grants to Certain Peace Officer Organizations. A state agency may not use any money appropriated under this Act to make a grant or other distribution to an association, group, union, lodge, local, or other organization, whether incorporated or unincorporated, in which peace officers participate and which exists wholly or partly to deal with employers concerning grievances, labor disputes, wages and rates of pay, hours of employment, and conditions of work if:

(1) the organization or an employee of the organization is required to register under Chapter 305, Government Code;

(2) the organization employs a person for the purpose of affecting the outcome of legislation, agency rules, ordinances, or other governmental policies; or

(3) the organization provides legal representation to its members.

Amendment No. 14 was adopted. (The vote was reconsidered later today, and Amendment No. 14 was withdrawn.)

Amendment No. 13, as amended, was withdrawn. (The vote was reconsidered later today, and Amendment No. 13, as amended by Amendment No. 58, was adopted.)

Amendment No. 15

Representative Y. Davis offered the following amendment to **CSHB 1**:

Floor Packet Page No. 17

Amend **CSHB 1**, Article I, Texas Historical Commission, on page I-55, by adding a new rider to read as follows and by numbering it accordingly:

"____. African Americans in Texas. Historical & Cultural Legacies. Out of the funds appropriated above, the Commission shall print sufficient copies for public distribution of the booklet entitled African Americans in Texas: Historical & Cultural Legacies.

Amendment No. 15 was adopted.

Amendment No. 16

Representative Escobar offered the following amendment to **CSHB 1**:

Floor Packet Page No. 22

Amend **CSHB 1** as follows:

1. On Page I-44, Office of the Governor, reduce funding for Strategy A.1.1. Support Governor & State by \$800,000 in Fiscal Year 2008;
2. On Page I-78, Veterans Commission, increases funding for Strategy A.1.1. Claims Representation and Counseling; and
3. On Page I-80, amend Section 4. Visitation to Wounded and Disabled Veterans by striking the words "amount of \$52,000" and substituting in lieu thereof the words "amount necessary".

Amendment No. 17

Representative Escobar offered the following amendment to Amendment No. 16:

Amend Amendment No. 16 by Escobar to **CSHB 1** (page 22 of the prefiled amendments packet) as follows:

(1) In item 1 of the amendment, strike "reduce funding for Strategy A.1.1. Support Governor & State by \$800,000" and substitute "reduce general revenue appropriations for Strategy A.1.1. SUPPORT GOVERNOR & STATE by \$600,000".

(2) In item 2 of the amendment strike "increase funding for Strategy A.1.1. Claims Representation and Counseling" and substitute "increase general revenue appropriations for Strategy A.1.1. CLAIMS REPRESENTATION & COUNSELING by \$600,000 for the state fiscal biennium ending August 31, 2009".

Amendment No. 17 was adopted.

Representative Isett moved to table Amendment No. 16, as amended.

A record vote was requested.

The motion to table was lost by (Record 222): 68 Yeas, 76 Nays, 1 Present, not voting.

Yeas — Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Crabb; Crownover; Darby; Davis, J.; Delisi; Driver; Dukes; Eissler; Elkins; England; Flynn; Gattis; Hancock;

Hardcastle; Harless; Harper-Brown; Hartnett; Hill; Howard, C.; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Puente; Riddle; Smith, T.; Smith, W.; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Woolley; Zedler.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Smithee.

Absent — Creighton; Goolsby; Hughes; West.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 222. I intended to vote no.

Berman

I was shown voting yes on Record No. 222. I intended to vote no.

B. Cook

I was shown voting yes on Record No. 222. I intended to vote no.

Christian

I was shown voting yes on Record No. 222. I intended to vote no.

Crabb

When Record No. 222 was taken, I was in the house but away from my desk. I would have voted no.

Creighton

I was shown voting yes on Record No. 222. I intended to vote no.

Crownover

I was shown voting yes on Record No. 222. I intended to vote no.

Delisi

I was shown voting yes on Record No. 222. I intended to vote no.

Driver

When Record No. 222 was taken, I was in the house but away from my desk. I would have voted no.

Goolsby

I was shown voting yes on Record No. 222. I intended to vote no.

Hancock

I was shown voting yes on Record No. 222. I intended to vote no.

Harper-Brown

I was shown voting yes on Record No. 222. I intended to vote no.

Keffer

I was shown voting yes on Record No. 222. I intended to vote no.

S. King

I was shown voting yes on Record No. 222. I intended to vote no.

Kuempel

I was shown voting yes on Record No. 222. I intended to vote no.

Otto

I was shown voting yes on Record No. 222. I intended to vote no.

Phillips

I was shown voting yes on Record No. 222. I intended to vote no.

Pitts

I was shown voting yes on Record No. 222. I intended to vote no.

T. Smith

I was shown voting yes on Record No. 222. I intended to vote no.

W. Smith

I was shown voting yes on Record No. 222. I intended to vote no.

Straus

I was shown voting yes on Record No. 222. I intended to vote no.

Taylor

When Record No. 222 was taken, I was in the house but away from my desk. I would have voted yes.

West

Amendment No. 16, as amended, was adopted.

Amendment No. 18

Representative Y. Davis offered the following amendment to **CSHB 1**:

Floor Packet Page No. 25

Amend **CSHB 1** as follows:

1) On page II-25, Department of Family and Protective Services, increase Strategy A.2.17, At-Risk Prevention Program, by \$372,204 in Fiscal Year 2008 and \$387,965 in Fiscal Year 2009 out of the general revenue fund; and

2) On page I-44, Office of the Governor, reduce the amount of general revenue appropriated in Strategy A.1.1. Support Governor & State, by \$760,168.

Amendment No. 19

Representative Y. Davis offered the following amendment to Amendment No. 18:

Amend Amendment No. 18 by Y. Davis to **CSHB 1** (page 25, pre-filed amendments packet) by striking "\$760,168" and substituting "\$760,169".

Amendment No. 19 was adopted.

Representative J. Davis moved to table Amendment No. 18, as amended.

A record vote was requested.

The motion to table prevailed by (Record 223): 83 Yeas, 53 Nays, 1 Present, not voting.

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

Nays — Allen; Alonzo; Bolton; Burnam; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Driver; Dunnam; Eiland; Escobar; Farias; Farrar; Flores; Gallego; Gonzales; Gonzalez Tourelles; Guillen; Hamilton; Heflin; Hernandez; Herrero; Hochberg; Hodge; Hopson; Howard, D.; Krusee; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Quintanilla; Raymond; Ritter; Rodriguez; Thompson; Vaught; Veasey; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Smithee.

Absent — Anchia; Castro; Cohen; Creighton; Frost; Garcia; Geren; Homer; Kolkhorst; Moreno; Strama; Villarreal.

STATEMENTS OF VOTE

When Record No. 223 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

When Record No. 223 was taken, I was in the house but away from my desk. I would have voted no.

Frost

When Record No. 223 was taken, I was in the house but away from my desk. I would have voted no.

Homer

Amendment No. 20

Representative Naishtat offered the following amendment to **CSHB 1**:
Floor Packet Page No. 26

Amend **CSHB 1** as follows:

(1) In Article II, page II-62, strike Strategy D.2.2.

(2) In Article II, page II-25, in Strategy A.2.15, strike "1,795,849" and substitute "4,295,849".

(Smithee now present)

Representative J. Davis moved to table Amendment No. 20.

A record vote was requested.

The motion to table prevailed by (Record 224): 89 Yeas, 48 Nays, 1 Present, not voting.

Yeas — Anchia; Anderson; Aycok; Berman; Bohac; Bonnen; Branch; Brown, B.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Eissler; Elkins; England; Farabee; Flynn; Frost; Gattis; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Homer; Hopson; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kuempel; Latham; Laubenberg; Macias; Madden; Martinez; McCall; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Olivo; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Quintanilla; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; Eiland; Escobar; Farrar; Flores; Gallego; Garcia; Giddings; Gonzales; Gonzalez Tourelles; Hernandez; Herrero; Hochberg; Hodge; Howard, D.; Leibowitz; Lucio; Mallory Caraway; Martinez Fischer; McClendon; Miles; Naishtat; Noriega; Oliveira; Ortiz; Pierson; Puente; Raymond; Ritter; Rodriguez; Rose; Thompson; Turner; Vaught; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Brown, F.; Deshotel; Driver; Farias; Geren; King, T.; Kolkhorst; Krusee; Moreno; Peña; Straus; Veasey.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 224. I intended to vote no.

Anchia

I was shown voting no on Record No. 224. I intended to vote yes.

Escobar

I was shown voting no on Record No. 224. I intended to vote yes.

Garcia

I was shown voting yes on Record No. 224. I intended to vote present, not voting.

Guillen

I was shown voting no on Record No. 224. I intended to vote yes.

Lucio

I was shown voting yes on Record No. 224. I intended to vote no.

Strama

I was shown voting no on Record No. 224. I intended to vote yes.

Vaught

When Record No. 224 was taken, I was in the house but away from my desk. I would have voted no.

Veasey

Amendment No. 21

Representative Castro offered the following amendment to **CSHB 1**:
Floor Packet Page No. 27

Amend **CSHB 1** as follows:

(1) On page II-25, Department of Family and Protective Services, increase the funding for Strategy A.2.12, STAR (Services to At-Risk Youth) Program, by \$1,500,000 for Fiscal Year 2008 and \$1,500,000 in Fiscal Year 2009; and

(2) On page I-46, Truusted Programs within the Office of the Governor, decrease Strategy A.1.12, Texas Emerging Technology Fund, by \$3,000,000.

(Berman in the chair)

Representative Y. Davis moved to extend speaking time for Amendment No. 21.

A record vote was requested.

The motion to extend time prevailed by (Record 225): 90 Yeas, 9 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Bolton; Branch; Brown, B.; Castro; Chavez; Chisum; Christian; Cook, R.; Corte; Crabb; Davis, Y.; Delisi; Deshotel; Dukes; Dutton; Eiland; England; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Garcia; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hardcastle; Harper-Brown; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hodge; Homer; Hopson; Howard, D.; Hughes; Isett; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Leibowitz; Lucio; Macias; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Miles; Mowery; Noriega; Oliveira; Olivo; Orr; Ortiz; Parker; Peña; Phillips; Pitts; Puente; Quintanilla; Raymond; Ritter; Rose; Smith, T.; Smith, W.; Strama; Talton; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler.

Nays — Aycocck; Bohac; Darby; Hartnett; Jackson; Laubenberg; Madden; McReynolds; Smithee.

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

Absent — Anchia; Bailey; Bonnen; Brown, F.; Burnam; Callegari; Cohen; Coleman; Cook, B.; Creighton; Crownover; Davis, J.; Driver; Dunnam; Eissler; Elkins; Farias; Flynn; Gattis; Geren; Giddings; Hamilton; Hancock; Harless; Hochberg; Howard, C.; Jones; Kuempel; Latham; Merritt; Miller; Moreno; Morrison; Murphy; Naishtat; O'Day; Otto; Patrick; Paxton; Pickett; Pierson; Riddle; Rodriguez; Solomons; Straus; Swinford; Taylor; Van Arsdale; Zerwas.

STATEMENTS OF VOTE

When Record No. 225 was taken, I was in the house but away from my desk. I would have voted yes.

Anchia

When Record No. 225 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

When Record No. 225 was taken, I was in the house but away from my desk. I would have voted yes.

Eissler

When Record No. 225 was taken, my vote failed to register. I would have voted yes.

Flynn

When Record No. 225 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

When Record No. 225 was taken, I was in the house but away from my desk. I would have voted yes.

O'Day

Representative J. Davis moved to table Amendment No. 21.

A record vote was requested.

The motion to table prevailed by (Record 226): 81 Yeas, 66 Nays, 2 Present, not voting.

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

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

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

Absent — Flores.

Amendment No. 22

Representative Anchia offered the following amendment to **CSHB 1**:
Floor Packet Page No. 21

Amend **CSHB 1**, as follows: On page I-76, amend the Secretary of State budget by adding the appropriately numbered rider and renumbering accordingly:

"# _____ . Voter Education and Registration Targeted. The Secretary of State shall prioritize and target any and all voter education and registration projects to those areas of the state where voter turnout rates are lowest as compared to overall population."

Amendment No. 22 - Point of Order

Representative Chisum raised a point of order against further consideration of Amendment No. 22 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Amendment No. 23

Representative Anchia offered the following amendment to Amendment No. 22:

Amend Floor Amendment No. 22 by Anchia to **CSHB 1** by striking lines 5-6 of the amendment and substituting:

_____. Voter Education and Registration Targeted. It is the intent of the legislature that the Secretary of State, in providing services out of appropriated funds, should prioritize and target any and all

Amendment No. 23 was adopted.

Representative Chisum moved to table Amendment No. 22, as amended.

(Speaker in the chair)

A record vote was requested.

The motion to table prevailed by (Record 227): 79 Yeas, 64 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent — Brown, B.; Dukes; Flores; Hancock; Peña; Solomons.

STATEMENT OF VOTE

When Record No. 227 was taken, I was in the house but away from my desk. I would have voted yes.

Hancock

Amendment No. 24

Representative Pierson offered the following amendment to **CSHB 1**:
Floor Packet Page No. 30

Amend **CSHB 1** as follows:

(1) Add the following appropriately numbered rider to Article II of the bill after the appropriations to the Department of Family and Protective Services:

____. CONTINGENCY APPROPRIATION FOR **HB 3008**. Contingent upon the enactment of **HB 3008** or similar legislation by the 80th Legislature, Regular Session, 2007, that becomes law, the amount of \$600,000 is appropriated to the Department of Family and Protective Services out of the general revenue fund for the state fiscal biennium beginning September 1, 2007, for the purpose of implementing any of the purposes of that legislation.

(2) In Article VI of the bill, in the general revenue fund appropriations to the Markets & Public Health within the Department of Agriculture, in the Strategy A.1.1 appropriations to the Generate Marketing Opportunities (house committee printing, page VI-1), strike "\$16,802,470" and substitute "16,502,470" for fiscal year 2008 and strike "\$9,725,103" and substitute "9,425,103" for fiscal year 2009.

(3) Adjust totals and methods of financing accordingly.

Amendment No. 25

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

Amend Floor Amendment No. 24 of **CSHB 1** by Pierson (page 30 of the prefiled amendments packet) as follows:

(1) on line 4 strike "II" and substitute "XI"

Amendment No. 25 was adopted.

Amendment No. 24, as amended, was adopted.

Amendment No. 13 - Vote Reconsidered

Representative Hilderbran moved to reconsider the vote by which Amendment No. 13, as amended, was withdrawn.

The motion to reconsider prevailed.

Amendment No. 14 - Vote Reconsidered

Representative Hilderbran moved to reconsider the vote by which Amendment No. 14 was adopted.

The motion to reconsider prevailed.

Amendment No. 14 was withdrawn.

Amendment No. 13 was withdrawn.

Amendment No. 26

Representative Coleman offered the following amendment to **CSHB 1**:
Floor Packet Page No. 33

Amend **CSHB 1** in Article II of the bill on page II-36 by adding the following Rider No. ____:

Subsidized Guardianship Program. The Department is hereby directed to maximize federal funding for Guardianship programs by developing and submitting a waiver that will allow the state of Texas to use Title IV-E or any other federal funds that become available for subsidized guardianship programs.

MESSAGE FROM THE SENATE

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

CSHB 1 - (consideration continued)

Amendment No. 27

Representative Coleman offered the following amendment to Amendment No. 26:

Amend Floor Amendment No. 26 on page 33 of the amendment packet by inserting the following language between "developing and submitting" and "a waiver that will allow the state of Texas":
"or applying for"

Amendment No. 27 was adopted.

Amendment No. 26, as amended, was adopted.

Amendment No. 28

Representative Villarreal offered the following amendment to **CSHB 1**:
Floor Packet Page No. 34

Amend **CSHB 1**, as follows:

(1) In Article II, page II-62, strike Strategy D.2.2.

(2) In Article II, page II-38, in Strategy B.1.3, strike "50,483,107" and substitute "52,983,107".

Amendment No. 28 was withdrawn.

Amendment No. 29

Representative Miles offered the following amendment to **CSHB 1**:
Floor Packet Page No. 35

Overview

Proposed rider requires the Texas Department of State Health Services in Strategy A.2.2 to contract with local providers to implement a highly visible media campaign to encourage routine HIV testing, as recommended by the Center for Disease Control

Required Action

1) Add the following rider to the Texas Department of State Health Services bill pattern:

_____. HIV Prevention Media Campaign. From the funds appropriated above (Strategy A.2.2), the Texas Department of Health shall use no less than \$1,000,000 to award grants to local contractors to implement highly visible media

campaign encouraging people to make HIV screening part of a routine physical. Highly visible media activities include billboards, newspaper and magazine ads, signs on taxis and buses

Representative J. Davis moved to table Amendment No. 29.

A record vote was requested.

The motion to table prevailed by (Record 228): 85 Yeas, 61 Nays, 1 Present, not voting.

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

Nays — Allen; Alonzo; Anchia; Anderson; Bailey; Bolton; Burnam; Callegari; Castro; Chavez; Cohen; Coleman; Davis, Y.; Deshotel; Dunnam; Dutton; Eiland; Escobar; Farias; Farrar; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Howard, D.; Krusee; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McReynolds; Menendez; Miles; Moreno; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Puente; Quintanilla; Raymond; Rodriguez; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Davis, J.; Ritter; Van Arsdale.

CSHB 1 - POINT OF ORDER

Representative Talton raised a point of order against further consideration of **CSHB 1** under Rule 4, Section 20 of the House Rules on the grounds that the sworn statement of witnesses is incomplete.

The speaker overruled the point of order.

Amendment No. 30

Representative Coleman offered the following amendment to **CSHB 1**:
Floor Packet Page No. 37

Amend **CSHB 1** in Article II of the bill, on page II-49 by inserting the following language into Rider No. 25:

"Family Planning. Of funds appropriated under Strategy B.1.3, Family Planning Services, no state funds may be used to dispense prescription drugs to minors without parental consent. In addition, no state funds may be used for the distribution of materials to a woman considering an abortion if those materials

state there is a possibility of increased risk of breast cancer following an induced abortion and the natural protective effect of a completed pregnancy in avoiding breast cancer."

Amendment No. 30 - Point of Order

Representative Gattis raised a point of order against further consideration of Amendment No. 30 under Rule 8, Section 4 of the House Rules on the grounds that the amendment would change general law.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 30.

Amendment No. 31

Representative Villarreal offered the following amendment to **CSHB 1**:

(Kolkhorst in the chair)

Floor Packet Page No. 34

Amend **CSHB 1**, as follows:

(1) In Article II, page II-62, strike Strategy D.2.2.

(2) In Article II, page II-38, in Strategy B.1.3, strike "50,483,107" and substitute "52,983,107".

Representative J. Davis moved to table Amendment No. 31.

A record vote was requested.

The motion to table prevailed by (Record 229): 92 Yeas, 50 Nays, 2 Present, not voting.

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

Nays — Allen; Alonzo; Bailey; Bolton; Burnam; Castro; Cohen; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farias; Farrar; Flores; Gallego; Garcia; Giddings; Gonzales; Hernandez; Herrero; Hochberg; Hodge; Howard, D.; Leibowitz; Mallory Caraway; Martinez Fischer; McClendon; Menendez; Miles; Moreno; Naishtat; Noriega; Oliveira; Ortiz; Pierson; Puente; Raymond; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

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

Absent — Brown, B.; Chavez; Gonzalez Toureilles; Guillen; Hopson; Straus.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 229. I intended to vote no.

Anchia

When Record No. 229 was taken, I was temporarily out of the house chamber. I would have voted no.

Gonzalez Toureilles

When Record No. 229 was taken, my vote failed to register. I would have voted present, not voting.

Guillen

Amendment No. 32

Representative Chisum offered the following amendment to **CSHB 1**:
Floor Packet Page No. 38

Amend **CSHB 1** in Article II by adding the following appropriately numbered rider (on page ____) after the appropriations to the Dept. of State Health Services:

Rider 638~~4~~. Family Planning Services at Federally Qualified Health Centers: Out of funds appropriated in Strategy B.1.3, Family Planning Services, up to \$10,000,000 in each year of the ~~2008-09~~~~2006-07~~ biennium shall be set aside for family planning services provided by Federally Qualified Health Centers (FQHCs). The Department shall implement this provision only to the extent that it will not have an adverse affect on the number of women served by the family planning program, especially in underserved areas of the state and areas where no FQHC is available. In addition, up to \$1,000,000 per year may be allocated to clinics for core family planning services provided under the auspices of Baylor College of Medicine. Funds will be allocated statewide to counties for family planning services according to DSHS' annual assessment of women-in-need and on the contractor's ability to utilize their full allocation effectively. Any funds not applied for and granted to FQHCs each fiscal year shall be made available to non-FQHC contractors~~grantees~~. FQHCs funded under this strategy shall assure that recipients receive comprehensive primary and preventive care in addition to the family planning services. The Department of State Health Services shall work with FQHC contractors~~grantees~~ to assure that reporting requirements are aligned with FQHC eligibility, payment and reporting requirements.

Amendment No. 33

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

Required Action

1) Replace the floor amendment to **CSHB 1** by Chisum on page 38 with the following: Add the following rider to the bill pattern for the Department of State Health Services in Article XI, numbering as appropriate.

 . Family Planning Services at Federally Qualified Health Centers. Out of funds appropriated in Strategy B.1.3, Family Planning Services, up to \$10,000,000 in each year of the 2008-09 biennium shall be set aside for family planning services provided by Federally Qualified Health Centers (FQHCs). The Department shall implement this provision only to the extent that it will not have an adverse affect on the number served by the family planning program, especially counties where no FQHC is available. In addition, up to \$1,000,000 per year may be allocated to clinics for core family planning services provided under the auspices of Baylor College of Medicine. Funds will be allocated statewide to counties for family planning services according to DSHS' annual assessment of women-in-need and on the contractors' prior year compliance with stated performance measures. Any funds not applied for and granted to FQHCs each fiscal year shall be made available to non-FQHC contractors. FQHCs funded under this strategy shall assure that recipients receive comprehensive primary and preventive care in addition to the family planning services. The Department of State Health Services shall work with FQHC contractors to assure that reporting requirements are aligned with FQHC eligibility, payment, and reporting requirements.

Amendment No. 33 was adopted.

Amendment No. 32, as amended, was adopted.

Amendment No. 34

Representative Turner offered the following amendment to **CSHB 1**:
Floor Packet Page No. 39

Amend **CSHB 1**, in Article II of the bill following appropriations to the Department of State Health Services, by adding the following appropriately numbered rider:

 . Local Mental Health Authority Diversion Programs. Out of funds appropriated above in Strategy C 1.3, Mental Health State Hospitals (page II-39), to the Department of State Health Services that are allocated to a local mental health authority for state hospital civil placement or state hospital forensic placements, any unobligated balances at the end of the fiscal years ending August 31, 2007, and August 31, 2008, are appropriated to the Department of State Health Services for reallocation to that local mental health authority for the purpose of funding local programs designed to reduce inpatient admissions, emergency room visits, and state hospital admissions of persons with mental illness.

Amendment No. 34 was withdrawn. (The vote was reconsidered later today, and Amendment No. 34, as amended by Amendment No. 230, was adopted.)

Amendment No. 35

Representative Anchia offered the following amendment to **CSHB 1**:

Floor Packet Page No. 41

(1) Amend Article II, **CSHB 1**, on page II-60, appropriation for the Department of State Health Services, by adding a new rider to read as follows:

_____. Contingency for **HB 1883**. Contingent upon passage of **HB 1883**, or similar legislation relating to the licensing and regulation of massage and bodywork therapies, by the Eightieth Legislature, Regular Session, the Department of State Health Services shall use \$8000 for fiscal year 2008 and \$8000 for fiscal year 2009 to pay expenses of the commission out of the funds appropriated above.

(2) In Article IX, Section 13.12, the appropriations to the Texas Building and Procurement Commission for the John H. Reagan Building project is reduced by \$16,000.

Amendment No. 35 was withdrawn.

Amendment No. 36

Representative Coleman offered the following amendment to **CSHB 1**:

Floor Packet Page No. 45

Amend **CSHB 1** in Article II on pages II-72 by striking Rider No. 31 and substituting the following:

31. Other Reporting Requirements.

a. Federal Reports. The Health and Human Services Commission shall submit the following information to the Legislative Budget Board, the Governor, and all Members of the Texas Legislature no later than the date the respective report is submitted to the federal government:

(1) Notification of proposed State Plan amendments or waivers for Medicaid, CHIP, TANF, and any other federal grant requiring a state plan. State Plan amendments and waiver submissions shall also be provided to the Senate Health and Human Services, House Human Services, and House Public Health committees.

(2) A copy of each report or petition submitted to the federal government relating to Medicaid, CHIP, and TANF.

b. Federal Issues. The Health and Human Services Commission shall notify the Legislative Budget Board and the Governor on a timely basis about emerging issues that could result in the loss of more than \$1 million in federal revenue assumed in the appropriations act.

c. Monthly Financial Reports. The Health and Human Services Commission shall submit the following information to the Legislative Budget Board and the Governor on a monthly basis:

(1) Information on appropriated, budgeted, expended, and projected funds and full-time-equivalents, by strategy and method of finance.

(2) Information on appropriated, budgeted, expended, and projected revenues, including program income, interest earnings, experience rebates, vendor drug rebates (Medicaid, CHIP, and supplemental), Medicaid subrogation receipts, premium co-payments, earned federal funds, cost sharing - Medicaid clients, and appropriated receipts used as match for federal funds.

(3) Narrative explanations of significant budget adjustments, ongoing budget issues, and other items as appropriate.

(4) Narrative and tabular explanation of adjustments made to translate actuarial forecasts of incurred claims into budgeted/expended amounts on a cash basis for the Medicaid program.

(5) Any other information requested by the Legislative Budget Board or the Governor.

The monthly financial reports shall be prepared in a format specified by the Legislative Budget Board.

Amendment No. 37

Representative Coleman offered the following amendment to Amendment No. 36:

Amend Floor Amendment No. 36 on page 45 in the amendment packet adding section (d.) before the final sentence:

d. Additional Monthly Reports. The Health and Human Services Commission shall provide the following information electronically on the Commission's website to the general public:

(1) Information provided to the Legislative Budget Board, the Governor, and all Members of the Legislature, as prescribed by Section (a) (1) in this rider, at the same time it is submitted to those groups.

(2) Monthly enrollment totals in all the programs for which there is a performance target measure for the Commission.

Amendment No. 37 was adopted.

Amendment No. 36, as amended, was adopted.

Amendment No. 38

Representative Coleman offered the following amendment to **CSHB 1**:
Floor Packet Page No. 48

Amend **CSHB 1** in Article II on pages II-75 by striking Rider No. 44 and substituting the following:

"44. Medicaid Reform Waiver. Contingent on findings that a Medicaid reform waiver is cost effective and feasible, the Health and Human Services Commission shall seek a Medicaid reform waiver or waivers from the Centers for Medicare and Medicaid Services. The Medicaid reform waiver(s) should incorporate the following principles without reducing the health benefit plan for children's Medicaid:

- (a) efficiently leverage state, local, federal and other funding to:
 - (1) increase state flexibility in its use of Medicaid funding;
 - (2) allow the state to be a more prudent purchaser and payer of health care;
 - (3) build on private market approaches and insurance-based premiums;
 - (4) reduce the state's uninsured through private market-based solutions and the expansion of Medicaid;

(5) promote the transition of consumers from public insurance to private insurance.

(b) support the increased personal planning and investments in long term care needs;

(c) support consumer empowerment and choice;]

(d) create incentives for healthier behaviors;

(e) align state policy and financial incentives by creating a more transparent, systematic, and efficient approach for allocating available funding within the health care system; and

(f) solicit broad-based stakeholder input.

Further it is the intent of the Legislature that Medicaid reform waiver(s) recognizes the unique needs of the state's rural providers, trauma centers, and primary care residency programs.

Amendment No. 39

Representative Coleman offered the following amendment to Amendment No. 38:

Amend Floor Amendment No. 38 on page 48 of the amendment packet by striking everything following "Medicaid Reform Waiver." and substituting the following:

"Contingent on findings that a Medicaid reform waiver is cost effective and feasible, the Health and Human Services Commission shall seek a Medicaid reform waiver or waivers from the Centers for Medicare and Medicaid Services that protect the interests of Texas Medicaid recipients and taxpayers by incorporating the following principles:

(a) efficiently leverage state, local, federal and other funding to:

(1) increase state flexibility in its use of Medicaid funding by authorizing tailored benefit plans designed to manage health conditions, not reduce plan benefits for any Medicaid recipient population;

(2) allow the state to be a more prudent purchaser and payer of health care ensuring positive health outcomes while pursuing value-conscious pricing;

(3) build on private market approaches and insurance-based premiums by establishing multi-share programs and/or low income pools that create more private coverage;

(4) reduce the state's uninsured through market-based solutions coupled with best state practices to maximize federal funds; and

(5) promote the transition of consumers from public insurance to private insurance by guaranteeing that any pooling of disproportionate share hospital (DSH) and upper payment limit (UPL) funds will include inflation and population growth factors.

(b) support the increased personal planning and investments in long term care needs;

(c) support consumer empowerment and choice by authorizing Health Savings Accounts, Premium Assistance, Health Insurance Premium Payment (HIPP) programs, or "Opt-out" programs that:

(1) include a provision requiring that the Health and Human Services Commission first determine that it is cost effective;

(2) either exempt recipients under age 21 or explicitly require that the program be designed to protect and promote children's access to preventive care and medical treatments; and

(3) guarantee that recipient participation is voluntary, and guarantee that a prompt return to regular Medicaid coverage is allowed on request by the recipient.

(d) create incentives for healthier behaviors by establishing programs that provide positive rewards for healthy behaviors, and not punitive incentives;

(e) align state policy and financial incentives by creating a more transparent, systematic, and efficient approach for allocating available funding within the health care system; and

(f) solicit broad-based stakeholder input.

Further it is the intent of the Legislature that any Medicaid reform waiver(s) sought from the federal government will not include a waiver of children's comprehensive health care under Early and Periodic Screening, Diagnosis and Treatment (EPSDT). The authority of the Health and Human Services Commission to impose any cost-sharing policies on Medicaid recipients is limited to non-emergent ER use co-payments. The Legislature also recognizes the unique needs of the state's rural providers, trauma centers, and primary care residency programs.

Amendment No. 39 was adopted.

Amendment No. 38, as amended, was adopted.

Amendment No. 40

Representative Turner offered the following amendment to **CSHB 1**:
Floor Packet Page No. 50

Amend **CSHB 1**, in Article II of the bill, by amending Rider 51 following the appropriations to the Health and Human Services Commission (Freestanding Psychiatric Facilities rider, page II-77) to read as follows:

51. Freestanding Psychiatric Facilities. To determine Medicaid payment for inpatient services in freestanding psychiatric facilities, it is the intent of the Legislature that the Health and Human Services Commission adopt a reimbursement methodology based on the prospective payment system currently used by the Centers for Medicare and Medicaid Services to reimburse inpatient psychiatric services ~~[under the Medicare program]~~, to the extent the commission finds that the increase in reimbursement ~~[#]~~ is cost-effective.

Amendment No. 40 was adopted.

Amendment No. 41

Representative Gattis offered the following amendment to **CSHB 1**:
Floor Packet Page No. 51

Amend **CSHB 1** (house committee printing) as follows:

1. Strike Rider 57 in the Health and Human Services Commission's bill pattern, page II-78.

2. In Article II, add the following rider for the Health and Human Services Commission:

 . Staffing and Capital Authorization in Lieu of Contracted Responsibilities. (a) Notwithstanding any other provision in this Act, if the executive commissioner of the Health and Human Services Commission determines that a service performed as of the effective date of this Act under a contract would be more effectively performed by state personnel, the executive commissioner is authorized to adjust the agency's FTE limitation to the extent necessary to ensure the successful assumption of such contracted duties. The commission must make corresponding adjustments in the scope of duties and responsibilities in the affected contract. An increase in agency staffing resulting from the executive commissioner's determination under this section is subject to the following requirements:

1. The commission must notify the Legislative Budget Board and the Governor at least 10 days prior to adjusting the budgeted FTE levels.

2. The commission must report on a quarterly basis beginning December 1, 2007 to the Legislative Budget Board and the Governor the number of eligibility and related support staff and any related costs in Strategy A.1.2, Integrated Eligibility and Enrollment.

(b) Notwithstanding any other provision in this Act, if the executive commissioner of the Health and Human Services Commission determines that a service performed as of the effective date of this Act under a contract would be more effectively performed by state personnel, the Health and Human Services Commission is authorized to exceed the capital authority limitation provided elsewhere in this Act to the extent necessary to acquire hardware, software, office space, or other capital items to support any assumed contracted duties. The commission must make corresponding adjustments in the scope of the affected contract. An increase in a capital project is subject to the following requirements:

1. The commission must notify the Legislative Budget Board and the Governor at least 10 days prior to acquiring capital equipment.

2. The commission must include capital acquisitions in required financial reporting to the Legislative Budget Board and the Governor.

Justification: This provision would authorize HHSC to exceed the agency's FTE cap and capital budget authority during the 2008-09 biennium for purposes related to eligibility determination and related supports that would be performed by state workers in lieu of outsourced functions.

Amendment No. 41 was adopted.

Amendment No. 42

Representative Gattis offered the following amendment to **CSHB 1**:
Floor Packet Page No. 52

Amend **CSHB 1** as follows:

(1) Add the following appropriately numbered rider in Article II of the bill following the appropriations to the Health and Human Services Commission:

_____. TECHNOLOGY SYSTEMS INTEROPERABILITY. It is the intent of the legislature that the Health and Human Services Commission shall ensure that technology systems used to support the Medicaid fraud pilot program and the electronic health passport for foster care program are HIPAA compliant, web-based, and fully interoperable with all provider legacy medical records and can be used as a medical record for all providers. To the extent allowed by federal law, the Health and Human Services Commission shall use federal grants related to the electronic health passport for foster care program to create an interoperable system.

(2) In Article XI, on page XI-13, following the appropriations to the Health and Human Services Commission, strike the rider for Technology Systems Interoperability.

Amendment No. 42 was adopted.

Amendment No. 43

Representative J. Davis offered the following amendment to **CSHB 1**:
Floor Packet Page No. 53

Amend **CSHB 1** by adding the following appropriately numbered rider in Article II after the appropriations to the Health and Human Services Commission:

_____. Restriction on Use of Funds for HPV Vaccine. None of the funds appropriated above to the Health and Human Services Commission may be used to require immunization against human papillomavirus for admission to school, or to purchase or administer a vaccine to comply with such a requirement, in accordance with the Governor's Executive Order RP65 without prior written approval from the Legislative Budget Board and the Governor.

Amendment No. 43 - Point of Order

Representative Dunnam raised a point of order against further consideration of Amendment No. 43 under Rule 8, Section 4 of the House Rules on the grounds that the amendment would change general law.

The chair overruled the point of order and submitted the following statement:

Amendment No. 43 would require the prior approval by the Legislative Budget Board and the governor of certain expenditures of funds by the Health and Human Services Commission related to immunization against human papillomavirus for admission to school. Such prior approval of the expenditure of state funds through a rider to a general appropriations act is specifically authorized by Section 69, Article XVI, Texas Constitution. In addition, the imposition of a requirement for administrative approval of the expenditure of funds is within the subject of the general appropriations act and does not change general law.

Amendment No. 44

Representative Hughes offered the following amendment to Amendment No. 43:

Amend Amendment No. 43 by J. Davis (page 53, pre-filed amendments packet) by striking the text of the amendment and substituting the following:

Amend **CSHB 1** by adding the following appropriately numbered rider in Article II of the bill following the special provisions relating to all health and human services agencies:

_____. Restriction on Use of Funds for HPV Vaccine. None of the funds appropriated above to an agency in Article II may be used to require immunization against human papilloma virus as a condition for admission to school or used to purchase or administer a vaccine to comply with such a requirement in the Governor's Executive Order RP65 or other similar executive orders or directions.

Amendment No. 44 was adopted.

Amendment No. 43, as amended, was adopted.

(Speaker in the chair)

Amendment No. 45

Representative Turner offered the following amendment to **CSHB 1**:
Floor Packet Page No. 55

Amend **CSHB 1**, by adding the following appropriately numbered rider in Article II of the bill following the special provisions relating to all health and human services agencies:

_____. Funding Equity Among Local Mental Health and Mental Retardation Authorities. (a) It is the intent of the Legislature that the Department of State Health Services and the Department of Aging and Disability Services shall implement a long-term plan to achieve equity in state funding allocations among local mental health and mental retardation authorities. The plan shall be implemented from fiscal years 2007-2015. The goal of the plan shall be to achieve equity to the greatest extent possible by fiscal year 2015; however, any funding reductions to a local authority for achieving equity may not exceed 5 percent of allocated general revenue in a fiscal year. The plan shall also provide for improving funding equity to be a priority in distributing any new state or federal funds that may become available for allocation to community centers.

(b) In assessing the equity of funding the departments may use alternatives other than basing equity calculations solely on the total population served by each local authority. Additional factors, such as incidence of poverty and the number of uninsured persons, may be considered if they help to provide a better estimate of the need for state funded mental health or mental retardation services in the areas served by each local authority. The departments shall submit the long-term equity plan to the Office of the Governor and the Legislative Budget Board by December 31, 2007. The departments shall include in legislative appropriations

requests a table showing how implementation of the equity plan will affect projected allocations to community centers at the baseline current services funding level.

Amendment No. 45 was withdrawn.

Amendment No. 46

Representative Coleman offered the following amendment to **CSHB 1**:
Floor Packet Page No. 57

Amend **CSHB 1** in Article II of the bill, on page II-78 by adding the following Rider No. ___:

"Medicaid Eligibility Determinations for Children. The Health and Human Services Commission shall not adopt business rules & policies concerning the eligibility and reenrollment of families applying for Children's Medicaid that create undue bureaucratic barriers."

Amendment No. 47

Representative Coleman offered the following amendment to Amendment No. 46:

Amend Floor Amendment No. 47 on page 57 of the amendment packet by striking everything after "Medicaid Eligibility Determinations for Children." and substituting the following:

"Out of funds appropriated above in Goal B, Medicaid:

(a) The executive commissioner of the Health and Human Services Commission ("the commissioner") shall, to the greatest extent possible, diminish errors which create barriers that wrongly deny or delay coverage for which a child is eligible.

(1) In accordance with federal regulations, the commissioner shall work to provide that children are screened simultaneously for eligibility for the Medicaid program and the state child health plan using a consolidated application; and

(2) once the eligibility procedures are complete, all children identified as eligible for the Medicaid program should be automatically enrolled without further application or qualification.

(b) The commissioner shall ensure that the processing time for applications and eligibility redeterminations for the Medicaid program meet or exceed the performance levels realized in state fiscal year 2004 by ensuring that the private and public components, including call centers, of the eligibility and enrollment system for the Medicaid program are adequately staffed and trained. In addition, the commissioner shall ensure that all computer systems that support the eligibility and enrollment systems are performing properly.

(c) If for any reason a child becomes ineligible for the state child health plan program, the Health and Human Services Commission shall, before terminating the child's benefits under the program, determine whether the child is eligible for the Medicaid program, based on the information currently available to the commission. If the commission determines that the child is eligible, the

commission shall enroll the child in the Medicaid program without further application or qualification, unless the child's parent objects to enrollment. The commission shall notify a parent of the child's eligibility for the Medicaid program and automatic enrollment in that program as soon as practicable after eligibility has been determined.

The intent of this amendment is that it be revenue neutral, and that these provisions be completed within funds appropriated above in Goal B.

Amendment No. 47 was adopted.

Amendment No. 46, as amended, was withdrawn.

Amendment No. 48

Representative Harper-Brown offered the following amendment to **CSHB 1**:
Floor Packet Page No. 60

Amend **CSHB 1** by adding the following appropriately numbered rider in Article II after the appropriation to the Health and Human Services Commission:
_____. Funding for Coverage of Children under CHIP. The Commission may only expend funds from above for CHIP coverage which are matchable by federal funds.

Amendment No. 48 - Point of Order

Representative Dukes raised a point of order against further consideration of Amendment No. 48 under Rule 8, Section 4 of the House Rules and Article III, Section 35 of the Texas Constitution on the grounds that the amendment would change general law.

The speaker overruled the point of order.

Amendment No. 49

Representative Harper-Brown offered the following amendment to Amendment No. 48:

Amend Floor Amendment No. 48 to **CSHB 1** by Harper-Brown (Floor Amendment Packet, page 60) on page 1, lines 6 through 7 of the amendment, by striking "for CHIP coverage which are matchable" and substituting "for CHIP coverage, other than funds appropriated in Strategy C.1.3, School Employee Children Insurance, which are matchable".

Amendment No. 49 was adopted.

Amendment No. 48 - Point of Order

Representative Martinez Fischer raised a point of order against further consideration of Amendment No. 48, as amended, under the Committee on Calendars rule adopted on March 21 on the grounds that the amendment is not revenue neutral.

The point of order was withdrawn.

Amendment No. 48, as amended, was withdrawn.

Amendment No. 50

Representative Coleman offered the following amendment to **CSHB 1**:

Floor Packet Page No. 61

Amend **CSHB 1** in Article II of the bill, on page II-78 by adding the following Rider No. ____:

"Medicaid Screening and Treatment Project." Out of funds appropriated above in Goal B, the Health and Human Services Commission shall implement a program to provide health screening, dental screening, and testing.

Amendment No. 50 was withdrawn.

Amendment No. 51

Representative Laubenberg offered the following amendment to **CSHB 1**:

Floor Packet Page No. 59

Amend **CSHB 1** by adding the following appropriately numbered rider in Article II after the appropriation to the Health and Human Services Commission:

____. Funding for Coverage of Unborn Children under CHIP. If the commission provides health benefits coverage under the child health plan program to an unborn child, the Health and Human Services Commission may not adopt rules regarding that coverage that are not consistent with providing coverage to the primary population group for which the state receives federal matching funds under this chapter.

Amendment No. 51 - Point of Order

Representative Gallego raised a point of order against further consideration of Amendment No. 51 under the Committee on Calendars rule adopted on March 21 on the grounds that the amendment is not revenue neutral.

The point of order was withdrawn.

Amendment No. 51 was withdrawn.

Amendment No. 52

Representative Chisum offered the following amendment to **CSHB 1**:

Floor Packet Page No. 68

Amend **CSHB 1** (house committee printing) as follows:

(1) In the appropriations to the Health and Human Services Commission in Article II of the bill, strike strategy D.1.2. (page II-62) and strike the appropriations for that strategy for each state fiscal year.

(2) Add the following appropriately numbered rider in Article II of the bill under the appropriations to the Health and Human Services Commission:

____. Nutrition Assistance Program Full Time Equivalent Employee Authorization. Notwithstanding other authorizations for full time equivalent employees (FTEs), the number of authorized FTEs for the Health and Human Services Commission is reduced by 99.0 FTEs for each fiscal year of the biennium.

(3) Add the following appropriately numbered rider in Article VI of the bill under the appropriations to the Department of Agriculture:

_____. Appropriation: Nutrition Assistance Program Funding and Employees. (a) The following amounts are appropriated to the Department of Agriculture for the purpose of administering a nutrition assistance program:

(1) for the state fiscal year beginning September 1, 2007, the amount of \$859,937 in general revenue and the amount of \$266,744,714 in federal funds; and

(2) for the state fiscal year beginning September 1, 2008, the amount of \$859,937 in general revenue and the amount of \$266,744,707 in federal funds.

(b) In addition to other authorizations for full time equivalent employees (FTEs), the number of authorized FTEs for the Department of Agriculture is increased by 99.0 FTEs for each fiscal year of the biennium to administer the department's nutrition assistance program.

(c) If the 80th Legislature, Regular Session, 2007, does not enact legislation that becomes law and that transfers the responsibility for administering the nutrition assistance program from the Health and Human Services Commission to the Department of Agriculture:

(1) the appropriations made by Subsection (a) above do not take effect and the same amounts from the same sources are appropriated for the same purpose and the same state fiscal years to the Health and Human Services Commission; and

(2) the increase in the department's authorized full time equivalent employees (FTEs) as provided by Subsection (b) above does not take effect and the number of authorized FTEs for the Health and Human Services Commission is increased by 99.0 FTEs for each fiscal year of the biennium to administer the commission's nutrition assistance program.

(4) Adjust totals and methods of financing accordingly.

Amendment No. 52 was adopted.

Amendment No. 53

Representative Chisum offered the following amendment to **CSHB 1**:

Floor Packet Page No. 66

Overview

We have been asked to prepare an amendment which would require the Health and Human Services Commission to take certain actions with regard to eligibility certifications.

Required Action

On page II-78 of the bill pattern for the Health and Human Services Commission, add the following new rider:

. Eligibility Certifications. It is the intent of the Legislature that all initial eligibility certifications for Health and Human Service eligibility-based programs utilize technology to reduce time required for those determinations and to reduce error rates. The Health and Human Services Commission shall

determine the feasibility of utilizing proven technology for that purpose, and shall implement any such procedures found to be beneficial no later than January 1, 2008.

For re-certification of eligibility-based programs, no later than January 1, 2008 the Commission shall implement procedures to determine the need for a personal interview, based on a system of objective, risk-based factors and conditions. Such procedures shall apply to all re-certifications on a regular and continuous basis, and shall comply with and apply all current federal mandates and guidelines concerning Payment Error Rate Measure (PERM). Such procedures shall measure and control PERM within Medicaid and CHIP to within a 4% error rate, or within any other lower established federal guideline, and shall be designed to permit continuous enrollment for qualified recipients.

In the event the Commission determines to contract with an outside vendor for these services, preference shall be given to any vendor organized in the State of Texas and whose primary business presence is in the State of Texas. Further preference shall be given to any vendor that has, at the time of bidding, successfully implemented in at least one other state the technology offered.

Amendment No. 53 was adopted.

Amendment No. 54

Representative Delisi offered the following amendment to **CSHB 1**:

Floor Packet Page No. 72

Amend **CSHB 1** as follows:

On page II-98, insert the following and number appropriately:

Report to the United States Congress on services and benefits provided to unlawfully present immigrants. The Health and Human Services Commission shall compile a report of the cost of services and benefits provided to unlawfully present immigrants, with the agency determining the extent to which unlawfully present immigrants are served by the agency, by individual program. The agency may use a statistical method developed by the agency in cases where it is not practical for the agency to directly determine whether recipients of a service or benefit are unlawfully present immigrants.

The Health and Human Services Commission shall also compile information on this subject from each public hospital district within the state and include this information in the report.

This report shall be provided to the United States Congress by December 1, 2008 and may be used as supporting materials by the State of Texas in requests for additional federal appropriations to assist with these costs.

The Health and Human Services Agency shall also submit the required report to the lieutenant governor, speaker of the house of representatives, and members of the legislature by December 1, 2008, and shall include the information in the agency's annual report for 2008.

Amendment No. 55

Representative Delisi offered the following amendment to Amendment No. 54:

Amend Amendment No. 54 by Delisi to **CSHB 1** (Floor Amendment packet, page 72) as follows:

(1) On page 1, line 5 of the amendment, strike "unlawfully present" and substitute "undocumented".

(2) On page 1, line 7 of the amendment, strike "unlawfully present" and substitute "undocumented".

(3) On page 1, line 9 of the amendment, strike "unlawfully present" and substitute "undocumented".

(4) On page 1, line 13 of the amendment, strike "unlawfully present" and substitute "undocumented".

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

The report must be produced using aggregated statistical data that does not contain personally identifiable information. The purpose of compiling this information is to perform analysis to assist the United States Congress and this state in making future health care and budgetary decisions. Information sought for the preparation of this report may not violate any federal or state laws, including rules, regarding privacy.

(6) On page 1, line 21 of the amendment, strike "Agency" and substitute "Commission."

Amendment No. 55 was adopted.

Amendment No. 56

Representative Chavez offered the following amendment to Amendment No. 54:

Amendment to an amendment **CSHB 1** as follows:

On line 16, of Rider 72 by Delisi, is amended by adding between "report" and the (.)

and shall not enforce Title 8 of the United States Code when compiling information on this subject

Amendment No. 56 was adopted.

Amendment No. 57

Representative Swinford offered the following amendment to Amendment No. 54:

Amend Amendment No. 54 by Delisi to **CSHB 1** (Page 72, pre-filed amendments packet) by striking the last paragraph of the amendment and substituting the following:

The Health and Human Services Commission or a public hospital district may compile and report the information required by this rider only in a manner the attorney general of this state certifies as consistent with federal law.

The Health and Human Services Commission shall submit the required report to the lieutenant governor, speaker of the house of representatives, and members of the legislature not later than December 1, 2008, and shall include the information in the agency's annual report for 2008.

Amendment No. 57 was adopted.

Amendment No. 54, as amended, was adopted.

Amendment No. 13 - Vote Reconsidered

Representative Menendez moved to reconsider the vote by which Amendment No. 13 was withdrawn.

The motion to reconsider prevailed.

Amendment No. 58

Representatives Menendez and R. Cook offered the following amendment to Amendment No. 13:

Amend the Menendez amendment to **CSHB 1** (page 15 of the amendment packet) as follows:

(1) On page 1 of the amendment, line 2, before "Add the", insert "(1)".

(2) On page 1 of the amendment, following line 20, insert the following:

(2) Add the following appropriately numbered rider following the Article VII appropriations to the Texas Department of Transportation:

____. Grants to Certain Peace Officer Organizations. The Texas Department of Transportation may not use any money appropriated under this Act to make a grant or other distribution to an association, group, union, lodge, local, or other organization, whether incorporated or unincorporated, in which peace officers participate and which exists wholly or partly to deal with employers concerning grievances, labor disputes, wages and rates of pay, hours of employment, and conditions of work if:

(1) the organization or an employee of the organization is required to register under Chapter 305, Government Code;

(2) the organization employs a person for the purpose of affecting the outcome of legislation, agency rules, ordinances, or other governmental policies; or

(3) the organization provides legal representation to its members.

(3) Add the following appropriately numbered rider to Article IX of the bill:

____. Grants to Certain Peace Officer Organizations. A state agency may not use any money appropriated under this Act to make a grant or other distribution to an association, group, union, lodge, local, or other organization, whether incorporated or unincorporated, in which peace officers participate and which exists wholly or partly to deal with employers concerning grievances, labor disputes, wages and rates of pay, hours of employment, and conditions of work if:

(1) the organization or an employee of the organization is required to register under Chapter 305, Government Code;

(2) the organization employs a person for the purpose of affecting the outcome of legislation, agency rules, ordinances, or other governmental policies;
or

(3) the organization provides legal representation to its members.

Amendment No. 58 was adopted.

(Keffer in the chair)

A record vote was requested.

Amendment No. 13, as amended, was adopted by (Record 230): 90 Yeas, 21 Nays, 31 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Bailey; Berman; Bohac; Bolton; Bonnen; Burnam; Castro; Chavez; Chisum; Cohen; Coleman; Cook, R.; Crabb; Davis, Y.; Deshotel; Dukes; Dunnam; Eiland; Eissler; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Hernandez; Herrero; Hill; Hochberg; Hodge; Hopson; Howard, D.; Hughes; King, P.; Kolkhorst; Kuempel; Leibowitz; Macias; Mallory Caraway; Martinez; Martinez Fischer; McReynolds; Menendez; Miles; Moreno; Morrison; Murphy; Naishtat; Noriega; O'Day; Olivo; Orr; Ortiz; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Swinford; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo.

Nays — Branch; Brown, B.; Brown, F.; Christian; Creighton; Driver; Elkins; Harper-Brown; Hartnett; Homer; Isett; Krusee; Laubenberg; Merritt; Oliveira; Parker; Paxton; Riddle; Talton; Taylor; Zerwas.

Present, not voting — Mr. Speaker; Aycock; Callegari; Cook, B.; Corte; Crownover; Darby; Davis, J.; Delisi; England; Harless; Heflin; Hilderbran; Howard, C.; Jackson; Keffer(C); King, S.; King, T.; Latham; Madden; McCall; McClendon; Miller; Otto; Patrick; Smith, W.; Solomons; Strama; Straus; Woolley; Zedler.

Absent — Dutton; Gonzales; Jones; Lucio; Mowery; Smith, T.; Smithee; West.

STATEMENTS OF VOTE

I was shown voting no on Record No. 230. I intended to vote yes.

Oliveira

I was shown voting present, not voting on Record No. 230. I intended to vote yes.

Straus

I was shown voting no on Record No. 230. I intended to vote yes.

Talton

When Record No. 230 was taken, I was in the house but away from my desk. I would have voted yes.

West

Amendment No. 59

Representative Harper-Brown offered the following amendment to **CSHB 1**:
Floor Packet Page No. 60

Amend **CSHB 1** by adding the following appropriately numbered rider in Article II after the appropriation to the Health and Human Services Commission: _____ . Funding for Coverage of Children under CHIP. The Commission may only expend funds from above for CHIP coverage which are matchable by federal funds.

Amendment No. 60

Representatives Martinez Fischer, F. Brown, and Gattis offered the following amendment to Amendment No. 59:

Amend Amendment No. 59 by Harper-Brown to **CSHB 1** (Floor Amendment Packet page 60) by designating the text of the amendment as item (1) and adding the following appropriately numbered items to the amendment:

Amend **CSHB 1** as follows:

(A) In Article II of the bill, reduce the appropriation to the Health and Human Services Commission for each state fiscal year for Strategy C.1.2, Immigrant Health Insurance (page II-62) by the amounts for each state fiscal year that cannot be expended as the result of Item (1) of this amendment.

(B) In Article II of the bill, increase the appropriation from the general revenue fund to the Department of State Health Services in Strategy B.3.2, FQHC Infrastructure Grants (page II-38), by the amounts of the reductions in Paragraph (A) preceding this paragraph for each state fiscal year.

Amend **CSHB 1** by adjusting Article II totals and methods of financing appropriately.

(Speaker in the chair)

Amendment No. 60 was adopted.

Representative Dukes moved to table Amendment No. 59, as amended.

A record vote was requested.

The motion to table prevailed by (Record 231): 136 Yeas, 5 Nays, 2 Present, not voting.

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

Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; Morrison; Mowery; Murphy; Naishtat; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Flynn; Gattis; Jackson; Riddle; Van Arsdale.

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

Absent — Christian; Crownover; Hardcastle; Latham; Noriega; Paxton; Phillips.

STATEMENTS OF VOTE

I was shown voting no on Record No. 231. I intended to vote yes.

Flynn

I was shown voting yes on Record No. 231. I intended to vote no.

Laubenberg

I was shown voting present, not voting on Record No. 231. I intended to vote yes.

Vaught

I was shown voting yes on Record No. 231. I intended to vote no.

Woolley

REASON FOR VOTE

I voted against the motion to table Representative Harper-Brown's amendment because she had offered to pull the amendment down and not put the body through voting on a very divisive and emotional issue for many members. Pushing a vote on an item only to cut up and divide the body or punish a member for their position is not only disrespectful to the process but is disrespectful to the body and to the legacy of this great institution called the Texas House.

Gattis

Amendment No. 61

Representative Noriega offered the following amendment to **CSHB 1**:
Floor Packet Page No. 77

Amend **CSHB 1** as follows:

(1) On page III-2, reduce the general revenue appropriation of Goal A: Strategy A.2.4, School Improvement & Support Programs by \$263,056,920 in Fiscal Year 2008 and \$319,114,000 in Fiscal Year 2009.

(2) On page III-20 delete Rider 73, Student Achievement and Educator Excellence Awards Program.

(a) Appropriate funds in the above amounts to Goal A: Strategy A.1.1., FSP-Equalized Operations with the intent that the Texas Education Agency will apply an amount equal to the product of \$1,000 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 or a charter school and entitled to a minimum salary under Section 21.402 of the Texas Education Code.

(b) This amount shall be applied in addition to any step increase the employee is entitled.

Amendment No. 61 was withdrawn.

Amendment No. 62

Representative Laubenberg offered the following amendment to **CSHB 1**:
Floor Packet Page No. 59

Amend **CSHB 1** by adding the following appropriately numbered rider in Article II after the appropriation to the Health and Human Services Commission:

_____. Funding for Coverage of Unborn Children under CHIP. If the commission provides health benefits coverage under the child health plan program to an unborn child, the Health and Human Services Commission may not adopt rules regarding that coverage that are not consistent with providing coverage to the primary population group for which the state receives federal matching funds under this chapter.

Amendment No. 62 was withdrawn.

Amendment No. 63

Representative Noriega offered the following amendment to **CSHB 1**:
Floor Packet Page No. 77

Amend **CSHB 1** as follows:

(1) On page III-2, reduce the general revenue appropriation of Goal A: Strategy A.2.4, School Improvement & Support Programs by \$263,056,920 in Fiscal Year 2008 and \$319,114,000 in Fiscal Year 2009.

(2) On page III-20 delete Rider 73, Student Achievement and Educator Excellence Awards Program.

(a) Appropriate funds in the above amounts to Goal A: Strategy A.1.1., FSP-Equalized Operations with the intent that the Texas Education Agency will apply an amount equal to the product of \$1,000 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 or a charter school and entitled to a minimum salary under Section 21.402 of the Texas Education Code.

(b) This amount shall be applied in addition to any step increase the employee is entitled.

Amendment No. 64

Representative Noriega offered the following amendment to Amendment No. 63:

Amend Floor Amendment No. 63 to **CSHB 1** by Noriega (page 77 prefiled amendments packet) by striking lines 9-13 of the amendment and substituting: an amount such that each person entitled to a minimum salary under Section 21.402, Education Code, may receive an equal salary increase, including a classroom teacher, full-time librarian, full-time counselor certified under Subchapter B, Chapter 21, Education Code, and full-time school nurse employed by a school district or a charter school.

Amendment No. 64 was adopted.

Representative Kolkhorst moved to table Amendment No. 63, as amended.

A record vote was requested.

The motion to table was lost by (Record 232): 65 Yeas, 82 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Delisi; Driver; Eissler; England; Flynn; Gattis; Geren; Goolsby; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Latham; Laubenberg; Macias; Madden; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Pitts; Riddle; Smith, W.; Smithee; Straus; Swinford; Talton; Taylor; Van Arsdale; Woolley; Zedler; Zerwas.

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

Present, not voting — Mr. Speaker(C).

Absent — Davis, J.; Hill.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 232. I intended to vote no.

Driver

I was shown voting yes on Record No. 232. I intended to vote no.

England

I was shown voting yes on Record No. 232. I intended to vote no.

Hilderbran

I was shown voting yes on Record No. 232. I intended to vote no.

Krusee

I was shown voting yes on Record No. 232. I intended to vote no.

Miller

I was shown voting yes on Record No. 232. I intended to vote no.

Otto

I was shown voting yes on Record No. 232. I intended to vote no.

Pitts

A record vote was requested.

Amendment No. 63, as amended, was adopted by (Record 233): 90 Yeas, 56 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bailey; Bolton; Bonnen; Burnam; Castro; Cohen; Coleman; Cook, R.; Darby; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; King, T.; Krusee; Kuempel; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Moreno; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Otto; Patrick; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Strama; Swinford; Thompson; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West.

Nays — Anderson; Aycock; Berman; Bohac; Branch; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Davis, J.; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Hancock; Hardcastle; Harless; Harper-Brown; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; Kolkhorst; Latham; Laubenberg; Macias; Madden; Morrison; Mowery; Murphy; O'Day; Parker; Paxton; Riddle; Smith, W.; Smithee; Solomons; Straus; Taylor; Truitt; Turner; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — King, S.; Miller; Talton.

STATEMENTS OF VOTE

I was shown voting no on Record No. 233. I intended to vote yes.

Anderson

I was shown voting no on Record No. 233. I intended to vote yes.

Aycock

I was shown voting no on Record No. 233. I intended to vote yes.

Bohac

I was shown voting no on Record No. 233. I intended to vote yes.

Callegari

I was shown voting no on Record No. 233. I intended to vote yes.

Chavez

I was shown voting no on Record No. 233. I intended to vote yes.

Christian

I was shown voting no on Record No. 233. I intended to vote yes.

B. Cook

I was shown voting no on Record No. 233. I intended to vote yes.

Crabb

I was shown voting no on Record No. 233. I intended to vote yes.

Creighton

I was shown voting no on Record No. 233. I intended to vote yes.

J. Davis

I was shown voting no on Record No. 233. I intended to vote yes.

Driver

I was shown voting no on Record No. 233. I intended to vote yes.

Elkins

I was shown voting no on Record No. 233. I intended to vote yes.

Flynn

I was shown voting no on Record No. 233. I intended to vote yes.

Gattis

I was shown voting no on Record No. 233. I intended to vote yes.

Harless

I was shown voting no on Record No. 233. I intended to vote yes.

Keffer

When Record No. 233 was taken, my vote failed to register. I would have voted yes.

S. King

I was shown voting no on Record No. 233. I intended to vote yes.

Latham

When Record No. 233 was taken, my vote failed to register. I would have voted yes.

Miller

I was shown voting no on Record No. 233. I intended to vote yes.

O'Day

I was shown voting no on Record No. 233. I intended to vote yes.

Paxton

I was shown voting no on Record No. 233. I intended to vote yes.

Taylor

I was shown voting yes on Record No. 233. I intended to vote no.

Van Arsdale

Amendment No. 65

Representative Coleman offered the following amendment to **CSHB 1**:
Floor Packet Page No. 58

Amend **CSHB 1** in Article II of the bill, on page II-78 by adding the following Rider No. ____:

"CHIP Eligibility Determinations for Children. The Health and Human Services Commission shall not adopt business rules & policies concerning the eligibility and reenrollment of families applying for the Children's Health Insurance Program that create undue bureaucratic barriers."

Amendment No. 66

Representative Coleman offered the following amendment to Amendment No. 65:

Amend Floor Amendment No. 65 on page 58 of the amendment packet by striking everything after "CHIP Eligibility Determinations for Children" and substituting the following:

"Out of funds appropriated above in Goal C, CHIP Services:

(a) The executive commissioner of the Health and Human Services Commission ("the commissioner") shall, to the greatest extent possible, diminish errors which create barriers that wrongly deny or delay coverage for which a child is eligible.

(1) The commissioner shall ensure that children are screened simultaneously for eligibility for the Medicaid program and the state child health plan using a consolidated application; and

(2) once the eligibility procedures are complete, all children identified as eligible for the state child health plan should be automatically enrolled without further application or qualification.

(b) The commissioner shall ensure that the processing time for applications and eligibility redeterminations for the state child health plan program meet or exceed the performance levels realized in state fiscal year 2004 by ensuring that

the private and public components, including call centers, of the eligibility and enrollment system for the state child health program are adequately staffed and trained. In addition, the commissioner shall ensure that all computer systems that support the eligibility and enrollment systems are performing properly.

(c) If for any reason a child becomes ineligible for the state child health plan program, the Health and Human Services Commission shall, before terminating the child's benefits under the program, determine whether the child is eligible for the Medicaid program, based on the information currently available to the commission. If the commission determines that the child is eligible, the commission shall enroll the child in the Medicaid program without further application or qualification, unless the child's parent objects to enrollment. The commission shall notify a parent of the child's eligibility for the Medicaid program and automatic enrollment in that program as soon as practicable after eligibility has been determined.

(d) Further,

(1) To the extent allowed by federal law, the executive commissioner of the Health and Human Services Commission shall create a program under which a child who is ineligible for the health benefits coverage under the child health plan solely because the child's net family income exceeds the income eligibility requirements otherwise applicable for that coverage may be enrolled in the plan if:

(i) the child's parents are self-employed; or

(ii) the employer of neither of the child's parents offers coverage for health care for dependent children of employees.

(2) The program established under Subsection (1) must require premium payments, subject to Subsection (3).

(3) The full monthly premium cost for coverage provided under the program established under this section, including the amount of any federal or state share of that cost, must be paid by an enrollee whose net family income is above 200 percent of the federal poverty level."

The intent of this amendment is that it be revenue neutral, and that these provisions be completed within funds appropriated above in Goal C.

Amendment No. 66 was adopted.

Amendment No. 65, as amended, was adopted.

Amendment No. 67

Representative Coleman offered the following amendment to **CSHB 1**:
Floor Packet Page No. 57

Amend **CSHB 1** in Article II of the bill, on page II-78 by adding the following Rider No. __:

"Medicaid Eligibility Determinations for Children. The Health and Human Services Commission shall not adopt business rules & policies concerning the eligibility and reenrollment of families applying for Children's Medicaid that creates undue bureaucratic barriers."

Amendment No. 68

Representative Coleman offered the following amendment to Amendment No. 67:

Amend Floor Amendment No. 67 on page 57 of the amendment packet by striking everything after "Medicaid Eligibility Determinations for Children." and substituting the following:

"Out of funds appropriated above in Goal B, Medicaid:

(a) The executive commissioner of the Health and Human Services Commission ("the commissioner") shall, to the greatest extent possible, diminish errors which create barriers that wrongly deny or delay coverage for which a child is eligible.

(1) In accordance with federal regulations, the commissioner shall work to provide that children are screened simultaneously for eligibility for the Medicaid program and the state child health plan using a consolidated application; and

(2) once the eligibility procedures are complete, all children identified as eligible for the Medicaid program should be automatically enrolled without further application or qualification.

(b) The commissioner shall ensure that the processing time for applications and eligibility redeterminations for the Medicaid program meet or exceed the performance levels realized in state fiscal year 2004 by ensuring that the private and public components, including call centers, of the eligibility and enrollment system for the Medicaid program are adequately staffed and trained. In addition, the commissioner shall ensure that all computer systems that support the eligibility and enrollment systems are performing properly.

(c) If for any reason a child becomes ineligible for the state child health plan program, the Health and Human Services Commission shall, before terminating the child's benefits under the program, determine whether the child is eligible for the Medicaid program, based on the information currently available to the commission. If the commission determines that the child is eligible, the commission shall enroll the child in the Medicaid program without further application or qualification, unless the child's parent objects to enrollment. The commission shall notify a parent of the child's eligibility for the Medicaid program and automatic enrollment in that program as soon as practicable after eligibility has been determined.

The intent of this amendment is that it be revenue neutral, and that these provisions be completed within funds appropriated above in Goal B.

Amendment No. 68 was adopted.

Amendment No. 67, as amended, was adopted.

(Van Arsdale in the chair)

Amendment No. 69

Representative Hochberg offered the following amendment to **CSHB 1**:
Floor Packet Page No. 84

Amend **CSHB 1**, Article III, Rider 33, on page III-12, under the appropriation for the Texas Education Agency by inserting the following after the first sentence: For districts that do not have a tier one allotment, the reduction shall be from any other formula or hold harmless funds paid to the district, or from an increase in required attendance credits.

Amendment No. 69 was adopted.

Amendment No. 70

Representative Hochberg offered the following amendment to **CSHB 1**:
Floor Packet Page No. 88

Amend **CSHB 1**, Article III, on page III-21, by inserting the following appropriately-numbered Rider to the appropriation for the Texas Education Agency to read as follows and renumbering subsequent Riders accordingly:

" _____. Teachers & other Professional Staff Pay Raise. To the extent that the amount appropriated in A.1.1., FSP-Equalized Operations, together with all other amounts appropriated from the Foundation School Fund and other sources for the cost of property tax relief, exceeds the amount determined by the Commissioner to be necessary to achieve a compression percentage of .667 in the 2009 fiscal year plus that which is required to fully fund the school finance formulas, the excess shall be appropriated to the Texas Education Agency to increase the salaries of all teachers and other professional staff as defined by 21.402, Education Code."

Amendment No. 71

Representative Hochberg offered the following amendment to Amendment No. 70:

Amend Amendment No. 70 to **CSHB 1** by Hochberg (page 88 of the prefiled amendments packet) by striking the text on page 1 of the amendment, lines 5-14, and substituting the following:

_____. Limitation on Funding for Property Tax Relief and Foundation School Program. From the amount appropriated above to the Texas Education Agency for Strategy A.1.1., FSP-Equalized Operations, for the 2009 fiscal year, the Commissioner may not spend more than the amount that, together with all other amounts appropriated from the Foundation School Fund or another source for the Foundation School Program or for paying the costs of school property tax relief, is necessary to achieve a state compression percentage, as defined by Section 42.2516, Texas Education Code, of 66.67 percent and fully fund the school funding formulas under Chapters 41 and 42, Texas Education Code.

Amendment No. 71 was adopted.

Amendment No. 70, as amended, was adopted.

(Speaker in the chair)

Amendment No. 72

Representative Villarreal offered the following amendment to **CSHB 1**:

Floor Packet Page No. 89

Amend **CSHB 1** as follows:

(1) Following the Article I appropriations to the Office of the Attorney General, add the following appropriately numbered rider:

____. Contingency for **HB 3390**: Kindergarten-Plus Pilot Program. Contingent on the passage and becoming law of **HB 3390** or similar legislation that establishes a Kindergarten-Plus Pilot Program in certain school districts, the total amount appropriated to the Office of the Attorney General from the general revenue fund and the portion of that total amount appropriated that may be used for travel are each reduced by \$130,284 for fiscal year 2008 and by \$130,284 for fiscal year 2009.

(2) Following the Article III appropriations to the Texas Education Agency, add the following appropriately numbered rider:

____. Contingency Appropriation for **HB 3390**: Kindergarten-Plus Pilot Program. Contingent on the passage and becoming law of **HB 3390** or similar legislation that establishes a Kindergarten-Plus Pilot Program in certain school districts, in addition to other amounts appropriated to the Texas Education Agency, the amounts of \$130,284 in general revenue for fiscal year 2008 and \$130,284 in general revenue for fiscal year 2009 plus the unexpended balance from fiscal year 2008 are appropriated to the Texas Education Agency to award grants to eligible school districts to provide Kindergarten-Plus programs as provided by that legislation.

Amendment No. 72 was withdrawn.

Amendment No. 73

Representative Coleman offered the following amendment to **CSHB 1**:

Floor Packet Page No. 90

Amend **CSHB 1** in Article III of the bill, on page III-21 by adding the following Rider____:

"Requirement on the Report of Discrimination. Out of funds appropriated above for comprehensive annual reports, school districts shall report annually to the Texas Education Agency any incidents of alleged discrimination or harassment of school district employees or students enrolled in the district on the basis of the actual or perceived ethnicity, color, gender, gender identity or expression, sexual orientation, disability, religion, or national origin that occurred in the district during the preceding year. The agency shall include the information in the comprehensive annual report as required by Section 39.182 of the Education Code."

A record vote was requested.

Amendment No. 73 was adopted by (Record 234): 77 Yeas, 68 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bolton; Brown, B.; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego;

Garcia; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Heflin; Hernandez; Herrero; Hill; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McReynolds; Menendez; Miles; Moreno; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Talton; Thompson; Turner; Vaught; Veasey; Villarreal; Vo; Zerwas.

Nays — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; McClendon; Merritt; Miller; Morrison; Orr; Otto; Parker; Patrick; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Taylor; Truitt; West; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Bailey; Krusee; Paxton; Van Arsdale.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 234. I intended to vote no.

B. Brown

When Record No. 234 was taken, I was temporarily out of the house chamber. I would have voted no.

Paxton

I was shown voting yes on Record No. 234. I intended to vote no.

Talton

I was shown voting no on Record No. 234. I intended to vote yes.

Taylor

Amendment No. 74

Representative Heflin offered the following amendment to **CSHB 1**:

Floor Packet Page No. 91

Amend **CSHB 1**, as follows:

On page III-21, amend the Texas Education Agency budget by adding Rider # 83 and renumbering accordingly:

"#83. Prohibition on Vouchers. None of the funds appropriated above may be spent to pay for a public education voucher program, or a public education voucher pilot program, where state tax dollars pay for vouchers for children to attend a private school."

Amendment No. 75

Representative Heflin offered the following amendment to Amendment No. 74:

Amend Amendment No. 74 to **CSHB 1** by Heflin (Floor Amendment packet, page 91) by striking the text of the amendment and substituting the following:

Amend **CSHB 1** in Article III of the bill following the appropriations to the Texas Education Agency by adding the following appropriately numbered rider:

_____. Prohibition on Vouchers. It is the intent of the legislature that none of the funds appropriated above may be spent to pay for a public education voucher program or a public education voucher pilot program if the program uses state tax dollars to pay for tuition vouchers for children in any grades between grade 1 through grade 12 to attend a private school. This rider does not prohibit the use of state tax dollars by a public school or charter school under a contract entered into by the school pursuant to a law in effect on January 1, 2007.

Amendment No. 75 was adopted.

A record vote was requested.

Amendment No. 74, as amended, was adopted by (Record 235): 129 Yeas, 8 Nays, 1 Present, not voting.

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

Nays — Berman; Brown, B.; Chisum; Eissler; Flynn; Hartnett; Howard, C.; Laubenberg.

Present, not voting — Mr. Speaker(C).

Absent — Anderson; Branch; England; Hughes; King, P.; Macias; Madden; Paxton; Smithee; Solomons; Talton; Zedler.

STATEMENTS OF VOTE

When Record No. 235 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

I was shown voting yes on Record No. 235. I intended to vote no.

Delisi

When Record No. 235 was taken, my vote failed to register. I would have voted yes.

England

I was shown voting no on Record No. 235. I intended to vote yes.

Flynn

I was shown voting yes on Record No. 235. I intended to vote no.

Hancock

I was shown voting yes on Record No. 235. I intended to vote no.

Isett

When Record No. 235 was taken, I was in the house but away from my desk. I would have voted no.

Macias

I was shown voting yes on Record No. 235. I intended to vote no.

Parker

When Record No. 235 was taken, I was temporarily out of the house chamber. I would have voted yes.

Paxton

I was shown voting yes on Record No. 235. I intended to vote no.

Riddle

When Record No. 235 was taken, I was in the house but away from my desk. I would have voted yes.

Smithee

(P. King in the chair)

Amendment No. 76

Representative Anchia offered the following amendment to **CSHB 1**:
Floor Packet Page No. 103

Amend **CSHB 1** as follows:

(1) In Article I, on page 76, reduce appropriations for the Office of State-Federal Relations by \$960,851 in FY2008 and by \$957,601 in FY2009.

(2) Increase funding for Strategy B.1.6, Teach for Texas Loan Repayment, Higher Education Coordinating Board, Article III, page 38, by \$960,851 in FY2008 and by \$957,601 in FY2009.

Representative Chisum moved to table Amendment No. 76.

A record vote was requested.

The motion to table prevailed by (Record 236): 81 Yeas, 65 Nays, 2 Present, not voting.

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

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

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

Absent — Goolsby; Riddle.

Amendment No. 77

Representative Coleman offered the following amendment to **CSHB 1**:
Floor Packet Page No. 104

Amend **CSHB 1** as follows:

(1) In Article VIII, page 72-73, reduce general revenue funding for the Residential Construction Commission by \$3,536,842 in FY2008 and by \$3,536,843 in FY2009.

(2) Increase funding in Article III, page 38, Strategy B.1.9, Student Financial Aid Programs, by \$3,536,842 in FY2008 and by \$3,536,843 in FY2009.

(3) In Article 3, page 52, add the following rider: The additional funds appropriated to Strategy B.1.9 above, \$3,536,842 in FY2008 and by \$3,536,843 in FY2009, are intended to be used to increase the number of eligible students benefiting from the TEXAS Grants Program.

Representative McClendon moved to table Amendment No. 77.

A record vote was requested.

The motion to table prevailed by (Record 237): 95 Yeas, 49 Nays, 3 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Dutton; Eissler; Elkins; England; Escobar; Farabee; Flores; Flynn; Frost; Gattis; Geren; Giddings; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Homer; Hopson; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, S.; Kolkhorst; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; McCall; McClendon; McReynolds; Miller; Morrison; Mowery; Murphy; O'Day; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Riddle; Ritter; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Cohen; Coleman; Davis, Y.; Dukes; Dunnam; Eiland; Farias; Farrar; Gallego; Garcia; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Howard, D.; King, T.; Leibowitz; Mallory Caraway; Martinez; Martinez Fischer; Merritt; Miles; Naishtat; Noriega; Olivo; Ortiz; Pierson; Puente; Quintanilla; Raymond; Rodriguez; Rose; Strama; Thompson; Vaught; Veasey; Villarreal; Vo.

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

Absent — Driver; Krusee; Moreno.

STATEMENTS OF VOTE

When Record No. 237 was taken, I was in the house but away from my desk. I would have voted yes.

Driver

I was shown voting no on Record No. 237. I intended to vote yes.

Vaught

(Speaker in the chair)

Amendment No. 78

Representative Kolkhorst offered the following amendment to **CSHB 1**:
Floor Packet Page No. 107

Overview

The following floor amendment would modify language pertaining to the allocation of the funds to community colleges and reporting of data.

Required Action

On page III-49 of the agency's bill pattern, amend Rider 40:

Professional Nursing Shortage Reduction Program. The funds appropriated under Strategy D.1.12 for the Professional Nursing Shortage Reduction Program (§ 61.9621-61.9628, Education Code) are trusted to the Texas Higher Education Coordinating Board to achieve the following outcomes: 1) increasing the number of graduates from professional nursing programs, 2) increasing the percentage of students in professional nursing programs that graduate within a reasonable time as determined by the board, and 3) increasing the number of graduates from master's and doctoral programs in nursing that join the faculty of a professional nursing program. Funds shall only be used to: 1) create additional nurse faculty positions, 2) provide temporary salary supplements for professional nursing faculty, and 3) engage qualified preceptors to expand faculty capacity. "Professional nursing program" has the meaning assigned by § 61.9621, Education Code. The funds appropriated shall be distributed in an equitable manner to institutions based on increases in numbers of nursing students graduating. Out of funds appropriated above in Strategy D.1.12, the Coordinating Board shall allocate ~~up to \$1,500,000~~ 2,250,000 in each year of the biennium to community colleges. If the board is unable to allocate the balance of the funds to general academic and health-related institutions, it may allocate any unused funds to community colleges.

An institution is eligible to receive funds appropriated for fiscal year 2008 only if it commits for fiscal year 2008 to spend funds on its professional nursing program at least equal to the funds spent in fiscal year 2007 and for funds appropriated for fiscal year 2009 only if it commits for FY 2009 to spend funds equal at least to the funds spent in fiscal year 2008. Funds received under Strategy D.1.12 shall not be included in these calculations.

Amendment No. 78 was adopted.

Amendment No. 79

Representative Coleman offered the following amendment to **CSHB 1**:
Floor Packet Page No. 110

Amend **CSHB 1** in Article II of the bill, on page III-52 by adding the following Rider No. ___:

"Annual Tuition Report. Out of funds appropriated above, the Coordinating Board shall provide a study on the financial impact of tuition and fees on students and the families of students who are enrolled at Texas' public and independent institutions of higher education. This report shall be provided to the Governor, the Lieutenant Governor, and all Members of the Legislature by January 1 of each biennium."

Amendment No. 79 was adopted.

Amendment No. 80

Representative Eiland offered the following amendment to **CSHB 1**:
Floor Packet Page No. 117

Amend **CSHB 1** (House committee printing) as follows:

(1) In Article III of the bill, in the Article III appropriations to The University of Texas Medical Branch at Galveston, Goal E, Provide Special Item Support, increase the appropriation for Strategy E.2.4., Support for Indigent Care (page III-138), by \$4,202,417 for the state fiscal year ending August 31, 2008, and \$4,204,237 for the state fiscal year ending August 31, 2009.

(2) In Article VIII of the bill (pages VIII-72 through VIII-74), strike all of the appropriations to the Texas Residential Construction Commission, including direct and indirect costs and schedule of exempt positions appropriated by other provisions of the bill and totaling \$4,202,417 for the state fiscal year ending August 31, 2008, and \$4,202,237 for the state fiscal year ending August 31, 2009, and all riders following those appropriations that apply specifically to the commission.

(3) In Article VIII of the bill, in the Special Provisions Relating to All Regulatory Agencies, strike each reference to the Texas Residential Construction Commission and any related amounts.

(4) In Article XI of the bill (page XI-85), strike the reference to the Texas Residential Construction Commission.

(5) Conform totals and methods of financing appropriately.

Amendment No. 81

Representative Eiland offered the following amendment to Amendment No. 80:

Amend Floor Amendment No. 80 to **CSHB 1** by Eiland (Prefiled amendment packet page 117) as follows:

(1) On page 1, line 6 of the amendment, strike "4,202,417" and substitute "\$6,624,606".

(2) On page 1, line 7 of the amendment, strike "4,202,237" and substitute "\$6,641,316".

(3) Add the following appropriately numbered item to the amendment and renumber subsequent items of the amendment accordingly:

"() In Article VII of the bill (pages VII-16 through VII-20), reduce the total amount appropriated from the general revenue fund to the Department of Transportation by \$2,422,189 for the state fiscal year ending August 31, 2008, and by \$2,437,079 for the state fiscal year ending August 31, 2009, by reducing the amounts appropriated to that department in each strategy proportionately for each state fiscal year."

Amendment No. 81 was adopted.

Representative Kolkhorst moved to table Amendment No. 80, as amended.

A record vote was requested.

The motion to table prevailed by (Record 238): 74 Yeas, 63 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Bailey; Berman; Bohac; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Darby; Delisi; Driver; Dukes; Eissler; Elkins; England; Flynn; Geren; Goolsby;

Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hilderbran; Hill; Howard, C.; Isett; Jackson; Jones; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Madden; McClendon; McReynolds; Merritt; Miller; Morrison; Mowery; Murphy; Noriega; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Ritter; Smith, T.; Smith, W.; Smithee; Straus; Swinford; Talton; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Bonnen; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dunnam; Dutton; Eiland; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Heflin; Hernandez; Herrero; Hochberg; Hodge; Hopson; Howard, D.; Hughes; King, T.; Leibowitz; Lucio; Martinez; Martinez Fischer; McCall; Miles; Moreno; Naishtat; O'Day; Oliveira; Olivo; Ortiz; Pickett; Pierson; Puente; Quintanilla; Raymond; Rodriguez; Rose; Strama; Taylor; Thompson; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Creighton; Davis, J.; Gattis; Giddings; Harper-Brown; Homer; King, S.; Macias; Mallory Caraway; Menendez; Peña; Solomons.

STATEMENTS OF VOTE

When Record No. 238 was taken, my vote failed to register. I would have voted yes.

S. King

When Record No. 238 was taken, I was temporarily out of the house chamber. I would have voted yes.

Macias

I was shown voting yes on Record No. 238. I intended to vote no.

Noriega

When Record No. 238 was taken, I was in the house but away from my desk. I would have voted yes.

Peña

Amendment No. 82

Representative Miller offered the following amendment to **CSHB 1**:
Floor Packet Page No. 119

Amend **CSHB 1** as follows:

(1) Add the following appropriately numbered rider under the Article III appropriations to Tarleton State University:

_____. Agriculture Center: Additional Funds. In addition to the amounts appropriated above in Strategy C.2.2 for an agriculture center, the amount of \$500,000 is appropriated out of the general revenue fund to Tarleton State University for the state fiscal year ending August 31, 2008, and the additional

amount of \$500,000 is appropriated out of the general revenue fund to Tarleton State University for the state fiscal year ending August 31, 2009, for purposes of Strategy C.2.2 for construction of an equine center.

(2) Reduce the Article VI appropriations to the Animal Health Commission for Strategies A.1.1, A.1.2, A.1.3, and B.1.1 (page VI-7), proportionally in a total amount of \$500,000 for the state fiscal year ending August 31, 2008, and a total amount of \$500,000 for the state fiscal year ending August 31, 2009, and reduce the method of funding for the Animal Health Commission for each of those fiscal years from the general revenue fund by \$500,000.

(3) Adjust totals and methods of financing appropriately.

Representative Hardcastle moved to table Amendment No. 82.

A record vote was requested.

The motion to table prevailed by (Record 239): 111 Yeas, 9 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Aycock; Berman; Bohac; Bolton; Bonnen; Brown, B.; Burnam; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Creighton; Crownover; Darby; Davis, J.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Howard, C.; Howard, D.; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kuempel; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Moreno; Morrison; Murphy; Naishtat; Noriega; Olivo; Orr; Ortiz; Otto; Parker; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Anderson; Bailey; Delisi; Hartnett; Hughes; Miller; Paxton; Quintanilla; Vaught.

Present, not voting — Mr. Speaker(C).

Absent — Anchia; Branch; Brown, F.; Callegari; Castro; Cohen; Corte; Davis, Y.; Driver; England; Garcia; Geren; Hamilton; Hilderbran; Hill; Hopson; Isett; Kolkhorst; Krusee; Latham; Laubenberg; Mowery; O'Day; Oliveira; Patrick; Smith, T.; Straus; Talton; Thompson.

STATEMENTS OF VOTE

When Record No. 239 was taken, I was in the house but away from my desk. I would have voted yes.

Anchia

When Record No. 239 was taken, I was in the house but away from my desk. I would have voted yes.

Castro

I was shown voting no on Record No. 239. I intended to vote yes.

Delisi

When Record No. 239 was taken, I was in the house but away from my desk. I would have voted yes.

Driver

When Record No. 239 was taken, I was in the house but away from my desk. I would have voted yes.

Garcia

When Record No. 239 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

When Record No. 239 was taken, I was in the house but away from my desk. I would have voted yes.

Hopson

When Record No. 239 was taken, I was in the house but away from my desk. I would have voted yes.

Isett

When Record No. 239 was taken, I was in the house but away from my desk. I would have voted yes.

O'Day

When Record No. 239 was taken, I was in the house but away from my desk. I would have voted yes.

T. Smith

Amendment No. 83

Representative Jones offered the following amendment to **CSHB 1**:

Floor Packet Page No. S-3

Amend **CSHB 1** in Article III by adding the following appropriately numbered rider following the appropriations to Texas Tech University:

_____. Relocation of Governor Smith Statue. (a) It is the intent of the legislature that the board of regents of the Texas Tech University System exercise its discretionary authority regarding Texas Tech University under Chapter 109, Education Code, to relocate the statue of former Governor Preston Smith from its current location on the grounds of the university to a prominent location in the vicinity of the entrance to the university at the intersection of University Avenue and Broadway.

(b) The university may use a necessary amount of funds appropriated under Strategy A.1.1 for operations support to accomplish the purpose of Subsection (a).

Amendment No. 83 was withdrawn. (The vote was reconsidered later today, and Amendment No. 83, as amended by Amendment No. 238 was adopted.)

Amendment No. 84

On behalf of Representative Burnam, Representative Dunnam offered the following amendment to **CSHB 1**:

Floor Packet Page No. 122

(1) Amend **CSHB 1**, on page IV-32, by increasing strategy D.1.4., Public Integrity Unit, Travis County, by \$750,000 in Fiscal Year 2008 and \$750,000 in Fiscal Year 2009 out of the general revenue fund; and

(2) Amend **CSHB 1**, on Page I-68, Preservation Board, by reducing Strategy A.1.1. by \$1,500,000 in Fiscal Year 2008.

Amendment No. 85

On behalf of Representative Burnam, Representative Dunnam offered the following amendment to Amendment No. 84:

Amend Amendment No. 84 by Burnam to **CSHB 1** (Page 122, pre-filed amendments packet) by striking item (2) of the amendment and substituting the following:

(2) Amend **CSHB 1**, on Page X-2, by reducing Strategy A.1.1. House of Representatives by \$750,000 for state fiscal year 2008 and by \$750,000 in state fiscal year 2009.

Amendment No. 85 was adopted.

Representative Turner moved to table Amendment No. 84, as amended.

A record vote was requested.

The motion to table prevailed by (Record 240): 85 Yeas, 52 Nays, 1 Present, not voting.

Yeas — Allen; Anderson; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Davis, J.; Delisi; Deshotel; Driver; Dukes; Eissler; Elkins; Flores; Flynn; Gattis; Geren; Giddings; Goolsby; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Howard, D.; Jackson; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; McCall; McClendon; McReynolds; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pitts; Puente; Riddle; Rose; Smith, W.; Smithee; Solomons; Straus; Swinford; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Alonzo; Anchia; Bolton; Burnam; Castro; Coleman; Cook, R.; Davis, Y.; Dunnam; Dutton; Eiland; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Gonzales; Gonzalez Toureilles; Haggerty; Heflin; Hernandez; Herrero; Hochberg; Hodges; Homer; Hopson; Jones; King, T.; Leibowitz;

Martinez; Martinez Fischer; Menendez; Merritt; Miles; Moreno; Naishtat; Noriega; Olivo; Ortiz; Pickett; Pierson; Quintanilla; Raymond; Ritter; Rodriguez; Strama; Thompson; Vaught; Veasey; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Aycock; Cohen; Darby; England; Hughes; Isett; King, S.; Mallory Caraway; Oliveira; Smith, T.; Talton; Villarreal.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 240. I intended to vote no.

Anderson

When Record No. 240 was taken, I was in the house but away from my desk. I would have voted yes.

Aycock

When Record No. 240 was taken, I was in the house but away from my desk. I would have voted yes.

Darby

I was shown voting yes on Record No. 240. I intended to vote no.

Guillen

When Record No. 240 was taken, I was in the house but away from my desk. I would have voted yes.

Isett

When Record No. 240 was taken, I was in the house but away from my desk. I would have voted no.

Mallory Caraway

I was shown voting yes on Record No. 240. I intended to vote no.

Peña

When Record No. 240 was taken, I was in the house but away from my desk. I would have voted no.

T. Smith

When Record No. 240 was taken, I was in the house but away from my desk. I would have voted no.

Villarreal

Amendment No. 86

Representative Turner offered the following amendment to **CSHB 1**:
Floor Packet Page No. 124

Amend **CSHB 1** in Article V of the bill as follows:

(1) Following the appropriations to the Department of Criminal Justice (page V-9), add the following appropriately numbered rider:

_____. GPS Monitoring Pilot Program. For each year in the biennium beginning September 1, 2007, the department shall use \$1,000,000 out of the funds appropriated above in Strategy A.1.2, Diversion Programs, and \$1,000,000 out of the funds appropriated above in Strategy E.2.1, Parole Supervision, to establish a pilot program that uses active, real-time global positioning satellite tracking devices to monitor a cumulative total of 500 individuals who are on community supervision or who have been released from the department to parole. The pilot program must evaluate the effectiveness of using active, real-time global positioning satellite devices to enhance public safety by tracking individuals who are on community supervision or have been released from the department to parole. The department shall employ 8 Full-Time-Equivalents in addition to those listed above to operate the pilot program.

(2) Adjust the number of Full-Time-Equivalents employed by the Department of Criminal Justice (page V-9) accordingly.

Amendment No. 86 was withdrawn.

LEAVE OF ABSENCE GRANTED

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

Talton on motion of B. Brown.

CSHB 1 - (consideration continued)

Amendment No. 87

Representative Homer offered the following amendment to **CSHB 1**:
Floor Packet Page No. 125

Amend **CSHB 1** in Article V of the bill following the appropriations to the Department of Criminal Justice (page V-9) by adding the following appropriately numbered rider:

_____. Lamar County Supervision and Corrections Department Recidivism Reduction Programs. Out of the funds appropriated above in Strategy A.1.2., Diversion Programs, in each year of the biennium the department, through the community justice assistance division, shall grant to the Lamar County Community Supervision and Corrections Department \$250,000 to be used for the expansion and study of that department's programs intended to reduce recidivism among individuals supervised by that department, including that department's horticultural therapy and butterfly cultivation programs, cognitive behavior programs, and programs that encourage inmates supervised by that department to receive postsecondary education.

Amendment No. 87 was withdrawn. (The vote was reconsidered later today, and Amendment No. 87, as amended by Amendment No. 234, was adopted.)

Amendment No. 88

Representative Madden offered the following amendment to **CSHB 1**:
Floor Packet Page No. 128

Amend **CSHB 1** in Article V of the bill following the appropriations to the Department of Criminal Justice (page V-9) by adding the following appropriately numbered rider:

_____. Commissary Taste Test Contracts. In awarding a bid for the purchase of commissary food goods, the Department of Criminal Justice may not use funds appropriated above to conduct a taste test as consideration for the bid award, unless:

(1) the department contracts with a private marketing vendor, a university, or another independent organization that is experienced in food product evaluation and taste tests to conduct the taste test; and

(2) the taste test results account for no more than 30 percent of the criteria used for the bid award.

Amendment No. 88 was adopted.

Amendment No. 89

Representative Phillips offered the following amendment to **CSHB 1**:
Floor Packet Page No. 134

Amend **CSHB 1** in the Article V appropriations to the Juvenile Probation Commission (page V-32) by amending Subsection b. of Rider 6 (Funding for Progressive Sanctions) to read as follows:

b. Out of the funds appropriated above in Strategy B.1.3, Level 5 Post-adjudication Facilities, \$6,177,936 in fiscal year 2008 and \$6,177,936 in fiscal year 2009 can be used only for the purpose of funding secure post-adjudication placements for (1) juveniles who have a progressive sanction guideline level of 5 or higher as described by Sections 59.003(a)(5), 59.003(a)(6), and 59.003(a)(7); (2) are adjudicated for a felony offense that includes as an element of the offense the possession, carrying, using, or exhibiting of a deadly weapon; (3) the juvenile court's order of adjudication contains a finding that the child committed a felony offense and the child used or exhibited a deadly weapon during the commission of the conduct or during immediate flight from commission of the conduct; ~~or~~ (4) are adjudicated for a sex offense of the grade of felony that requires registration under the Texas Sexual Offender Registration Program; or (5) any juveniles eligible for commitment to the Texas Youth Commission under Title 3, Family Code.

The Juvenile Probation Commission shall reimburse a county juvenile probation department a specified number of placements under this section, as determined by the Juvenile Probation Commission, after the requirements for reimbursement as outlined herein have been met to the satisfaction of the Juvenile Probation Commission.

Amendment No. 89 was withdrawn.

Amendment No. 90

Representative Parker offered the following amendment to **CSHB 1**:
Floor Packet Page No. 136

Amend **CSHB 1** as follows:

Take \$32.5 million out of strategy C.1.1. to fund the following:

Fiscal Year ending 8/31/2008 - \$16.25 million to fund an additional 94 Department of Public Safety Officers assigned to Border Security.

Fiscal Year ending 8/31/2009 - \$16.25 million to fund an additional 94 Department of Public Safety Officers assigned to Border Security.

AMENDMENT NO. 90 - STATEMENT OF LEGISLATIVE INTENT

Thank you, Mr. Speaker. Members, this amendment to Article V will rededicate \$32.5 million from DPS narcotics activity to funding further border security activities. I bring this amendment before you today as an opportunity to achieve two critical objectives: border security and policing narcotics activity, and also so that this body can have the opportunity to discuss initiatives to better secure our 1,254 miles of international border, in the absence of federal action.

A month ago a DPS comprehensive study assessed the need for 376 new DPS personnel to properly secure our international border. The governor's \$102 million border security plan provides for the creation of an additional 51 DPS troopers, four new helicopters, and nine pilots to establish an air presence, and 15 new game wardens, all dedicated to border security. I continue to commend the governor's initiative, and am supportive of his efforts, but in my heart I would like to see this legislature follow his lead by adding to his border security plan.

While in a perfect world I would like to get DPS to 376 border security personnel, I realize that we need to provide border security that is within our means. My amendment is well within our means, and will complement the governor's plan by adding an additional new 171 trained and equipped DPS troopers assigned to border security. Members, the governor's plan complemented with my amendment will give us 222 more DPS officers on the ground, and four manned helicopters in the air, all dedicated to further securing our state's border. This amendment will also enhance and foster the communication and collaboration between narcotics enforcement and border security initiatives by bringing these two related strategies into cooperation with one another.

Yesterday in the joint meeting of State Affairs and Border and International Affairs Committees, my committee colleagues and I heard compelling testimony regarding our current situation. The one central theme that was evident throughout all the testimony was that greater border security is absolutely critical. Members, I truly believe that it is by God's grace alone that our nation has not suffered another devastating attack similar to 9/11 because of terrorist elements illegally entering this country along our Texas/Mexico border. But we can only survive on luck and good fortune for so long, which is why I believe firmly that it is incumbent upon this legislative body to do everything in our power to secure our state's international border immediately.

Washington has not acted, and we can no longer sit around and wait. Members, our highest priority in government should be to secure the safety and well being of Texans. I ask you to respectfully allow me to move this amendment to Article XI.

Parker

Amendment No. 90 was withdrawn. (The vote was reconsidered later today, and Amendment No. 90, as amended by Amendment No. 226, was adopted.)

STATEMENT BY REPRESENTATIVE CREIGHTON

Illegal immigration costs the state a minimum of \$4 billion a year, with a tax benefit of around \$1 billion, for a net cost of at least \$3 billion. Over 80 percent of the identifiable costs come from education.

There are an estimated 224,000 school-aged illegal immigrants in Texas, with a further 300,000 students who are U.S.-born children of illegal aliens. Though these students are U.S. citizens themselves, they still represent a cost of illegal immigration. The number of illegal immigrant children in Houston ISD alone is estimated between 20,000 and 35,000.

One of every four uninsured people in Texas is not an American citizen. Border hospitals reported losses of almost \$190 million in un-reimbursed costs for treating illegal aliens in 2000, with another \$113 million in ambulance fees and follow-up services, for a total of \$303 million. The Census Bureau and U. S. Department of Homeland Security estimate that 500,000 illegal immigrants enter the country each year. That's 136 each day, or one about every 10 minutes. The estimated cost of providing social services to illegal immigrants in the United States is \$36 billion a year, or \$90 million each day.

The amendment to **HB 1** by Representative Parker transfers \$32.5 million from Department of Public Safety narcotics activities to fund additional DPS troops assigned to border security. Further securing the border helps stop drugs from entering the state in the first place, thus killing two birds with one stone. This amendment benefits all Texans far beyond just reducing narcotics activities. Illegal immigration is an issue that clearly affects and strains all aspects of the budget. Additional troops on the border to help combat this problem will show results and savings in many other areas. By increasing funding to these troops, we can help them continue to do an excellent job in protecting our borders. I fully support Representative Parker's amendment and believe it is as important an amendment as the house can pass. I thank Representative Parker for introducing this.

Amendment No. 91

Representative Noriega offered the following amendment to **CSHB 1**:
Floor Packet Page No. 137

Amend **CSHB 1** by the following:

On Page V-42 of the Department of Public Safety's bill pattern:

delete Strategy D.1.5, Local Law Enforcement, and reduce General Revenue appropriations by \$37,842,776 in fiscal year 2008 and 32,143,474 in fiscal year 2009;

delete Strategy D.1.6, State Law Enforcement, and reduce General Revenue appropriations by \$3,993,014 in fiscal year 2008 and \$3,609,337 in fiscal year 2009;

delete Strategy D.1.7, State Aviation Support, and reduce General Revenue appropriations by \$20,292,630 in fiscal year 2008 and \$1,900,000 in fiscal year 2009;

decrease the number of Full-Time-Equivalent positions by fifty-one in both fiscal years 2008 and 2009 in Strategy D.1.6, State Law Enforcement; and

decrease the number of Full-Time-Equivalent positions by nine in both fiscal years 2008 and 2009 in Strategy D.1.7, State Aviation Support.

On Page V-42 and V-43 of the Department of Public Safety's bill pattern:

increase General Revenue Appropriations for Strategy A.1, Highway Patrol, by \$6,873,997 in fiscal year 2008 and \$3,487,067 in fiscal year 2009;

add a new strategy, A.1.6, Homeland Security Local Law Enforcement Support, and increase General Revenue Appropriations by \$22,529,604 in fiscal year 2008 and \$17,603,420 in fiscal year 2009;

increase General Revenue appropriations for Strategy D.1.2, Response Coordination, by \$3,650,000 in fiscal year 2008;

increase General Revenue appropriations for Strategy F.1.5, Crime Records, by \$2,000,000 in fiscal year 2008;

increase General Revenue appropriations for Strategy F.1.8, Recruit Schools, by \$1,441,420 in fiscal year 2008;

increase General Revenue appropriations for Strategy F.1.9, Fleet Operations, by \$1,989,548 in fiscal year 2008;

increase General Revenue appropriations for Strategy F.1.10, Aircraft Operations, by \$20,328,877 in fiscal year 2008 and \$2,495,814 in fiscal year 2009;

increase the number of Full-Time Equivalent positions by 51 in both fiscal years 2008 and 2009 in Strategy A.1.1, Highway Patrol; and

increase the number of Full-Time Equivalent positions by 9 in both fiscal years 2008 and 2009 in Strategy F.1.10, Aircraft Operations;

On Page V-45 of the Department of Public Safety's bill pattern amend Rider 2, Capital Budget, to include the following capital budget items financed with General Revenue funds:

	2008	2009
Vehicles	\$1,989,548	<u>0</u>
Helicopters	\$11,424,772	UB
Joint Operations and Intelligence Centers	\$3,650,000	UB
License Plate Reader	\$2,000,000	UB

On Page V-53 of the Department of Public Safety's bill pattern; delete rider 59 and replace with the following rider.

~~59. Border Security Funding and Reporting Requirements. Out of the amounts appropriated in Strategy D.1.55, Local Law Enforcement, the Governor's Divisions of Emergency Management in the Department of Public Safety (DPS) shall provide grants to local law enforcement agencies for salaries, training, operating costs, and equipment for new commissioned officers. The grant funds can be used for payment or overtime and per diem for local law~~

~~enforcement officers, DPS officers and Parks & Wildlife game wardens. The grant funds can also be used for operating costs, technology, and equipment for border security operations.~~

~~The Department of Public Safety shall use the amount appropriated in Strategy D.1.6., State Law Enforcement, for salaries, training, operating costs, and equipment for DPS officers.~~

~~The Department of Public Safety shall use the amount appropriated in Strategy D.1.7, State Aviation Support, for the purchase of four helicopters and operating costs for helicopters.~~

~~Within 90 days following the end of each fiscal year, the Governor's Director of Homeland Security shall provide a report to the Governor and the Legislature that justifies the continued operations for the border security operations.~~

_____. Homeland Security Funding and Reporting Requirements. The Department of Public Safety shall utilize 51 state troopers, 9 pilots, and 4 helicopters to conduct enhanced Homeland Security operations.

Out of the funds appropriated above in Strategy A.1.1, Highway Patrol, \$1,023,840 in fiscal year 2008 and \$341,280 in fiscal year 2009 is reserved to pay state troopers who participate in Homeland Security operations overtime. \$2,252,415 for the biennium is reserved to pay 51 state troopers who participate in Homeland Security operations a daily per diem amount allowed under Article IX, Section 5.06.

Out of the funds appropriated above in Strategy A.1.6. Homeland Security Local Law Enforcement, the Department of Public Safety shall provide grants to local law enforcement agencies for salaries, training, operation costs and equipment for new commissioned officers. Grants provided under Strategy A.1.6 shall be used to fund local law enforcement for Homeland Security operations and shall not be used to contract with private law enforcement entities.

Out of the funds appropriated above in Strategy F.10, Aviation Operations, \$272,160 in fiscal year 2008 and \$90,720 in fiscal year 2009 is reserved to pay pilots who participate in Homeland Security operations overtime. \$361,350 for the biennium is reserved to pay 9 pilots who participate in Homeland Security operations a daily per diem amount allowed under Article IX, Section 5.06.

Within 90 days following the end of each fiscal year, the Governor's Director of Homeland Security shall provide a report to the Governor and Legislature justifying operations, including disbursed grant amounts to local law enforcement agencies and actual number of commissioned officers hired by local law enforcement agencies.

On Page V-2 and V-3 of the Adjutant General's Department bill pattern:

create a new strategy, C.1.5, Homeland Security State Guard Operations, and increase General Revenue appropriations by \$13,792,132 for fiscal year 2008;

increase the number of Full-Time Equivalent positions by 74 in both fiscal years 2008 and 2009 in Strategy C.1.5, Homeland Security State Guard Operations; and

amend Rider 2, Capital Budget, to include the following capital budget items financed with General Revenue funds:

	<u>2008</u>	<u>2009</u>
C. Transportation Items		
(1) Vehicles	\$2,068,638	0
(2) Helicopters (2)	\$4,338,616	UB
(3) HEMMT Tanker	\$147,825	UB

On Page VI-27 and VI-28 of the Texas Parks and Wildlife Department's bill pattern, delete Strategy C.1.4, State Law Enforcement, reduce General Revenue appropriations by \$1,270,793 in fiscal year 2008 and \$854,400 in fiscal year 2009, and decrease the number of Full-Time-Equivalent positions by fifteen in both fiscal years 2008 and 2009.

On Page IV-27 and VI-28 of the Texas Parks and Wildlife Department's bill pattern:

 increase General Revenue appropriations for Strategy C.1.2, Warden Training Academy, by \$493,750 in fiscal year 2008;

 increase the number of Full-Time Equivalent positions by 8.8 in fiscal year 2008 in Strategy C.1.2, Warden Training Academy; and

 increase General Revenue appropriations for Strategy C.1.1, Enforcement Programs, by \$1,308,875 in fiscal year 2008 and \$1,030,301 in fiscal year 2009;

 increase the number of Full-Time Equivalent positions by 6.2 in fiscal year 2008 and 15 in fiscal year 2009 in Strategy C.1.2, Warden Training Academy.

Amendment No. 92

Representative Isett offered the following amendment to Amendment No. 91:

Amend **CSHB 1** by the following:

On Page V-42 of the Department of Public Safety's bill pattern:

~~delete Strategy D.1.5, Local Law Enforcement, and reduce General Revenue appropriations by \$37,842,776 in fiscal year 2008 and 32,143,474 in fiscal year 2009;~~

delete Strategy D.1.6, State Law Enforcement, and reduce General Revenue appropriations by \$3,993,014 in fiscal year 2008 and \$3,609,337 in fiscal year 2009;

delete Strategy D.1.7, State Aviation Support, and reduce General Revenue appropriations by \$20,292,630 in fiscal year 2008 and \$1,900,000 in fiscal year 2009;

decrease the number of Full-Time-Equivalent positions by fifty-one in both fiscal years 2008 and 2009 in Strategy D.1.6, State Law Enforcement; and

decrease the number of Full-Time-Equivalent positions by nine in both fiscal years 2008 and 2009 in Strategy D.1.7, State Aviation Support.

On Page V-42 and V-43 of the Department of Public Safety's bill pattern:

increase General Revenue Appropriations for Strategy A.1, Highway Patrol, by ~~\$6,873,997~~ \$2,124,514 in fiscal year 2008 and ~~\$3,487,067~~ \$3,609,337 in fiscal year 2009;

~~add a new strategy, A.1.6, Homeland Security Local Law Enforcement Support, and increase General Revenue Appropriations by \$22,529,604 in fiscal year 2008 and \$17,603,420 in fiscal year 2009;~~

~~increase General Revenue appropriations for Strategy D.1.2, Response Coordination, by \$3,650,000 in fiscal year 2008;~~

~~increase General Revenue appropriations for Strategy F.1.5, Crime Records, by \$2,000,000 in fiscal year 2008;~~

~~increase General Revenue appropriations for Strategy F.1.8, Recruit Schools, by \$1,441,420 \$840,123 in fiscal year 2008;~~

~~increase General Revenue appropriations for Strategy F.1.9, Fleet Operations, by \$1,989,548 \$1,028,377 in fiscal year 2008;~~

~~increase General Revenue appropriations for Strategy F.1.10, Aircraft Operations, by \$20,328,877 \$20,292,630 in fiscal year 2008 and \$2,495,814 \$1,900,000 in fiscal year 2009;~~

~~increase the number of Full-Time Equivalent positions by 51 in both fiscal years 2008 and 2009 in Strategy A.1.1, Highway Patrol; and~~

~~increase the number of Full-Time Equivalent positions by 9 in both fiscal years 2008 and 2009 in Strategy F.1.10, Aircraft Operations;~~

On Page V-45 of the Department of Public Safety's bill pattern amend Rider 2, Capital Budget, to include the following capital budget items financed with General Revenue funds:

	2008	2009
Vehicles	\$1,989,548	<u>\$1,028,417</u>
Helicopters	<u>\$11,424,772</u>	<u>\$16,577,027</u>
Joint Operations and Intelligence Centers	\$3,650,000	<u>\$18,867,630</u>
License Plate Reader	\$2,000,000	UB
Live Scan	\$4,000,000	UB
<u>Virtual Neighborhood Watch</u>	<u>\$5,000,000</u>	<u>UB</u>

On Page V-53 of the Department of Public Safety's bill pattern; ~~delete rider 59 and replace with the following rider.~~

59. Border Security Funding and Reporting Requirements. Out of the amounts appropriated in Strategy D.1.55, Local Law Enforcement, the Governor's Divisions of Emergency Management in the Department of Public Safety (DPS) shall provide grants to local law enforcement agencies for salaries, training, operating costs, and equipment for new commissioned officers. The grant funds can be used for payment of overtime and per diem for local law enforcement officers, DPS officers and Parks & Wildlife game wardens. The grant funds can also be used for operating costs, technology, and equipment for border security operations.

~~The Department of Public Safety shall use the amount appropriated in Strategy D.1.6., State Law Enforcement, for salaries, training, operating costs, and equipment for DPS officers.~~

~~The Department of Public Safety shall use the amount appropriated in Strategy D.1.7., State Aviation Support, for the purchase of four helicopters and operating costs for helicopters.~~

~~Within 90 days following the end of each fiscal year, the Governor's Director of Homeland Security shall provide a report to the Governor and the Legislature that justifies the continued operations for the border security operations.~~

~~Homeland Security Funding and Reporting Requirements. The Department of Public Safety shall utilize 51 state troopers, 9 pilots, and 4 helicopters to conduct enhanced Homeland Security operations.~~

~~Out of the funds appropriated above in Strategy A.1.1, Highway Patrol, \$1,023,840 in fiscal year 2008 and \$341,280 in fiscal year 2009 is reserved to pay state troopers who participate in Homeland Security operations overtime. \$2,252,415 for the biennium is reserved to pay 51 state troopers who participate in Homeland Security operations a daily per diem amount allowed under Article IX, Section 5.06.~~

~~Out of the funds appropriated above in Strategy A.1.6, Homeland Security Local Law Enforcement, the Department of Public Safety shall provide grants to local law enforcement agencies for salaries, training, operation costs and equipment for new commissioned officers. Grants provided under Strategy A.1.6 shall be used to fund local law enforcement for Homeland Security operations and shall not be used to contract with private law enforcement entities.~~

~~Out of the funds appropriated above in Strategy F.10, Aviation Operations, \$272,160 in fiscal year 2008 and \$90,720 in fiscal year 2009 is reserved to pay pilots who participate in Homeland Security operations overtime. \$361,350 for the biennium is reserved to pay 9 pilots who participate in Homeland Security operations a daily per diem amount allowed under Article IX, Section 5.06.~~

Within 90 days following the end of each fiscal year, the Governor's Director of Homeland Security shall provide a report to the Governor and Legislature justifying operations, including disbursed grant amounts to local law enforcement agencies and actual number of commissioned officers hired by local law enforcement agencies.

On Page ~~V 2 and V 3~~ XI-53 of the Adjutant General's Department bill pattern in Article XI:

create a new strategy, C.1.5, Homeland Security State Guard Operations, and increase General Revenue appropriations by \$13,792,132 for fiscal year 2008;

increase the number of Full-Time Equivalent positions by 74 in both fiscal years 2008 and 2009 in Strategy C.1.5, Homeland Security State Guard Operations; and

amend Rider 2, Capital Budget, to include the following capital budget items financed with General Revenue funds:

	<u>2008</u>	<u>2009</u>
C. Transportation Items		
(1) Vehicles	\$2,068,638	0
(2) Helicopters (2)	\$4,338,616	UB
(3) HEMMT Tanker	\$147,825	UB

On Page VI-27 and VI-28 of the Texas Parks and Wildlife Department's bill pattern, delete Strategy C.1.4, State Law Enforcement, reduce General Revenue appropriations by \$1,270,793 in fiscal year 2008 and \$854,400 in fiscal year 2009, and decrease the number of Full-Time-Equivalent positions by fifteen in both fiscal years 2008 and 2009.

On Page IV-27 and VI-28 of the Texas Parks and Wildlife Department's bill pattern:

increase General Revenue appropriations for Strategy C.1.2, Warden Training Academy, by ~~\$493,750~~ \$413,693 in fiscal year 2008;

increase the number of Full-Time Equivalent positions by ~~8~~ 15 in fiscal year 2008 in Strategy C.1.2, Warden Training Academy; and

increase General Revenue appropriations for Strategy C.1.1, Enforcement Programs, by ~~\$1,308,875~~ \$857,100 in fiscal year 2008 and ~~\$1,030,301~~ \$834,400 in fiscal year 2009;

increase the number of Full-Time Equivalent positions by ~~6~~ 15 in fiscal year 2008 and 15 in fiscal year 2009 in Strategy C.1.2. ~~Warden Training Academy.~~

Amendment No. 92 was adopted.

Amendment No. 91, as amended, was withdrawn. (The vote was reconsidered later today, and Amendment No. 91, as amended by Amendment No. 227, was adopted.)

Amendment No. 93

Representative Chavez offered the following amendment to **CSHB 1**:
Floor Packet Page No. 141

Amend **CSHB 1** as follows:

On Page V-53 of the Department of Public Safety bill pattern, Rider 59, is amended by adding between "operations" and "." on the first paragraph:
but not for enforcement of Title 8 of the United States Code.

Amendment No. 93 was withdrawn. (The vote was reconsidered later today, and Amendment No. 93, as amended by Amendment No. 241, was adopted.)

Amendment No. 94

Representative Hughes offered the following amendment to **CSHB 1**:
Floor Packet Page No. 143

Amend **CSHB 1** by adding the following appropriately numbered rider in Article V of the bill after the appropriations to the Department of Public Safety:

 . License Plate Reader Project. The Texas Department of Public Safety may not spend money appropriated above in Strategy D.1.5. for the license plate reader project or to purchase and deploy a license plate reader unless:

(a) the department establishes a policy and procedures requiring the immediate and systematic destruction of all license plate information collected through the project that is not linked in the database system to a stolen motor vehicle; and

(b) the unlinked license plate information is being systematically purged from the database system.

Amendment No. 94 was adopted.

(Krusee in the chair)

Amendment No. 95

Representative Farabee offered the following amendment to **CSHB 1**:
Floor Packet Page No. 150

Amend **CSHB 1** as follows:

(1) Add the following appropriately numbered rider under the Article V appropriations to the Department of Public Safety (page V-41):

_____. North Texas Regional Drug Enforcement Task Force. The amount of \$300,000 is appropriated out of the general revenue fund to the Department of Public Safety for the state fiscal year beginning September 1, 2007, and the additional amount of \$300,000 is appropriated out of the general revenue fund to the Department of Public Safety for the state fiscal year beginning September 1, 2008, for the purpose of allocating those amounts to the North Texas Regional Drug Enforcement Task Force for the task force's narcotics enforcement program.

(2) Reduce the Article I appropriations to the governor (page I-44) by \$300,000 for the state fiscal year beginning September 1, 2007, and by \$300,000 for the state fiscal year beginning September 1, 2008, by reducing the appropriations under Strategies A.1.1-A.1.4 in the same proportion as unexpended balances between biennia are attributed to the appropriations for those strategies.

(3) Adjust totals and methods of financing appropriately.

Representative Turner moved to table Amendment No. 95.

A record vote was requested.

The motion to table prevailed by (Record 241): 81 Yeas, 60 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Delisi; Dukes; Dutton; Eissler; Elkins; Flores; Flynn; Gattis; Geren; Giddings; Goolsby; Guillen; Haggerty; Hancock; Harless; Harper-Brown; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, T.; Kolkhorst; Kuempel; Laubenberg; Macias; Madden; McClendon; McReynolds; Miles; Morrison; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pitts; Puente; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Alonzo; Anderson; Bolton; Burnam; Castro; Cohen; Coleman; Cook, R.; Davis, J.; Davis, Y.; Deshotel; Driver; Dunnam; England; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Gonzales; Gonzalez Toureilles; Hamilton; Hardcastle; Hartnett; Heflin; Hernandez; Herrero; Hilderbran;

Hochberg; Hodge; Homer; Hopson; Latham; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; Menendez; Merritt; Moreno; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Pierson; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Thompson; Vaught; Veasey; Villarreal; Vo.

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

Absent, Excused — Talton.

Absent — Eiland; Hill; King, S.; McCall; Miller; Mowery.

STATEMENT OF VOTE

When Record No. 241 was taken, my vote failed to register. I would have voted yes.

S. King

Amendment No. 96

Representative Martinez Fischer offered the following amendment to **CSHB 1**:

Floor Packet Page No. 153

Amend **CSHB 1** (House Committee Printing) in Article V of the bill, by adding the following appropriately numbered rider after the appropriations to the Youth Commission:

_____. Appropriations Prohibited for Purposes of Payment to a Sexual Offender Employee. No appropriations made in this Act to the Texas Youth Commission may be distributed to any employee of the Youth Commission that is a mandated by law to register as a sex offender according to Chapter 62, Code of Criminal Procedure.

Amendment No. 97

Representative Martinez Fischer offered the following amendment to Amendment No. 96:

Amend Amendment No. 96 by Martinez Fischer to **CSHB 1** (page 153, pre-filed amendments packet) by striking the text of the amendment and substituting the following:

Amend **CSHB 1** in Article V of the bill by adding the following appropriately numbered rider following the appropriations to the Youth Commission:

_____. Appropriations Prohibited for the Purposes of Payment to Employee Convicted of a Felony. None of the appropriations made by this Act to the Texas Youth Commission may be distributed to or used to pay an employee of the Texas Youth Commission who has been convicted of a felony offense.

Amendment No. 97 was adopted.

Amendment No. 96, as amended, was adopted.

Amendment No. 98

Representative Burnam offered the following amendment to **CSHB 1**:

Floor Packet Page No. 161

Amend **CSHB 1** as follows:

(1) In Article VI, page VI-20, amend Rider 28 to the appropriation for the Texas Commission on Environmental Quality to read as follows:

"28. Texas Emissions Reduction Plan (TERP): Grants and Administration. Included in amounts appropriated above in Strategy A.1.1, Air Quality Assessment and Planning, is \$167,921,954 in fiscal year 2008 and \$170,921,594 in fiscal year 2009 out of the Texas Emissions Reduction Plan Account 5071 and \$3,000,000 each fiscal year out of the Clean Air Account No. 151. These funds shall be used as incentive payments for the Diesel Emissions Reduction Programs established in Health and Safety Code, Chapter 386, Subchapter C and for grant funding for the New Technology Research and Development Program established in Health and Safety Code, Chapter 387 according to provisions in Health and Safety Code § 386.252. Of these amounts, ~~\$1,000,000~~ \$16,500,000 shall be used each fiscal year during the 2008-09 biennium, contingent upon enactment of **HB 1291**, or similar legislation by the 80th Legislature, Regular Session, on the Clean School Bus Initiative for clean school bus grants throughout the state under the Clean School Bus Program established in Health and Safety Code, Chapter 390, ~~pursuant to Health and Safety Code, § 386.252(e)~~. In addition, not more than \$683,949 in each fiscal year shall be used to administer the Diesel Emissions Reduction Program and not more than \$250,000 each fiscal year shall be used to administer the New Technology Research Development Program."

Amendment No. 99

Representative Burnam offered the following amendment to Amendment No. 98:

Amend Floor Amendment No. 98 by Burnam to **CSHB 1** as follows:

(1) On line 7, strike "\$167,921,954" and substitute "167,921,594".

Amendment No. 99 was adopted.

Representative Chisum moved to table Amendment No. 98, as amended.

A record vote was requested.

The motion to table prevailed by (Record 242): 88 Yeas, 57 Nays, 2 Present, not voting.

Yeas — Anderson; Aycocock; Berman; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Dukes; Dutton; Eissler; Elkins; Flores; Flynn; Gattis; Geren; Giddings; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Hopson; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Kuempel; Latham; Macias; Madden; McCall; McClendon; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Peña; Phillips; Pickett; Pitts; Puente; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Solomons; Straus; Swinford; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bohac; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Deshotel; Dunnam; Eiland; England; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Gonzales; Gonzalez Toureilles; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Howard, D.; Laubenberg; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McReynolds; Menendez; Miles; Moreno; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Paxton; Pierson; Quintanilla; Raymond; Rodriguez; Strama; Thompson; Vaught; Veasey; Villarreal; Vo.

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

Absent, Excused — Talton.

Absent — Bailey; Smithee.

(Speaker in the chair)

Amendment No. 100

Representative Hernandez offered the following amendment to **CSHB 1**:
Floor Packet Page No. 163

Amend **CSHB 1**, in Article VI, appropriation for Commission on Environmental Quality, by inserting the following appropriately-numbered rider and renumbering any subsequent riders accordingly:

"____. AIR QUALITY MONITORS. Out of the funds appropriated above in Strategy A.1.1, the commission shall purchase, install, operate, and maintain a minimum of twenty (20) ambient air quality monitors in non-attainment areas. These monitors shall employ technology equal to or better than automated gas chromatographs."

Amendment No. 101

Representative Miles offered the following amendment to Amendment No. 100:

Amend Floor Amendment No. 100 to **CSHB 1** by Hernandez (page 163 of the prefiled amendments packet) by striking line 10 of the amendment and substituting:

chromatographs. Of the twenty (20) ambient air quality monitors, seven (7) must be monitors for particulate matter. The seven (7) particulate matter monitors must be installed, operated, and maintained in non-attainment areas of the state for particulate matter air contamination."

Amendment No. 101 was adopted.

Representative Chisum moved to table Amendment No. 100, as amended.

A record vote was requested.

The motion to table prevailed by (Record 243): 79 Yeas, 45 Nays, 1 Present, not voting.

Yeas — Anderson; Aycocock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Eissler; Elkins; England; Farabee; Flores; Flynn; Giddings; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Homer; Hopson; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; McClendon; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Ritter; Smith, T.; Smith, W.; Swinford; Taylor; West; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Cohen; Coleman; Cook, R.; Davis, Y.; Dunnam; Eiland; Escobar; Farias; Farrar; Frost; Gallego; Garcia; Gonzales; Gonzalez Tourelles; Heflin; Hernandez; Herrero; Hochberg; Hodge; Howard, D.; Leibowitz; Lucio; Mallory Caraway; Martinez; McReynolds; Menendez; Miles; Moreno; Naishtat; Noriega; Olivo; Ortiz; Raymond; Rodriguez; Rose; Strama; Thompson; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Talton.

Absent — Bailey; Castro; Creighton; Dutton; Gattis; Geren; Hill; King, T.; Kolkhorst; Krusee; Martinez Fischer; Oliveira; Otto; Pierson; Quintanilla; Riddle; Smithee; Solomons; Straus; Truitt; Turner; Van Arsdale; Vaught; Woolley.

STATEMENT OF VOTE

When Record No. 243 was taken, my vote failed to register. I would have voted no.

Pierson

Amendment No. 102

Representative Hopson offered the following amendment to **CSHB 1**:
Floor Packet Page No. 167

Amend **CSHB 1** as follows:

(1) In Article VI (page VI-29), add the following appropriately numbered rider following the appropriations to the Parks and Wildlife Department:

_____. Texas State Railroad. Out of the funds appropriated above in Strategy B.1.1, State Park Operations, in each year of the biennium the department shall set aside \$3,800,000 and may use that money only for the operations of the Texas State Railroad.

(2) In Article XI, on page XI-64, in Strategy B.1.1, State Park Operations, strike the appropriation of \$3,800,000 in each year of the biennium for the operations of the Texas State Railroad.

(3) In Article XI, on page XI-64, following the appropriations to the Parks and Wildlife Department, strike the rider for the operations of the Texas State Railroad.

(4) Adjust article and agency totals accordingly.

Amendment No. 102 was withdrawn.

Amendment No. 103

Representative Isett offered the following amendment to **CSHB 1**:
Floor Packet Page No. 170

Overview

The rider would direct the Texas Parks and Wildlife Department to use funds appropriated to implement the recommendations contained in the State Auditor's *An Audit Report on Financial Processes at the Parks and Wildlife Department* Report No. 07-021.

Required Action

On page VI-42 of the Texas Parks and Wildlife Department's bill pattern, add the following rider:

. Implementation of State Auditor's Recommendations.

(a) It is the intent of the Legislature that the Texas Parks and Wildlife department (department) use funds appropriated above to implement the recommendations contained in the State Auditor's *An Audit Report on Financial Processes at the Parks and Wildlife Department* Report No. 07-021.

(b) Additionally, the department shall use funds appropriated above:

1. To prepare a comprehensive plan and timeline to implement the recommendations set out in Report No. 07-021, and submit the plan and timeline to the Legislature and the Governor no later than August 31, 2007;

2. To submit quarterly and biennial reports to the Legislature and the Governor that indicate the extent to which each recommendation contained in the aforementioned plan and timeline has been implemented, information about significant costs, and any factors that may impede full implementation. Quarterly reports must be submitted 30 days after each quarter ends; the biennial report must be submitted by November 30, 2008;

3. To annually report to the State Auditor's Office on the status of the implementation of the recommendations, pursuant to Section 321.014(f) of the Texas Government Code;

4. To submit monthly reports to the Legislative Budget Board and the Governor that identify all facility repair and constructions projects for which actual costs have varied from original cost estimates by 10 percent or more at any point during a project's lifespan; and any related changes in cost estimate; and

5. To notify the Governor's Office and Legislative Budget Board at least six months before closing or transferring any state park.

Amendment No. 104

Representative Isett offered the following amendment to Amendment No. 103:

Overview

The rider would direct the Texas Parks and Wildlife Department to use funds appropriated to implement the recommendations contained in the State Auditor's Office *An Audit Report on Financial Processes at the Parks and Wildlife Department* Report No. 07-021.

Update for 3/28/2007: Amend amendment to add additional requirements for the Texas Parks and Wildlife Department (TPWD) relating to implementation of the State Auditor's recommendations. The amendment adds three new sections (6-8) that would make funding increases recommended by the House Appropriations Committee are contingent upon TPWD making satisfactory progress in addressing audit findings, subject to the approval of the Legislative Budget Board and the Governor.

Required Action

On page VI-42 of the Texas Parks and Wildlife Department's bill pattern, add the following rider:

 . Implementation of State Auditor's Recommendations.

(a) It is the intent of the Legislature that the Texas Parks and Wildlife Department (department) use funds appropriated above to implement the recommendations contained in the State Auditor's *An Audit Report on Financial Processes at the Parks and Wildlife Department* Report No. 07-021.

(b) Additionally, the department shall use funds appropriated above:

1. To prepare a comprehensive plan and timeline to implement the recommendations set out in Report No. 07-021, and submit the plan and timeline to the ~~Legislature~~ Legislative Budget Board and the Governor no later than August 31, 2007;

2. To submit quarterly and biennial reports to the ~~Legislature~~ Legislative Budget Board and the Governor that indicate the extent to which each recommendation contained in the aforementioned plan and timeline has been implemented, information about significant costs, and any factors that may impede full implementation.- Quarterly reports must be submitted 30 days after each quarter ends; the biennial report must be submitted by November 30, 2008;

3. To annually report to the State Auditor's Office on the status of the implementation of the recommendations, pursuant to Section 321.014(f) of the Texas Government Code;

4. To submit monthly reports to the Legislative Budget Board and the Governor that identify all facility repair and constructions projects for which actual costs have varied from original cost estimates by 10 percent or more at any point during a project's lifespan; and any related changes in cost estimate; and

5. To notify the Governor's ~~Office~~ and Legislative Budget Board at least six months before closing or transferring any state park.

(c) Out of funds appropriated above, the department shall redirect agency resources to add 16.0 auditor positions in the Internal Audit Division in order to implement the recommendations contained in the State Auditor's *An Audit Report on Financial Processes at the Parks and Wildlife Department* Report No. 07-021. The department shall maintain an internal auditing program in compliance with the provisions of the Texas Internal Auditing Act, which shall incorporate, at a minimum, the assignment of an internal auditor at each regional park office. Each internal auditor assigned pursuant to this provision shall report either directly to the members of the Texas Parks and Wildlife Commission or to the internal auditor appointed pursuant to Government Code § 2102.006.

An internal auditor whose duty station is assigned pursuant to this provision may consider suggestions from a Parks Regional Director in developing proposals for the department's annual audit plan.

(d) The Comptroller may not release \$17,294,992 for the 2008-09 biennium (\$8,940,845 in fiscal year 2008 and \$8,354,147 in fiscal year 2009) without prior written notification from the Legislative Budget Board and the Governor that the department has satisfactorily implemented the recommendations contained in the State Auditor's Office *An Audit Report on Financial Processes at the Parks and Wildlife Department* Report No. 07-021. The department should report its progress in implementing the recommendations to the Legislative Budget Board and the Governor no later than July 1, 2007 and July 1, 2008 before appropriations may be released and available by September 1 of each fiscal year in the 2008-09 biennium.

(e) Contingent on the enactment of **HB 6** or similar legislation by the Eightieth Legislature, Regular Session, \$6,054,087 in fiscal year 2008 and \$7,131,720 in fiscal year 2009 from an increase in the Sporting Goods Sales Tax allocation to the State Parks Account No. 64 and \$19,568,570 in fiscal year 2009 from an increase in the Sporting Goods Sales Tax allocation to Parks and Wildlife Conservation and Capital Account No. 5004 may not be released by the Comptroller to the department without prior written notification from the Legislative Budget Board and the Governor that the department has satisfactorily implemented the recommendations contained in the State Auditor's Office *An Audit Report on Financial Processes at the Parks and Wildlife Department* Report No. 07-021. The department should report its progress in implementing the recommendations to the Legislative Budget Board and the Governor no later than July 1, 2007 and July 1, 2008 before appropriations may be released and available by September 1 of each fiscal year in the 2008-09 biennium.

(Krusee in the chair)

Amendment No. 104 was adopted. (D. Howard and Kuempel recorded voting no.)

Amendment No. 105

Representative Vaught offered the following amendment to Amendment No. 103:

Amend Amendment No. ___ by Dunnam (page 165, prefiled amendments packet) by striking line 11 of the amendment and substituting:
located in, or the city that the land is located in. Nothing in this rider prohibits the General Land Office or the Veterans' Land Board from offering property for sale to any

Amendment No. 105 was withdrawn.

Amendment No. 103, as amended, was adopted. (D. Howard recorded voting no.)

Amendment No. 106

Representative Geren offered the following amendment to **CSHB 1**:

Floor Packet Page No. S-4

Amend **CSHB 1**, as follows:

(1) In Article XI, page XI-57, in Strategy D.1.1, strike "37,072,422" and substitute "27,472,422".

(2) In Article VI, page VI-28, in Strategy D.1.2, strike "2,418,980" and substitute "12,018,980".

(3) In Article VI, Rider No. 22, page VI-34, strike the second to the last sentence in the rider.

(4) In Article VI, appropriation for the Parks and Wildlife Department, insert the following appropriately-numbered rider to read as follows and renumber subsequent riders accordingly:

"_____. PROCEEDS FROM SALE OF EAGLE MOUNTAIN LAKE STATE PARK. The Parks and Wildlife Department is appropriated the receipts from the sale of Eagle Mountain Lake State Park (estimated to be \$9,600,000) for the sole purpose of acquiring other real property dedicated to the same purpose for which the land sold was dedicated."

(5) In Article XI, on page XI-66, strike the last rider on the page.

Amendment No. 107

Representative Geren offered the following amendment to Amendment No. 106:

Amend Geren Amendment No. 106 (on page S-4 of the supplemental amendment packet) to **CSHB 1** as follows:

(1) On page one of the amendment, line 2, strike "XI, page XI-57" and substitute "VI, page VI-28"

Amendment No. 107 was adopted.

Amendment No. 106, as amended, was adopted.

(Speaker in the chair)

Amendment No. 108

Representative Burnam offered the following amendment to **CSHB 1**:

Floor Packet Page No. 171

Amend **CSHB 1** in Article VI of the bill, on page VI-36 by adding the following Rider No. ____:

"Unexpended Balances Within the Biennium. The unencumbered appropriations from the general revenue fund appropriated to Texas Parks and Wildlife Department for use during the state fiscal year ending August 31, 2008 under Strategy D.1.1. for the Texas Parks and Wildlife Department (Manage Capital Programs - Improvements and Major Repairs) are hereby appropriated for the same purpose for the fiscal year beginning September 1, 2008."

Amendment No. 108 was adopted.

Amendment No. 109

Representative Herrero offered the following amendment to **CSHB 1**:

Floor Packet Page No. 174

Amend **CSHB 1** as follows:

(1) On page I-53, Historical Commission, decrease the general revenue appropriation for Goal A, Strategy A.1.5, Courthouse Preservation, by \$2,300,000 in Fiscal Year 2008; and

(2) On page VI-45, Texas Water Development Board, increase the general revenue appropriation for Strategy B.1.1, State Financial Assistance Programs by \$2,300,000 in Fiscal Year 2008 to be transferred to the Water Assistance Fund (WAF) No. 480, as authorized in Sec. 15.011(b) and 15.102(a), Water Code to fund grants to Nueces County entities (political subdivisions, districts, water supply corporations) for the construction of water, wastewater facilities, and/or drainage projects for colonias (Economically Distressed Areas) as defined by Section 15.001(11)(B), Water Code.

Amendment No. 109 was withdrawn.

Amendment No. 110

Representative Dunnam offered the following amendment to **CSHB 1**:

Floor Packet Page No. 178

Amend **CSHB 1**, as follows:

On page VII-11, amend the Texas Lottery Commission budget by adding the appropriately numbered rider and renumbering accordingly:

"# . Sale of Lottery. None of the funds appropriated above may be spent for the purpose of exploring, investigating, negotiating, calculating, or otherwise taking any action that would result in selling the Texas Lottery."

A record vote was requested.

Amendment No. 110 was adopted by (Record 244): 120 Yeas, 6 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Aycock; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Castro; 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; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Giddings; Gonzales; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Moreno; Morrison; Mowery; Naishtat; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Patrick; Paxton; Peña; Pickett; Pierson; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Taylor; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; West; Woolley; Zedler.

Nays — Anderson; Berman; Howard, D.; Murphy; Swinford; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Talton.

Absent — Alonzo; Bailey; Branch; Callegari; Chavez; Davis, J.; Eissler; Geren; Gonzalez Toureilles; Harless; Hilderbran; Hughes; Kolkhorst; Krusee; Miles; Miller; Noriega; Parker; Phillips; Pitts; Van Arsdale; Vaught.

STATEMENTS OF VOTE

When Record No. 244 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

When Record No. 244 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hughes

I was shown voting no on Record No. 244. I intended to vote yes.

Murphy

When Record No. 244 was taken, I was in the house but away from my desk. I would have voted yes.

Parker

When Record No. 244 was taken, I was in the house but away from my desk. I would have voted yes.

Pitts

I was shown voting no on Record No. 244. I intended to vote yes.

Zerwas

Amendment No. 111

Representative Gallego offered the following amendment to **CSHB 1**:
Floor Packet Page No. 166

Amend **CSHB 1**, on page VI-27, Parks and Wildlife Department, under the "Method of Financing: General Revenue Fund" add the words "Sporting Goods Sales Tax - Transfer to: Texas Recreation and Parks Account No. 467 \$15,500,000 for Fiscal Year 2008 and \$15,500,000 for Fiscal Year 2009".

Amendment No. 112

Representative Gallego offered the following amendment to Amendment No. 111:

Amend Amendment No. 111 by Gallego (page 166, prefiled amendment packet) by striking the text and substituting the following:

Amend **CSHB 1** as follows:

(1) In the Article VI appropriations to the Parks and Wildlife Department (page VI-27), under the general revenue fund method of financing, between "General Revenue Fund" and "Sporting Goods Sales Tax-Transfer to: State Parks

Account No. 64", insert "Sporting Goods Sales Tax-Transfer to: Texas Recreation and Parks Account No. 467" together with the corresponding amounts from that method of financing of \$15,540,000 for the state fiscal year ending August 31, 2008 and \$15,540,000 for the state fiscal year ending August 31, 2009.

(2) In the Article VI appropriations to the Parks and Wildlife Department (page VI-27), under the general revenue fund-dedicated method of financing, strike the Texas Recreation and Parks Account No. 467 method of financing and the corresponding amounts from that method of financing of \$15,540,000 for the state fiscal year ending August 31, 2008 and \$15,540,000 for the state fiscal year ending August 31, 2009.

(3) Adjust totals accordingly.

Amendment No. 112 was withdrawn.

Amendment No. 111 was withdrawn.

Amendment No. 113

Representative Gallego offered the following amendment to **CSHB 1**:

Floor Packet Page No. 181

Amend **CSHB 1** in section VII page 27, rider 36, the Department of Transportation, as follows:

Road Construction and Maintenance at State Facilities. Strike Subsection (e) and renumber sections accordingly.

Representative Chisum moved to table Amendment No. 113.

A record vote was requested.

The motion to table prevailed by (Record 245): 96 Yeas, 50 Nays, 1 Present, not voting.

Yeas — Anderson; Aycocock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Eissler; Elkins; England; Escobar; Farabee; Flores; Flynn; Gattis; Geren; Giddings; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hilderbran; Hill; Homer; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Latham; Laubenberg; Macias; Madden; McCall; McClendon; McReynolds; Menendez; Merritt; Morrison; Mowery; Murphy; O'Day; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Riddle; Ritter; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Dunnam; Dutton; Eiland; Farias; Farrar; Frost; Gallego; Garcia; Gonzales; Gonzalez Toureilles; Harper-Brown; Heflin; Hernandez; Herrero; Hochberg; Hodge; Hopson; Kuempel; Leibowitz; Lucio; Mallory

Caraway; Martinez; Martinez Fischer; Miles; Moreno; Naishtat; Noriega; Olivo; Ortiz; Pierson; Raymond; Rodriguez; Rose; Strama; Straus; Thompson; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Talton.

Absent — Bailey; Miller.

STATEMENT OF VOTE

When Record No. 245 was taken, my vote failed to register. I would have voted yes.

Miller

Amendment No. 114

Representative Pickett offered the following amendment to **CSHB 1**:
Floor Packet Page No. 182

Amend Subsection (c) of Rider 39 following the appropriation to the Texas Department of Transportation in Article VII of the General Appropriations Act (page VII-29) to read as follows:

(c) In the event of a federally-mandated funding rescission, to the extent that the Department of Transportation has discretion in determining which federal funds will be rescinded, the Department of Transportation shall apply the total dollar amount to be rescinded proportionally across all eligible federal funding categories based on the total amount of unobligated funds in each eligible category. The Department of Transportation shall identify unobligated funds as the first source of funds to comply with a federally-mandated funding rescission [~~not identify or remit any federal Transportation Enhancement funds to comply with the federal mandate~~].

Amendment No. 115

Representative Pickett offered the following amendment to Amendment No. 114:

Amend Floor Amendment No. 114 to **CSHB 1** by Pickett on line 7, page 182 of the Floor Amendment Packet, between "shall" and "apply", by inserting "after consultation with the Legislative Budget Board and to the extent the department determines is feasible while still meeting the department's goals".

Amendment No. 115 was adopted.

Amendment No. 114, as amended, was adopted.

Amendment No. 116

Representative Leibowitz offered the following amendment to **CSHB 1**:
Floor Packet Page No. 183

Amend **CSHB 1** in Article VII of the bill, on page VII-30, by amending Rider 20 to add subsection (h.) to read as follows:

"h. All reports to the Legislature outlined in this Rider and elsewhere in this Act relating to Toll Road and Trans-Texas Corridor Projects must be delivered to the Legislature in both paper and electronic formats."

Amendment No. 117

Representative Chisum offered the following amendment to Amendment No. 116:

Required Action

1) Amend floor amendment to **CSHB 1** by Leibowitz on page 183 to read as follows:

"Amend **CSHB 1** in Article VII of the bill, on page VII-30, by amending Rider 20 to add subsection (h.) to read as follows:

"h. All reports to the Legislature outlined in this Rider and elsewhere in this Act relating to Toll Road and Trans-Texas Corridor Projects must be delivered to the Legislature in ~~both paper and electronic formats~~ and, if requested, in paper format."

Amendment No. 117 was withdrawn.

Amendment No. 118

Representative Leibowitz offered the following amendment to Amendment No. 116:

Amend Floor Amendment No. 116 to **CSHB 1** as follows:

(1) In the introductory language of the amendment (lines 1-2), strike "VII-30" and substitute "VII-23".

(2) In added Subsection h of the amendment, after the last line of the subsection, add the following:

The Texas Department of Transportation may not spend appropriated funds for the construction or planning of a state highway toll road or a Trans-Texas Corridor project unless the legislature has received the reports required by this Act.

Amendment No. 118 - Point of Order

Representative Krusee raised a point of order against further consideration of Amendment No. 118 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 118.

Amendment No. 119

Representative Chisum offered the following amendment to Amendment No. 116:

Required Action

1) Amend floor amendment to **CSHB 1** by Leibowitz on page 183 to read as follows:

"Amend **CSHB 1** in Article VII of the bill, on page VII-30, by amending Rider 20 to add subsection (h.) to read as follows:

"h. All reports to the Legislature outlined in this Rider and elsewhere in this Act relating to Toll Road and Trans-Texas Corridor Projects must be delivered to the Legislature in ~~both paper and~~ electronic formats and, if requested, in paper format."

Amendment No. 119 was adopted.

Amendment No. 116, as amended, was adopted.

Amendment No. 120

Representative Homer offered the following amendment to **CSHB 1**:
Floor Packet Page No. 184

Amend **CSHB 1** in Article VII of the bill following the appropriation to the Department of Transportation (page VII-30) by adding the following appropriately numbered rider:

_____. State Highway 24. Out of funds appropriated above in Strategy B.1.1, Transportation Construction:

(1) in the fiscal year ending August 31, 2008, the Department of Transportation shall allocate \$15,000,000 to complete construction of State Highway 24; and

(2) in the fiscal year ending August 31, 2009, the Department of Transportation shall allocate \$15,000,000 for the purpose described by Subdivision (1).

Amendment No. 120 was withdrawn. (The vote was reconsidered later today, and Amendment No. 120, as amended by Amendment No. 233, was adopted.)

Amendment No. 121

Representative Isett offered the following amendment to **CSHB 1**:
Floor Packet Page No. 188

Heritage Trails Program. Out of the amounts appropriated above, the Texas Department of Transportation shall make available \$1.5 million from the federal Transportation Enhancement Program funds administered by the department for the Heritage Trails Program project whenever such projects are approved by the Texas Historical Commission's Heritage Trails Program and meet federal funding requirements of the Transportation Enhancement Program as defined by federal Department of Transportation, Federal Highway Administration federal regulations in Title 23 of the United States Code. The Texas Historical Commission in conjunction with the Texas Department of Transportation will review the Heritage Trails Program project to determine if the Heritage Trails Program meets the federal Transportation Enhancement Program guidelines in Title 23 of the United States Code. It is the intent of the Legislature that funds appropriated above would cover the costs of administering the Heritage Trails Program approved for federal Transportation Enhancement Program funds.

In addition, the Texas Department of Transportation may redirect obligated funds previously obligated for courthouse preservation under the Transportation Enhancement Program to other available projects should the Heritage Trails Program fail to receive federal approval or federal Transportation Enhancement Program funds are not available due to changes in federal laws, rules, regulations, or appropriations.

Amendment No. 121 was withdrawn.

Amendment No. 122

Representative Menendez offered the following amendment to **CSHB 1**:
Floor Packet Page No. 189

Amend **CSHB 1** as follows:

Add the following appropriately numbered rider following the appropriations to the Texas Department of Transportation:

_____. Grants to Certain Peace Officer Organizations. The Texas Department of Transportation may not use any money appropriated under this Act to make a grant or other distribution to an association, group, union, lodge, local, or other organization, whether incorporated or unincorporated, in which peace officers participate and which exists wholly or partly to deal with employers concerning grievances, labor disputes, wages and rates of pay, hours of employment, and conditions of work if:

(1) the organization or an employee of the organization is required to register under Chapter 305, Government Code;

(2) the organization employs a person for the purpose of affecting the outcome of legislation, agency rules, ordinances, or other governmental policies; or

(3) the organization provides legal representation to its members.

Amendment No. 122 was withdrawn.

Amendment No. 123

Representative Chisum offered the following amendment to **CSHB 1**:
Floor Packet Page No. 191

Amend **CSHB 1** in Article VII of the bill following the appropriation to the Texas Workforce Commission (page VII-30) by adding the following appropriately numbered rider:

_____. Out of funds appropriated above in Strategy A.2.1, Skills Development, the Texas Workforce Commission shall allocate \$1,300,000 in the fiscal year ending August 31, 2008, to a community college in West Texas for the purpose of supporting the expansion of instructional capacity, including building start-up costs, to provide increased training opportunities in welding and welding fabrication. Any unexpended balances of these funds remaining on August 31, 2008, may be used by the commission for the fiscal year beginning September 1, 2008, for the same purpose.

Amendment No. 123 was adopted.

(Gattis in the chair)

Amendment No. 124

Representative Taylor offered the following amendment to **CSHB 1**:
Floor Packet Page No. S-5

Overview

The Galveston Causeway Railroad Bridge (GCRB) is the most dangerous place on the entire Gulf Intracoastal Waterway, from Brownsville to Florida. In 2001, the Coast Guard has declared it an unreasonable obstruction to navigation and set in motion plans to replace it with a wider bridge offering over 300' of clearance. The new bridge is under design and the best case estimate for completion of the new bridge is approximately 2011.

TXDOT plans to remove the fenderworks that protect all three bridges and facilitate barge transits through this tricky area as soon as the highway bridges are complete in late 2007, even though the GCRB will not be widened. This will greatly increase the risk to marine traffic, all the bridges, the general public and the environment pending completion of the new GCRB.

This rider continues the current maintenance by TXDOT of the fenderworks of the Galveston Causeway Bridge.

Required Action

(1) On page ___ of the Department of Transportation's bill pattern, State Highway Funds in Strategy C.1.31, Galveston Causeway Contracted Maintenance.

(2) On page ___ of the Department of Transportation's bill pattern, add the following rider:

_____. Galveston Causeway. Out of funds appropriated above in Strategy C.1.31, ~~Galveston Causeway Contracted Maintenance~~. State Highway Funds shall be used for the maintenance and preservation of the fenderworks at the Galveston Causeway. Any unexpended balances from this appropriation remaining as of August 31, 2007, are hereby appropriated in the fiscal year beginning September 1, 2008, for the same purpose.

Amendment No. 124 was adopted.

Amendment

Representative Martinez offered the following amendment to **CSHB 1**:
Floor Packet Page No. 193

Amend **CSHB 1**, in Article VIII of the bill, in Rider 12 following the appropriation to the Texas Department of Insurance (page VIII-32), by inserting the following at the end of the rider:

The legislature intends that the website include a list of each insurer writing residential property insurance or personal automobile insurance in this state and a description of each type of residential property insurance and personal automobile insurance policy issued in the state, including a comparison of the coverage, exclusions, and restrictions of each policy and a format that allows a

side-by-side comparison of the features of the policy forms. The website should also include sample rates for different policyholder profiles in each county or ZIP code.

It is the intent of the legislature that the department report quarterly to the legislature and the public, beginning with a report for the quarter ending December 1, 2007, and thereafter not later than the 60th day after the last day of the quarter covered by the report the following information for each insurer that writes a line of insurance in the state: market share, profits and losses, average rate, and average loss ratio. It is the intent of the legislature that the report include the change in rate over the previous 3, 6, 12, 24, and 36 months.

Amendment No. 126

Representative F. Brown offered the following amendment to Amendment No. 125:

Amend Amendment No. 125 by Martinez (packet page 193) to **CSHB 1** as follows:

- (1) On page 1, line 16, strike "60th day" and substitute "90th day".
- (2) On page 1, line 21, strike "3, 6,".

Amendment No. 126 was adopted.

Amendment No. 125, as amended, was adopted.

Amendment No. 127

Representative Villarreal offered the following amendment to **CSHB 1**:
Floor Packet Page No. 194

Amend **CSHB 1**, in Article VIII of the bill, by adding the following appropriately numbered rider following the appropriations to the Department of Insurance:

_____. Report to Legislature by Division of Workers' Compensation of Certain Information Regarding Employers Not Covered by Workers' Compensation Insurance. (a) Out of funds appropriated above to the division of workers' compensation of the Texas Department of Insurance, the division shall report annually to the legislature any information collected by the division regarding:

(1) the compliance of employers who do not obtain or otherwise provide workers' compensation insurance coverage with any notice requirements imposed by Subchapter A, Chapter 406, Labor Code;

(2) any administrative penalties assessed under Subtitle A, Title 5, Labor Code, or rules adopted under that subtitle against employers described by Subdivision (1) for failure to comply with the notice requirements;

(3) the compliance of employers who do not obtain or otherwise provide workers' compensation insurance coverage with the reporting requirements of Section 411.032, Labor Code; and

(4) any administrative penalties assessed under Section 411.032, Labor Code, against an employer described by Subdivision (3) for failure to comply with the reporting requirements.

(b) The division may make the report required under Subsection (a) as part of the department's annual report under Section 32.021, Insurance Code, or as a separate report.

Amendment No. 128

Representative Solomons offered the following amendment to Amendment No. 127:

Amend the amendment by Representative Villarreal on page 194 of the **CSHB 1** Prefiled Amendment Packet to add the following after line 28:

Add the following rider in Article VIII, numbered appropriately, following the Article VIII riders concerning the Texas Department of Insurance:

_____. **WORKERS COMPENSATION APPEALS FOR FEE AND MEDICAL NECESSITY DISPUTES.** (a). Contingent upon enactment of **HB 724**, or similar legislation by the Eightieth Legislature, the Texas Department of Insurance and the Office of Injured Employee Counsel is hereby appropriated all funds necessary out of the General Revenue Dedicated-Texas Department of Insurance Operating Fund No. 036, to cover the cost of appeals of medical disputes handled either through the State Office of Administrative Hearings (SOAH) or through the completion of contested case hearings (CCHs) by the Texas Department of Insurance, Division of Workers' Compensation. (The Texas Department of Insurance estimated costs to be \$1,963,555 in fiscal year 2008 and \$1,633,097 in fiscal year 2009, and is authorized 22.0 full time equivalents in each fiscal year of the 2008-2009 biennium. The Office of Injured Employee Counsel additional estimated costs is \$354,363 for fiscal year 2008 and \$354,363 for fiscal year 2009 and is authorized 9.0 full time equivalents in each fiscal year of the 2008-2009 biennium).

Amendment No. 128 was adopted.

(Speaker in the chair)

Amendment No. 127, as amended, was withdrawn. (The vote was reconsidered later today, and Amendment No. 127, as amended by Amendment No. 224, was adopted.)

Amendment No. 129

Representative Isett offered the following amendment to **CSHB 1**:

Amend **CSHB 1** by adding rider No. ___ to Article VII Texas Department of Transportation:

Heritage Trails Program: Out of the amounts appropriated above, the Texas Department of Transportation shall make available during the biennium \$8.9 million in federal Transportation Enhancement funds administered by the department for Heritage Trails program project whenever such projects are approved by the Texas Historical Commission's Heritage Trails Program and meet federal funding requirements of the Transportation Enhancement Program as defined by U. S. Department of Transportation, Federal Highway Administration, in federal regulations promulgated under the authority of Title 23, United States Code.

Amendment No. 129 was adopted.

Amendment No. 130

Representative Burnam offered the following amendment to **CSHB 1**:
Floor Packet Page No. 195

Amend **CSHB 1** as follows:

(1) In Article VIII, insert the following appropriately-numbered Rider to the appropriation for the Public Utility Commission to read as follows and renumbering subsequent Riders accordingly:

" _____. COMMISSION STUDY. Out of funds appropriated to the commission, the commission is directed to develop a proposed comprehensive electric energy plan that details this state's demand for electric generation capacity for the next 25 years, the infrastructure and technology for meeting that demand, and recommendations for meeting that demand. In developing the proposed plan, the commission shall consider and discuss policies and strategies to ensure that fuel resources available to the state are used in a balanced and efficient manner while taking into consideration the reliability, economic viability, and environmental impact of fuels and technologies including, but not limited to, the following:

(1) Strategies to protect and preserve the environment of the state while allowing for access to safe, economical, and reliable sources of energy;

(2) Strategies to ensure that customers of this state have access to reliable energy;

(3) Transmission, congestion, and transportation constraints and cost, and strategies to alleviate or prevent those constraints for sources of energy used to generate electricity;

(4) Electricity generation capacity, reserve margins, market impact, environmental impact of sources of electricity generation, and strategies to ensure continued investment in clean fuels and clean generation technology;

(5) Demand side management and response programs including but not limited to and cost-effective strategies for measuring and utilizing energy conservation, interruptible loads, loads acting as resources, the use of combined heat and power, and energy efficiency;

(6) Policies to ensure that fuel resources available to the state achieve reliable supply and are used in a balanced, efficient, and environmentally conscious manner.

The Commission shall provide a process for coordinating information with other state agencies and obtaining public input into developing the plan, and provide a draft of the report for public comment by September 1, 2008, and submit a final report, taking into account public input, to the Governor, Lt. Governor and Speaker of the House by January 15th, 2009."

Amendment No. 130 was adopted.

Amendment No. 131

Representative Chisum offered the following amendment to **CSHB 1**:

Floor Packet Page No. 198

Amend **CSHB 1** as follows:

(1) In Section 2.01, Article IX (page IX-8), amend the following classified position to read as follows:

3646 Master Administrative Law Judge I B20

(2) In Section 2.01, Article IX (page IX-8), add the following classified position to read as follows:

3648 Master Administrative Law Judge II B21

Amendment No. 131 was adopted.

Amendment No. 132

Representative Dunnam offered the following amendment to **CSHB 1**:

Floor Packet Page No. 202

Amend **CSHB 1** by amending Sec. 6.23. of Article IX as follows:

Sec. 6.23. Restriction on Expenditures for Lobbying Activities.

(a) ~~Except as provided by Subsection (b) of this section, n~~None of the funds appropriated under this Act may be used to compensate a lobbyist registered under Chapter 305, Government Code, or under the Federal Lobbying Disclosure Act of 1995 for engaging in lobbying activities. None of the funds appropriated under this Act may be used to compensate an outside consultant employed by a firm that primarily engages in lobbying activities.

~~(b) Subsection (a) of this section does not apply to the payment of compensation to a person employed by a state agency or institution.~~

Representative Chisum moved to table Amendment No. 132.

A record vote was requested.

The motion to table prevailed by (Record 246): 70 Yeas, 59 Nays, 1 Present, not voting.

Yeas — Aycock; Bailey; Berman; Bohac; Brown, B.; Brown, F.; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Dukes; Eissler; Elkins; England; Flynn; Geren; Goolsby; Guillen; Haggerty; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hill; Howard, C.; Isett; Jackson; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McClendon; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pitts; Riddle; Smith, W.; Smithee; Solomons; Straus; Swinford; Taylor; Truitt; Turner; West; Woolley; Zedler; Zerwas.

Nays — Allen; Anchia; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Deshotel; Dunnam; Dutton; Eiland; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Gonzales; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; King, T.; Leibowitz; Lucio; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt;

Miles; Moreno; Naishtat; Noriega; Olivo; Ortiz; Pickett; Puente; Quintanilla; Raymond; Ritter; Rose; Smith, T.; Strama; Thompson; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Talton.

Absent — Alonzo; Anderson; Bonnen; Branch; Callegari; Davis, Y.; Flores; Gattis; Giddings; Gonzalez Toureilles; Hamilton; Hughes; King, S.; Mallory Caraway; Miller; Oliveira; Pierson; Rodriguez; Van Arsdale.

STATEMENTS OF VOTE

When Record No. 246 was taken, I was in the house but away from my desk. I would have voted no.

Anderson

When Record No. 246 was taken, my vote failed to register. I would have voted yes.

Miller

When Record No. 246 was taken, my vote failed to register. I would have voted no.

Pierson

Amendment No. 133

Representative Christian offered the following amendment to **CSHB 1**:
Floor Packet Page No. 205

Amend **CSHB 1** by adding the following appropriately numbered rider under Part 6 of the Article IX appropriations:

Sec. 6. ____. State Spending with Entity Funding Abortion Services. No money appropriated by this Act may be provided, through a contract, grant, or otherwise, to a corporation, trust, or organization that directly or indirectly pays for or provides abortion services or gives money to a corporation, trust, or organization that pays for or provides abortion services.

Amendment No. 133 - Point of Order

Representative Anchia raised a point of order against further consideration of Amendment No. 133 under Rule 8, Section 4 of the House Rules on the grounds that the amendment would change general law.

The point of order was withdrawn.

Amendment No. 133 was withdrawn.

Amendment No. 134

Representative Menendez offered the following amendment to **CSHB 1**:
Floor Packet Page No. 212

Amend **CSHB 1** in Article X by adding the following appropriately numbered rider following the appropriations to the House of Representatives:

_____. Limitation on Publication and Distribution of House Journals. Funds appropriated by this Act to the House of Representatives may not be used to print or distribute copies of the House Journal, either bound or unbound, to a member of the House of Representatives other than the Speaker of the House unless the member affirmatively requests to receive those copies.

Amendment No. 134 was withdrawn.

Amendment No. 135

Representative Rose offered the following amendment to **CSHB 1**:

Floor Packet Page No. 214

Amend **CSHB 1** as follows:

(1) Add the following rider following Article XI provisions for the Comptroller of Public Accounts (page XI-4):

Contingency for **HB 3446**; Funding for the Promotion of Texas Manufactured Products. Contingent on the enactment of **HB 3446** or similar legislation by the 80th Legislature, Regular Session, 2007, relating to the promotion by the comptroller of public accounts of Texas manufactured products, and in addition to other amounts appropriated by this Act, the sum of \$125,000 is appropriated out of the general revenue fund to the comptroller of public accounts for the fiscal year ending August 31, 2008, for use as provided by that legislation, and the additional sum of \$125,000 is appropriated out of the general revenue fund to the comptroller of public accounts for the fiscal year ending August 31, 2009, for the same purpose.

(2) Adjust the article totals (page XI-1) accordingly.

Amendment No. 135 was adopted.

Amendment No. 136

Representative Kolkhorst offered the following amendment to **CSHB 1**:

Floor Packet Page No. 219

Amend **CSHB 1** in Article XI of the bill as follows:

(1) Add the following rider following the Article XI provisions for the Department of Family and Protective Services (page XI-10):

Statewide Child-Care Training Portal. In addition to other amounts appropriated to the Department of Family and Protective Services, an amount not to exceed \$2 million is appropriated from the general revenue fund for the state fiscal biennium ending August 31, 2009, to the department for the purpose of awarding, through a competitive bidding process, a contract to a public nonprofit agency or community-based organization for the development and maintenance of a bilingual, statewide training portal that connects child-care providers with approved child-care training. To receive a contract, an agency or organization must:

(1) develop a comprehensive, eight-hour training course that can be used as a self-instructional tool or in an instructor-led format and that covers current findings on the health, safety, and development of young children;

(2) demonstrate professional experience and technical expertise in early childhood education;

(3) have at least 10 years of experience in developing and providing training to providers in both child-care facilities and listed and registered family homes located in low-income communities; and

(4) have experience in automating programs used in subsidized child-care programs.

(2) Adjust the article totals (page XI-1) and agency totals (page XI-10) appropriately.

Amendment No. 136 was adopted. (The vote was reconsidered later today, and Amendment No. 136 was withdrawn.)

Amendment No. 137

Representative Raymond offered the following amendment to **CSHB 1**:
Floor Packet Page No. 220

Amend **CSHB 1** as follows:

(1) Under the Article XI appropriations to the Department of State Health Services (page XI-10), add the following rider:

____. Community Primary Care Services: Additional Funds. In addition to amounts otherwise appropriated to the Department of State Health Services in Article II under Strategy B.1.4 (page II-41) for community primary care services, the following amounts are appropriated to the Department of State Health Services out of the general revenue fund for the purpose of that strategy:

(1) \$8,000,000 for the state fiscal year ending August 31, 2008; and

(2) \$8,000,000 for the state fiscal year ending August 31, 2009.

(2) Adjust the article totals (page XI-1) and agency totals (page XI-10) accordingly.

Amendment No. 137 was adopted.

Amendment No. 138

Representative Raymond offered the following amendment to **CSHB 1**:
Floor Packet Page No. 221

Amend **CSHB 1** as follows:

(1) Under the Article XI appropriations to the Department of State Health Services (pages XI-10-XI-12), add the following appropriately numbered rider:

____. Contingency for **HB 3618**. Contingent on the enactment of **HB 3618** or similar legislation by the 80th Legislature, Regular Session, 2007, relating to the provision of a coordinated health program for school districts located in the Texas-Mexico border region, in addition to other amounts appropriated for the state fiscal biennium beginning September 1, 2007, the amount of \$3,000,000 is

appropriated out of the general revenue fund to the Department of State Health Services for use as provided by that legislation during the state fiscal biennium beginning September 1, 2007.

(2) Adjust the article totals (page XI-1) accordingly.

Amendment No. 138 was adopted.

Amendment No. 139

Representative Cohen offered the following amendment to **CSHB 1**:
Floor Packet Page No. 222

Amend **CSHB 1**, as follows:

(1) In Article II, page II-62, strike Strategy D.2.2.

(2) In Article XI, page XI-13, amend the Contingency Appropriation for **HB 424** after the word 'appropriated':

"\$50,200 in General Revenue Funds and \$2,550,200 in Federal Funds in fiscal year 2008 and \$4,330,400 in General Revenue Funds and \$4,010,400 in Federal Funds in fiscal year 2009 to implement the provisions of the legislation."

Amendment No. 139 was withdrawn.

Amendment No. 140

Representative Farrar offered the following amendment to **CSHB 1**:
Floor Packet Page No. 223

Amend **CSHB 1**, Article XI, on page XI-16, Article II, Special Provisions, by deleting the rider entitled "Restriction on Use of Funds for HPV Vaccine." in its entirety.

Amendment No. 140 was withdrawn.

Amendment No. 136 - Vote Reconsidered

Representative Kolkhorst moved to reconsider the vote by which Amendment No. 136 was adopted.

The motion to reconsider prevailed.

Amendment No. 136 was withdrawn.

Amendment No. 141

Representative Giddings offered the following amendment to **CSHB 1**:
Floor Packet Page No. 224

Amend **CSHB 1** by amending the following rider under the Article XI appropriations to the Texas Education Agency (page XI-18) to read as follows:

Contingency for **HB 1002**: Intensive Preparation Academies for High School Assessment Instruments [~~Exit Level TAKS~~]. Contingent on the passage of **HB 1002** by the Eightieth Legislature, Regular Session, or similar legislation relating to intensive preparation academies to prepare students to retake [~~the exit level~~] assessment instruments required for high school graduation

~~[instrument administered under Section 39.023(c), Education Code,]~~ and in addition to other amounts appropriated to the Texas Education Agency for the fiscal biennium beginning September 1, 2007:

(1) \$6,292,645 is appropriated to the Texas Education Agency for fiscal year 2008, for the purpose of providing grants to school districts to operate intensive preparation academies; and

(2) the unexpended balance of the amount provided by Subdivision (1) is appropriated to the Texas Education Agency for fiscal year 2009, for the same purpose.

Amendment No. 141 was adopted.

Amendment No. 142

Representative Alonzo offered the following amendment to **CSHB 1**:
Floor Packet Page No. 226

Amend **CSHB 1**, under the Article XI appropriations to the Texas Higher Education Coordinating Board (pages XI-21 to XI-22), by adding the following rider:

Contingency for **HB 238**. Contingent on the enactment of **HB 238** or similar legislation by the 80th Legislature, Regular Session, 2007, relating to the establishment of a bilingual education certification program, the Texas Higher Education Coordinating Board is appropriated \$3,000,000,00 in general revenue for fiscal year 2008 and \$3,000,000,00 in general revenue for fiscal year 2009 to be used for the bilingual education certification program.

Amendment No. 142 was adopted.

Amendment No. 143

Representative Hughes offered the following amendment to **CSHB 1**:
Floor Packet Page No. 228

Amend **CSHB 1** (House committee printing) as follows:

(1) Under the Article XI appropriations to the Texas Higher Education Coordinating Board (page XI-22), add the following rider:

Appropriation: Applied Research for Clean Coal Project or Other Projects Related to Generation of Electricity from Coal. Contingent on the passage of **HB 2608**, or similar legislation relating to the funding of applied research for a clean coal project or other projects for the generation of electricity from coal, by the 80th Legislature, Regular Session, in addition to other amounts appropriated for the state fiscal biennium beginning September 1, 2007, the amount of \$10 million is appropriated for that biennium out of the general revenue fund to the Texas Higher Education Coordinating Board for the purpose of funding, as part of the advanced technology program established by Chapter 143, Education Code, applied research related to a clean coal project, as defined by Section 5.001, Water Code, or other projects for the generation of electricity from coal.

(2) Adjust the article totals (page XI-1) and board totals (page XI-21) appropriately.

Amendment No. 143 was adopted.

Amendment No. 144

Representative Alonzo offered the following amendment to **CSHB 1**:
Floor Packet Page No. 229

Amend **CSHB 1** (House committee printing) as follows:

(1) Under the Article XI appropriations to The University of Texas at Arlington (page XI-23), add the following rider:

Appropriation: Tejano Voices Project. In addition to other amounts appropriated to The University of Texas at Arlington by this Act, the amount of \$120,000 is appropriated out of the general revenue fund to The University of Texas at Arlington for the state fiscal biennium beginning September 1, 2007, to be used for paying the costs of operating the university's Tejano Voices Project.

(2) Adjust the article totals (page XI-1) and university totals (page XI-23) accordingly.

Amendment No. 144 was adopted.

Amendment No. 145

Representative Alonzo offered the following amendment to **CSHB 1**:
Floor Packet Page No. 230

Amend **CSHB 1** (House committee printing) as follows:

(1) Under the Article XI appropriations to The University of Texas at Arlington (page XI-23), add the following appropriately numbered rider:

____. Appropriation: Sustainable Water Supply Research Center. Contingent on the passage of **HB 1431**, or similar legislation relating to the operation of a Sustainable Water Supply Research Center at The University of Texas at Arlington, by the 80th Legislature, Regular Session, in addition to the other amounts appropriated for the state fiscal biennium beginning September 1, 2007, the amount of \$13,000,000 is appropriated out of the general revenue fund to The University of Texas at Arlington for the state fiscal biennium beginning September 1, 2007, for start-up and operational costs of the Sustainable Water Supply Research Center at the university.

(2) Adjust the article totals (page XI-1) and university totals (page XI-23) appropriately.

Amendment No. 145 was adopted.

Amendment No. 146

Representative Miller offered the following amendment to **CSHB 1**:
Floor Packet Page No. 232

Amend **CSHB 1** as follows:

(1) In Article XI of the bill, following the appropriation to Tarleton State University (page XI-27), add the following appropriately numbered rider:

_____. Environmental Research: Additional Funds. In addition to the amounts appropriated to Tarleton State University in Article III under Strategy C.2.1 (page III-82) for environmental research, the following amounts are appropriated to Tarleton State University out of the general revenue fund for the purposes of that strategy: \$800,000 for the state fiscal year ending August 31, 2008; and \$800,000 for the state fiscal year ending August 31, 2009.

(2) Adjust the article totals (page XI-1) and university totals (page XI-27) accordingly.

Amendment No. 146 was adopted.

Amendment No. 147

Representative Miller offered the following amendment to **CSHB 1**:
Floor Packet Page No. 233

Amend **CSHB 1** as follows:

(1) In Article XI of the bill, following the appropriation to Tarleton State University (page XI-27), add the following appropriately numbered rider:

_____. Agriculture Center: Additional Funds. In addition to the amounts appropriated to Tarleton State University in Article III under Strategy C.2.2 (page III-82) for an agriculture center, the following amounts are appropriated to Tarleton State University out of the general revenue fund for the purposes of that strategy: \$385,000 for the state fiscal year ending August 31, 2008; and \$385,000 for the state fiscal year ending August 31, 2009.

(2) Adjust the article totals (page XI-1) and university totals (page XI-27) accordingly.

Amendment No. 147 was withdrawn.

Amendment No. 148

Representative Christian offered the following amendment to **CSHB 1**:
Floor Packet Page No. 235

Amend **CSHB 1** (House committee printing) as follows:

(1) Under the Article XI appropriations to Stephen F. Austin State University (page XI-33), add the following rider:

Appropriation: Center for Applied Studies in Forestry. In addition to other amounts appropriated for the state fiscal biennium beginning September 1, 2007, the amount of \$260,000 is appropriated out of the general revenue fund to Stephen F. Austin State University for the state fiscal year beginning September 1, 2007, and the amount of \$260,000 is appropriated out of the general revenue fund to Stephen F. Austin State University for the state fiscal year beginning September 1, 2008, to expand to 43 counties the Forestry Inventory pilot project administered by the Center for Applied Studies in Forestry at the university.

(2) Adjust the article totals (page XI-1) and university totals (page XI-33) appropriately.

Amendment No. 148 was adopted.

Amendment No. 149

Representative Christian offered the following amendment to **CSHB 1**:

Floor Packet Page No. 236

Amend **CSHB 1** (House committee printing) as follows:

(1) Under the Article XI appropriations to Stephen F. Austin State University (page XI-33), add the following rider:

Appropriation: Early Childhood Research and Development Center. In addition to other amounts appropriated to Stephen F. Austin State University for the state fiscal biennium beginning September 1, 2007, the amount of \$450,000 is appropriated out of the general revenue fund to Stephen F. Austin State University for the state fiscal year beginning September 1, 2007, and the amount of \$750,000 is appropriated out of the general revenue fund to Stephen F. Austin State University for the state fiscal year beginning September 1, 2008, for the purpose of paying the costs of faculty, research personnel, and equipment necessary to establish an early childhood research and development center at the university.

(2) Adjust the article totals (page XI-1) and the university totals (XI-33) accordingly.

Amendment No. 149 was adopted.

Amendment No. 150

Representative Rose offered the following amendment to **CSHB 1**:

Floor Packet Page No. 237

Amend **CSHB 1** (House committee printing) as follows:

(1) Under the Article XI appropriations to Texas State University-San Marcos (page XI-37), add the following appropriately numbered rider:

_____. Appropriation: River Systems Institute. In addition to other amounts appropriated for the state fiscal biennium beginning September 1, 2007, the amount of \$808,825 is appropriated out of the general revenue fund to Texas State University-San Marcos for the state fiscal year beginning September 1, 2007, and the amount of \$772,103 is appropriated out of the general revenue fund to Texas State University-San Marcos for the state fiscal year beginning September 1, 2008, to provide funds for the groundwater conservation district assistance project administered by the River Systems Institute at the university.

(2) Adjust the article totals (page XI-1) and university totals (page XI-37) appropriately.

Amendment No. 150 was adopted.

Amendment No. 151

Representative Giddings offered the following amendment to **CSHB 1**:

Floor Packet Page No. 238

Amend **CSHB 1** as follows:

(1) Under the Article XI appropriations to the University of North Texas Health Science Center at Fort Worth (page XI-42), add the following rider:

Appropriation: School of Pharmacy. Contingent on the passage of **HB 1746**, or similar legislation relating to the establishment and operation of a school of pharmacy by the University of North Texas Health Science Center at Fort Worth by the 80th Legislature, Regular Session, 2007, in addition to other amounts appropriated to the University of North Texas Health Science Center at Fort Worth for the state fiscal biennium beginning September 1, 2007, the amount of \$1,500,000 is appropriated out of the general revenue fund to the University of North Texas Health Science Center at Fort Worth for the state fiscal year beginning September 1, 2007, and the amount of \$1,500,000 is appropriated out of the general revenue fund to the University of North Texas Health Science Center at Fort Worth for the state fiscal year beginning September 1, 2008, for the purpose of establishing and operating the school of pharmacy at adequate facilities in the city of Dallas.

(2) Adjust the article totals (page XI-1) and the health science center totals (page XI-42) accordingly.

Amendment No. 151 was adopted.

Amendment No. 152

Representative Giddings offered the following amendment to **CSHB 1**:
Floor Packet Page No. 239

Amend **CSHB 1** as follows:

(1) Under the Article XI appropriations for Public Community/Junior Colleges (page XI-43), add the following appropriately numbered item:

____. Dallas County Community College District. In addition to other amounts appropriated to Dallas County Community College in Strategy N.2.2. in the appropriations to Public Community/Junior Colleges in Article III (page III-164), the following amounts are appropriated out of the general revenue fund to the Dallas County Community College District to support Cedar Valley College's Green Building Program under that strategy:

(A) \$25,000 for the state fiscal year ending August 31, 2008; and

(B) \$25,000 for the state fiscal year ending August 31, 2009.

(2) Adjust totals and methods of financing accordingly.

Amendment No. 152 was adopted.

Amendment No. 153

Representative Miller offered the following amendment to **CSHB 1**:
Floor Packet Page No. 234

Amend **CSHB 1** as follows:

(1) In Article XI of the bill, following the appropriation to Tarleton State University (page XI-27), add the following appropriately numbered rider:

____. Agriculture Center: Additional Funds. In addition to the amounts appropriated to Tarleton State University in Article III under Strategy C.2.2 (page III-82) for an agriculture center, the following amounts are appropriated to

Tarleton State University out of the general revenue fund for the purposes of that strategy: \$385,000 for the state fiscal year ending August 31, 2008; and \$385,000 for the state fiscal year ending August 31, 2009.

(2) Adjust the article totals (page XI-1) and university totals (page XI-27) accordingly.

Amendment No. 153 was adopted.

Amendment No. 154

Representative Hartnett offered the following amendment to **CSHB 1**:
Floor Packet Page No. 240

Amend **CSHB 1** under Article XI of the bill, following the appropriation to the Office of Court Administration, Texas Judicial Council (page XI-51), by adding the following appropriately numbered rider:

_____. Contingency for **SB 1305**. Contingent on the enactment of **SB 1305** or similar legislation by the 80th Legislature, Regular Session, 2007, relating to service of process, an amount equal to all fees collected under the order or rule of the supreme court from a person certified by the supreme court to serve process are appropriated to the Office of Court Administration for the fiscal biennium beginning September 1, 2007. Those fees, estimated to be \$205,050 for the fiscal year beginning September 1, 2007, and \$111,450 for the fiscal year beginning September 1, 2008, shall be deposited to the credit of Strategy A.1.5, Guardians and Process Servers, and shall be used to support the certification division of the Office of Court Administration. The number of authorized FTEs for the biennium for the Office of Court Administration is increased by 3.0.

Amendment No. 154 was adopted.

Amendment No. 155

Representative Chavez offered the following amendment to **CSHB 1**:
Floor Packet Page No. 241

Amend **CSHB 1** as follows:

(1) On page XI-53 of the bill pattern for the Comptroller's Judiciary Section add the following new rider:

CONTINGENCY APPROPRIATION FOR **HB 1628**: Contingent on passage of **HB 1628**, or similar legislation relating to the creation of an additional judicial district in El Paso County, by the Eightieth Legislature, Regular Session, the Comptroller's Judiciary Section is appropriated \$68,750 for fiscal year 2008 and \$68,750 for fiscal year 2009 from the General Revenue Fund and \$56,250 for fiscal year 2008 and \$56,250 for 2009 from Judicial Fund No. 573, and 1.0 additional full-time equivalent position to implement the provisions of the legislation.

Amendment No. 155 was adopted.

Amendment No. 156

Representative Chavez offered the following amendment to **CSHB 1**:

Floor Packet Page No. 242

Amend **CSHB 1** as follows:

(1) On page XI-53 of the bill pattern for the Comptroller's Judiciary Section add the following new rider:

CONTINGENCY APPROPRIATION FOR **HB 1554**: Contingent on passage of **HB 1554**, or similar legislation relating to the creation of an additional judicial district in El Paso County, by the Eightieth Legislature, Regular Session, the Comptroller's Judiciary Section is appropriated \$68,750 for fiscal year 2008 and \$68,750 for fiscal year 2009 from the General Revenue Fund and \$56,250 for fiscal year 2008 and \$56,250 for 2009 from Judicial Fund No. 573, and 1.0 additional full-time equivalent position to implement the provisions of the legislation.

Amendment No. 156 was adopted.

Amendment No. 157

Representative Merritt offered the following amendment to **CSHB 1**:

Floor Packet Page No. 227

Amend **CSHB 1** in Article XI of the bill following the appropriations to the Texas Higher Education Coordinating Board (page XI-22) by adding the following rider:

Allotment for Junior College District Tax Base Decline. In addition to the amounts appropriated above to the Texas Higher Education Coordinating Board, there is appropriated to the Texas Higher Education Coordinating Board from the general revenue fund in each year of the state fiscal biennium ending August 31, 2009, an amount sufficient to provide each junior college district located in the Texas-Louisiana border region as defined by Section 2056.002, Government Code, in each fiscal year of that biennium an amount equal to the amount computed by applying the district's ad valorem tax rate for the 2006 tax year to the greater of:

(1) the amount, if any, by which the total taxable value of property in the district in the tax year that ends in the applicable fiscal year is reduced from the total taxable value of property in the district in the 2006 tax year; or

(2) the amount, if any, by which the total taxable value of mineral interests in the district in the tax year that ends in the applicable fiscal year is reduced from the total taxable value of mineral interests in the district in the 2006 tax year.

Amendment No. 158

Representative Merritt offered the following amendment to Amendment No. 157:

Amend Amendment No. 157 to **CSHB 1** by Merritt (page 227, prefiled amendment packet) by striking the text of the amendment and substituting the following:

Amend **CSHB 1** in Article XI of the bill following the appropriations to the Texas Higher Education Coordinating Board (page XI-22) by adding the following rider:

Report Regarding Junior College District Tax Base Decline. Not later than September 1, 2008, the Texas Higher Education Coordinating Board shall submit a report to the governor, lieutenant governor, speaker of the house of representatives, and presiding officer of each legislative standing committee and subcommittee with jurisdiction over public higher education regarding:

(1) any financial effects of a declining tax base for each junior college district in this state;

(2) an equalization formula to compensate for the loss of the taxable value of property or mineral interest in the district; and

(3) any additional relevant information as determined by the board.

Amendment No. 158 was adopted.

Amendment No. 157, as amended, was adopted.

Amendment No. 159

Representative C. Howard offered the following amendment to **CSHB 1**:
Floor Packet Page No. 244

Amend **CSHB 1** under the Article XI appropriations to the Texas Department of Criminal Justice (page XI-55) by adding the following appropriately numbered rider:

_____. Location of Central Prison Unit in Sugar Land. Out of funds appropriated to the Texas Department of Criminal Justice for the fiscal biennium beginning September 1, 2007, the department shall conduct a feasibility study regarding relocating the central prison unit and the adjoining prison housing units from the units' current location in Sugar Land, Texas, to a more suitable location. During the course of this study, the department shall examine the costs and benefits associated with relocating the units and an anticipated timeline if relocation is determined to be in the best interests of the correctional system and the City of Sugar Land.

Amendment No. 159 was adopted.

Amendment No. 160

On behalf of Representative Hochberg, Representative Guillen offered the following amendment to **CSHB 1**:

Floor Packet Page No. 245

Amend **CSHB 1**, under the Article XI appropriations to the Texas Commission on Environmental Quality (page XI-61 through page XI-62), by adding the following appropriately numbered rider:

_____. Contingency for **HB 188**. Contingent on the enactment of **HB 188** or similar legislation by the 80th Legislature, Regular Session, 2007, relating to the adoption of textbooks and the establishment of textbook credits for school districts and open-enrollment charter schools, the Texas Commission on

Environmental Quality is appropriated \$4,387,500 in general revenue in fiscal year 2009 to be used for the clean school bus program established under Chapter 390, Health and Safety Code.

Amendment No. 160 was adopted.

Amendment No. 161

Representative Gallego offered the following amendment to **CSHB 1**:
Floor Packet Page No. 246

Amend **CSHB 1** in section XI page 62, the Commission on Environmental Quality by adding the following rider:

Pecos River Salinity Monitoring Program. Out of the funds appropriated under Strategy A.1.2., Water Assessment and Planning, the Texas Commission on Environmental Quality shall conduct water quality monitoring of the salinity levels in the Pecos River.

Amendment No. 161 was adopted.

Amendment No. 162

Representative J. Davis offered the following amendment to **CSHB 1**:
Floor Packet Page No. 247

Amend **CSHB 1** as follows:

(1) Add the following rider following the Article XI appropriations to the General Land Office and Veterans' Land Board (page XI-63):

Texas Veterans Museum. Contingent on the receipt by the state of federal funds that may be used to establish and construct a veterans museum in this state, an amount not to exceed \$5,000,000 is appropriated out of the general revenue fund to the General Land Office and Veterans' Land Board for the state fiscal biennium ending August 31, 2009, as matching funds for the purpose of establishing and constructing a veterans museum in this state. The amount appropriated by this rider may not exceed the amount of federal funds received during the biennium for this purpose.

(2) Adjust the article totals (page XI-1) and agency totals (page XI-63) accordingly.

Amendment No. 162 was adopted.

Amendment No. 163

Representative Giddings offered the following amendment to **CSHB 1**:
Floor Packet Page No. 249

Amendment to **CSHB 1**

On page XI-64 add the following:

Local Park Grant for Beal Park. From funds appropriated above in Strategy B.2.1, Local Park Grants, the Texas Parks and Wildlife Department shall allocate up to \$1,000,000 of matching funds for Beal Park construction.

Local Park Grant for the City of DeSoto, Old Nance Farm. From funds appropriated above in Strategy B.2.1, Local Park Grants, the Texas Parks and Wildlife Department shall allocate up to \$1,000,000 of matching funds for the City of DeSoto, Old Nance Farm.

Local Park Grant for the City of Lancaster. From funds appropriated above in Strategy B.2.1, Local Park Grants, the Texas Parks and Wildlife Department shall allocate up to \$200,000 of matching funds for the City of Lancaster.

Amendment No. 164

Representative J. Davis offered the following amendment to Amendment No. 163:

Amend the amendment by Giddings (page 249, **CSHB 1** Prefiled Amendment Packet) amending **CSHB 1**, by striking the text of the amendment and substituting the following appropriately numbered section and renumbering subsequent sections accordingly:

SECTION _____. Amend **CSHB 1** in Article XI of the bill following the appropriations to the Parks and Wildlife Department by amending the section labeled "Local Park Grants" (pages XI-64 to XI-65) to read as follows:

Local Park Grants. Contingent on passage of **HB 6** or similar legislation changing the limitation of the Sporting Goods Sales Tax allocated to the Texas Parks and Wildlife Department (TPWD), out of funds appropriated above in Strategy B.2.1, Local Park Grants, TPWD shall allocate up to \$10,135,000 for the following grants:

- a. \$1,000,000 in matching funds for Townwood Park construction;
- b. \$60,000 in matching funds for renovations of the Kleberg County Youth Soccer Complex;
- c. \$800,000 in matching funds for park construction in Rio Grande City;
- d. \$1,125,000 in matching funds for Senator Frank Madla Memorial Park (\$1,000,000 for land acquisition and \$125,000 for planning, development, operation and maintenance);
- e. \$600,000 for expansion of rehabilitation services at the Gladys Porter Zoo;
- f. \$200,000 in matching funds for Raymac Park construction;
- g. \$600,000 in matching funds for Sylvester Turner Park construction;
- h. \$2,000,000 in matching funds for construction of the McAllen City Park;
- i. \$500,000 in matching funds for construction at the Sibley Nature Center;
- j. \$750,000 in matching funds for construction of the Will Looney Legacy Park;
- k. up to \$1,000,000 in matching funds for Beal Park construction;
- l. up to \$1,000,000 in matching funds for the City of DeSoto, Old Nance Farm;
- m. up to \$200,000 in matching funds for the City of Lancaster; and
- n. up to \$300,000 in matching funds for Armand Bayou Nature Center Discovery Loop accessibility improvements and building projects.

Amendment No. 164 was adopted.

Amendment No. 163, as amended, was adopted.

Amendment No. 165

Representative Gallego offered the following amendment to **CSHB 1**:
Floor Packet Page No. 251

Amend **CSHB 1**, in section XI page 72, the Texas Rail Relocation and Improvement Fund by adding the following rider:

South Orient Railroad. Out of the funds appropriated under Strategy D.1.1., Public Transportation, the Texas Department of Transportation shall dedicate \$1 million to the maintenance and improvement of the South Orient Railroad.

Amendment No. 165 - Point of Order

Representative Chisum raised a point of order against further consideration of Amendment No. 165 under Rule 8, Section 4 of the House Rules on the grounds that the amendment would change general law.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 165.

Amendment No. 166

Representative Raymond offered the following amendment to **CSHB 1**:
Floor Packet Page No. 252

Amend **CSHB 1** as follows:

(1) In Article XI of the bill, following the appropriations to the Texas Department of Transportation (page XI-72), insert the following appropriately numbered rider:

_____. Appropriation: Rural Public Transportation Grants. In addition to any other amounts appropriated by this Act to the Texas Department of Transportation, the amount of \$3,500,000 is appropriated out of the general revenue fund for the fiscal year ending August 31, 2008, and the amount of \$3,500,000 is appropriated out of the general revenue fund for the fiscal year ending August 31, 2009, to the Texas Department of Transportation to provide funding for rural public transportation grants in rural communities along the Texas-Mexico border, specifically the Webb County area and surrounding communities.

(2) Adjust the article totals (page XI-1) and agency totals (page XI-72) accordingly.

Amendment No. 166 was adopted.

Amendment No. 167

Representative B. Brown offered the following amendment to **CSHB 1**:
Floor Packet Page No. 253

Amend **CSHB 1** as follows:

(1) In Article XI, on page XI-72, strike Strategy B.1.1.

(2) Amend the following rider under the Article XI appropriations to the Texas Department of Transportation (page XI-72) to read as follows:

Construction Appropriation: State Highway 34. The [Out of amounts appropriated above in Strategy B.1.1, Transportation Construction, the] amount of \$11,750,000 is appropriated to the Texas Department of Transportation in fiscal year 2008 out of the State Highway [General Revenue] Fund No. 006 to [shall] be used to finance the construction of a portion of State Highway 34 located in Kaufman County from SH 243 to FM 2578.

(3) Adjust the article totals (page XI-1) and agency totals accordingly.

Amendment No. 167 was adopted.

Amendment No. 168

Representative Raymond offered the following amendment to **CSHB 1**:
Floor Packet Page No. 254

Amend **CSHB 1** as follows:

(1) Add the following rider following the Article XI provisions for the Texas Department of Transportation (page XI-72):

Contingency for **HB 2599**. Contingent on the enactment of **HB 2599** or similar legislation by the 80th Legislature, Regular Session, 2007, \$5 million is appropriated out of the general revenue fund for the fiscal year ending August 31, 2008, and \$5 million is appropriated out of the general revenue fund for the fiscal year ending August 31, 2009, to the Texas Department of Transportation to reinstate the Urban Street Program or another program having the same functions and goals.

(2) Adjust article and agency totals appropriately.

Amendment No. 168 was adopted.

Amendment No. 169

Representative Puente offered the following amendment to **CSHB 1**:
Floor Packet Page No. 255

Overview

The proposed rider would provide funding including additional FTEs to the Texas Commission on Environmental Quality (TCEQ), the Texas Parks and Wildlife Department (TPWD), and the Texas Water Development Board (TWDB) to provide technical assistance to the Basin and Bay Expert Science Teams (BBESTs). The rider would also provide TCEQ with \$250,000 in General Revenue in each fiscal year for the upgrade and maintenance of water availability models. Further, the rider would provide the TWDB with \$1.3 million in General Revenue for the 2008-2009 biennium to be transferred to the Water Assistance Fund (WAF) No. 480 to provide funding for the reimbursement of board-related duties for each of the BBESTs and the Environmental Flows Science Advisory Committee.

Required Action

In Article XI add the following rider for the TCEQ, TPWD, and TWDB:

_____. Contingency Appropriation for **HB 3**. Contingent upon the passage of **HB 3**, or similar legislation relating to the management of water resources, including the protection of instream flows and freshwater inflows by the Eightieth Legislature, Regular Session:

(a) The Texas Commission for Environmental Quality is hereby appropriated out of the General Revenue Fund, in Strategy A.2.2, Water Resource Permitting, \$681,974 in fiscal year 2008 and \$551,974 in fiscal year 2009 to provide technical assistance to the Basin and Bay Expert Science Teams and for contract costs associated with the upgrade and maintenance of water availability models.

In addition, the Number of Full-Time-Equivalents (FTE) indicated above for the TCEQ is hereby increased by 5.0 in each fiscal year of the 2008–09 biennium;

(b) The Texas Parks and Wildlife Department (TPWD) is hereby appropriated out of the General Revenue-Dedicated Game, Fish and Water Safety Account No. 9, \$122,566 in fiscal year 2008 and \$118,776 in fiscal year 2009 in Strategy A.2.1, Inland Fisheries Management, and \$61,283 in fiscal year 2008 and \$59,388 in fiscal year 2009 in Strategy A.2.3, Coastal Fisheries Management, to provide technical assistance to the Basin and Bay Expert Science Teams.

In addition, the Number of Full-Time-Equivalents (FTE) indicated above for the TPWD is hereby increased by 3.0 in each fiscal year of the 2008–2009 biennium; and;

(c) The Texas Water Development Board is hereby appropriated out of the General Revenue Fund, in Strategy A.1.1, Environmental Impact Information, \$696,904 in fiscal year 2008 and \$970,902 in fiscal year 2009 of which \$525,000 in 2008 and \$760,000 in 2009 is to be transferred to the Water Assistance Fund (WAF) No. 480 to provide funding for the reimbursement of board-related duties for each of the Basin and Bay Expert Science Teams (BBESTs) and the Environmental Flows Science Advisory Committee. The remaining funds are to be used to provide technical assistance to the BBESTs.

In addition, the Number of Full-Time-Equivalents (FTE) indicated above for the TWDB is hereby increased by 3.1 in fiscal year 2008 and 4.1 in fiscal year 2009.

Amendment No. 169 was adopted.

Amendment No. 170

Representative Puente offered the following amendment to **CSHB 1**:

Floor Packet Page No. 259

Overview

The proposed rider would appropriate \$276,432 in fiscal year 2008 and \$262,432 in fiscal year 2009 in General Revenue and increase FTEs by 5.0 in each fiscal year to provide administrative and technical assistance to the newly formed Water Conservation Advisory Council and to provide oversight and administrative assistance associated with the development of a statewide water conservation public awareness campaign.

Required Action

In Article XI add the following rider for the Texas Water Development Board:

_____ . Contingency Appropriation for **HB 4**. Contingent upon the passage of **HB 4**, or similar legislation relating to water conservation by the Eightieth Legislature, Regular Session, the Texas Water Development Board is appropriated \$276,432 in fiscal year 2008 and \$262,432 in fiscal year 2009 out of the General Revenue Fund in Strategy A.3.1, Water Conservation Education and Assistance, to provide administrative and technical assistance to the Water Conservation Advisory Council and to provide oversight and administrative assistance associated with the development of a statewide water conservation public awareness campaign.

In addition, the Number of Full-Time-Equivalents (FTE) indicated above for the TWDB is hereby increased by 5.0 in each fiscal year of the 2008-09 biennium.

Amendment No. 170 was adopted.

Amendment No. 171

Representative Chisum offered the following amendment to **CSHB 1**:
Floor Packet Page No. 264

Amend **CSHB 1** (house committee printing) as follows:

In Article XI, add the following rider for the Department of Agriculture:

Contingency Appropriation for **HB 407**. In addition to the amounts appropriated above; and contingent on the passage of **HB 407**, or similar legislation relating to establishing a home-delivered meal program at the Department of Agriculture, the Department of Agriculture is appropriated \$10,000,000 in each fiscal year out of the General Revenue Fund in Strategy A.1.1, Generate Marketing Opportunities, to establish a home-delivered meal grant program.

Amendment No. 171 was adopted.

Amendment No. 172

Representative Madden offered the following amendment to **CSHB 1**:
Floor Packet Page No. 265

Amend **CSHB 1**, in Article XI, by adding the following appropriately numbered rider:

Contingency Appropriation for Passage of **HB 430**. Contingent upon the enactment of **HB 430** by the 80th Legislature, Regular Session, or similar legislation related to the Monitoring of High Risk Sex Offender Registration Compliance. (a) In addition to other amounts appropriated to the Department of Public Safety in Article V, the following amounts are appropriated to the Department:

(1) \$7,000,000 in general revenue is appropriated for the state fiscal biennium beginning September 1, 2007, for contracting with a provider of Global Positioning Monitoring services to track statutory compliance by certain high risk

sex-offenders of their duties to register and maintain accurate residence addresses on file with law enforcement agencies and other such duties as may be required under state law.

(b) The Department of Public Safety shall use funds for the purpose specified in subsection (1) of this section only to the extent authorized by state law.

Amendment No. 172 was adopted.

Amendment No. 173

Representative Martinez Fischer offered the following amendment to **CSHB 1**:

Floor Packet Page No. 266

Add the following appropriately numbered rider to Article XI:

_____. CONTINGENCY APPROPRIATION: Contingent upon the enactment of **HB 540** by the 80th Legislature, Regular Session, 2007, relating to the creation of a hotline to report suspected incidents of impaired driving or dangerous driving, sufficient money is appropriated for the operation and creation of the hotline is appropriated to the Texas Department of Public Safety.

Amendment No. 173 was adopted.

Amendment No. 174

Representative Martinez Fischer offered the following amendment to **CSHB 1**:

Floor Packet Page No. 267

Add the following appropriately numbered rider to Article XI:

_____. CONTINGENCY APPROPRIATION: Contingent upon the enactment of **HB 1116** by the 80th Legislature, Regular Session, 2007, relating to the provision of a community telephone emergency notification system as part of the 9-1-1 system, sufficient money is appropriated for the operation and creation of the early warning notification system to the Texas State Commission on Emergency Communication.

Amendment No. 174 was adopted.

Amendment No. 175

On behalf of Representative Isett, Representative Haggerty offered the following amendment to **CSHB 1**:

Floor Packet Page No. 268

CONTINGENCY FOR **HB 1238**: Contingent upon passage of **HB 1238**, or similar legislation, it is the intent of the legislature that with the effective date of this act, each institution of higher education with a student health center that employs at least one physician working at least 30 hours per week, shall contract with a third party billing company to begin accepting private health insurance from students.

Prior to entering into a contract with a third party billing company, the Higher Education Coordinating Board shall ensure that each third party billing company contracting with a student health center has demonstrated competence by getting at least three recommendation letters from student centers, including one in Texas.

Should a student health center choose not to contract with a third party billing company, the institution of higher education shall have its FY09 general revenue appropriation reduced by an amount of \$17.50 per full time student equivalent as determined by the Legislative Budget Board in cooperation with Higher Education Coordinating Board.

Amendment No. 175 was adopted.

Amendment No. 176

Representative Alonzo offered the following amendment to **CSHB 1**:
Floor Packet Page No. 269

Amend **CSHB 1** in Article XI by adding the following:

BUREAU FOR ECONOMIC DEVELOPMENT AND HISPANIC STUDIES
_____. Contingency Appropriation: **HB 1430**. Contingent on the enactment and becoming law of **HB 1430**, or similar legislation of the 80th Legislature, Regular Session, 2007, creating a Bureau for Economic Development and Hispanic Studies, there is appropriated out of the general revenue fund to the Bureau for Economic Development and Hispanic Studies \$295,626 in state fiscal year 2008 and \$270,166 in state fiscal year 2009 for carrying out the functions of the Bureau for Economic Development and Hispanic Studies as provided by **HB 1430**, or similar legislation of the 80th Legislature, Regular Session, 2007.

Amendment No. 176 was adopted.

Amendment No. 177

Representative Martinez Fischer offered the following amendment to **CSHB 1**:
Floor Packet Page No. 271

Add the following appropriately numbered rider to Article XI:

_____. **CONTINGENCY APPROPRIATION**: Contingent upon the enactment of **HB 1799** by the 80th Legislature, Regular Session, 2007, relating to the appointment and duties of and the funding for an executive commissioner for the prevention of driving while intoxicated, the fee created by **HB 1799** in Article 102.018(e), Code of Criminal Procedure, is dedicated to the management and operations of the office of Executive Commissioner for the Prevention of Driving While Intoxicated.

Amendment No. 177 was adopted.

Amendment No. 178

Representative Haggerty offered the following amendment to **CSHB 1**:
Floor Packet Page No. 272

Amend **CSHB 1** in Article XI, TEXAS DEPARTMENT OF CRIMINAL JUSTICE of the bill by adding the following new subsection:

Contingency for **HB 1888**. Contingent upon passage of **HB 1888**, or similar legislation relating to the provision of pay telephone service to inmates confined in facilities operated by the Texas Department of Criminal Justice. In addition to the allocation of funds in **HB 1888**, from the funds credited to the undedicated portion of the general revenue fund, \$8,000,000 for fiscal year 2009 is appropriated to the Texas Department of Criminal Justice.

Amendment No. 178 was adopted.

Amendment No. 179

Representative Chisum offered the following amendment to **CSHB 1**:
Floor Packet Page No. 273

Proposed Rider:

XI. Contingent on the passage of **HB 2504**, the Texas Education Agency, out of the funds appropriated above in Strategy A.1.1., shall set aside for the biennium \$5 million from the Technology Allotment to fund the Intensive Mathematics and Algebra Intervention Program.

Amendment No. 179 was adopted.

Amendment No. 180

Representative Eissler offered the following amendment to **CSHB 1**:
Floor Packet Page No. 274

Amend **CSHB 1** (house committee printing) as follows:

In Article XI, add the following rider for the Texas Education Agency:

.Contingency for **HB 2504**. Contingent upon enactment of **HB 2504**, or similar legislation relating to an intensive mathematics and algebra intervention program in public schools, by the 80th Legislature, Regular Session, from funds appropriated above in Strategy A.2.1, Student Success, for the Student Success Initiative, the Commissioner shall set aside not more than \$2,500,000 in each year of the 2008-09 biennium for an intensive mathematics and algebra intervention program, pursuant to the provisions of the legislation.

Any unexpended balances as of August 31, 2008 are hereby appropriated to fiscal year 2009 for the same purpose.

Amendment No. 180 was adopted.

Amendment No. 181

Representative Chisum offered the following amendment to **CSHB 1**:
Floor Packet Page No. 276

Amend **CSHB 1** (house committee printing) as follows:

In Article XI, add the following rider for the Health and Human Services Commission:

Contingency Appropriation for **HB 2685**. Contingent on passage of **HB 2685**, or similar legislation relating to requirements for issuance of a marriage license, including an optional premarital education course, by the Eightieth Legislature, Regular Session, the Health and Human Services Commission is appropriated \$2,106,724 in Federal Funds (Temporary Assistance for Needy Families) for fiscal year 2008 and \$4,233,124 in Federal Funds (Temporary Assistance for Needy Families) for fiscal year 2009 to implement the provisions of the legislation.

Amendment No. 181 was adopted.

Amendment No. 182

Representative Chisum offered the following amendment to **CSHB 1**:
Floor Packet Page No. 280

Amend **CSHB 1** (house committee printing) as follows:

In Article XI, add the following rider for the Railroad Commission:

Contingency Appropriation for **HB 3929**. Contingent upon the final enactment of **HB 3929**, relating to funding of the Alternative Fuels Research and Education Division of the Railroad Commission of Texas, and notwithstanding the limitation on consumer rebate program spending imposed by Tex. Nat. Res. Code §113.2435(c)(5), as of August 31, 2008, the Railroad Commission shall carry forward unexpended amounts that were budgeted for consumer rebate programs during the previous fiscal year and shall include these amounts in the Railroad Commission's operating budget for consumer rebate programs for the following fiscal year, conditioned on the Railroad Commission reserving no more than fifty percent of these amounts, to the degree necessary for operational cash flow.

Amendment No. 182 was adopted.

Amendment No. 183

Representative Martinez Fischer offered the following amendment to **CSHB 1**:

Floor Packet Page No. 281

Add the following appropriately numbered rider to Article XI:

_____. CONTINGENCY APPROPRIATION: Contingent upon the enactment of **HB 3965** by the 80th Legislature, Regular Session, 2007, relating to duties of a parent in the parent-child relationship to report, creating an offense and providing a penalty and other family law matters, sufficient money is appropriated for the operation and creation of a central registry for child abuse and neglect to the Department of Family and Protective Services.

Amendment No. 183 was adopted.

Amendment No. 184

On behalf of Representative Menendez, Representative Puente offered the following amendment to **CSHB 1**:

Floor Packet Page No. 282

Amend **CSHB 1**, in Article XI, by adding the following appropriately numbered rider:

____. Maximum Security Forensic Hospital. (a) In addition to other amounts appropriated to the Department of State Health Services in Article II, the following amounts are appropriated to the department for construction and operation of a maximum security forensic hospital at the San Antonio State Hospital or at an alternative site designated by the department:

(1) \$6,000,000 in general revenue is appropriated for the state fiscal biennium beginning September 1, 2007, for construction of a maximum security forensic facility on the site of the San Antonio State Hospital; and

(2) \$30,600,000 in general revenue is appropriated for the state fiscal biennium beginning September 1, 2007, for operational expenses related to inpatient treatment for the severely and persistently mentally ill.

(b) The Department of State Health Services shall use funds for the purposes specified by Subsection (a) of this section only to the extent authorized by state law.

Representative B. Brown moved to table Amendment No. 184.

A record vote was requested.

The motion to table was lost by (Record 247): 58 Yeas, 85 Nays, 1 Present, not voting.

Yeas — Anderson; Berman; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Eissler; Elkins; Flynn; Goolsby; Hardcastle; Harper-Brown; Hilderbran; Hill; Howard, C.; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Paxton; Phillips; Pierson; Riddle; Smith, W.; Smithee; Straus; Taylor; West; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Aycock; Bailey; Bohac; Bolton; Bonnen; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Creighton; Davis, Y.; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Haggerty; Hamilton; Hancock; Harless; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Moreno; Naishtat; Noriega; Olivo; Ortiz; Patrick; Peña; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solomons; Strama; Swinford; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Talton.

Absent — Hughes; Oliveira; Pickett; Smith, T.; Woolley.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 247. I intended to vote no.

Deshotel

I was shown voting yes on Record No. 247. I intended to vote no.

Straus

A record vote was requested.

Amendment No. 184 was adopted by (Record 248): 121 Yeas, 5 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Brown, F.; Burnam; Castro; Chavez; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Creighton; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hill; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Isett; Jackson; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Merritt; Miles; Miller; Moreno; Mowery; Murphy; Naishtat; Noriega; Olivo; Orr; Ortiz; Otto; Parker; Paxton; Peña; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, W.; Strama; Straus; Swinford; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Brown, B.; Callegari; Crabb; Flynn; Riddle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Talton.

Absent — Branch; Chisum; Christian; Crownover; Gonzalez Toureilles; Harless; Hilderbran; Howard, C.; Jones; Keffer; King, P.; Menendez; Morrison; O'Day; Oliveira; Patrick; Phillips; Pickett; Smith, T.; Smithee; Solomons; Taylor.

STATEMENT OF VOTE

When Record No. 248 was taken, I was in the house but away from my desk. I would have voted yes.

O'Day

Amendment No. 185

Representative Eissler offered the following amendment to **CSHB 1:**
Floor Packet Page No. 270

Overview

This action would provide a \$75 per student Technology Allotment in FY2008 and a \$100 per student allotment in FY2009, increasing the allotment from \$30 per student. The increased appropriation would be \$504,900,000 in General Revenue for the 2008-09 biennium.

Required Action

1) On page III-27 of the Texas Education Agency bill pattern, add the following new rider:

_____. Contingency Appropriation for **HB 1632**. Contingent on passage of **HB 1632** or similar legislation increasing the Technology Allotment from \$30 per student in average daily attendance to \$75 per student in average daily attendance in fiscal year 2008 and \$100 per student in average daily attendance in fiscal year 2009, appropriations of General Revenue to the Texas Education Agency are increased by \$195,300,000 in FY2008 and by \$309,600,000 in FY2009 to implement the provisions of the legislation.

Amendment No. 186

Representative Eissler offered the following amendment to Amendment No. 185:

Amend Amendment No. 185 by Eissler to **CSHB 1** (page 270, pre-filed amendment packet) by striking "On page III-27 of the Texas Education Agency bill pattern, add the following new rider:" and substituting "Amend **CSHB 1** by adding the following rider following the Article XI provision for the Texas Education Agency:".

Amendment No. 186 was adopted.

Amendment No. 185, as amended, was adopted.

Amendment No. 187

Representative Raymond offered the following amendment to **CSHB 1**:
Floor Packet Page No. 283

Amend **CSHB 1**, in Article XI, by adding the following appropriately numbered rider:

_____. Appropriation: Mental Health Treatment and Detoxification Services. In addition to other amounts appropriated to the Department of State Health Services, \$2,000,000 in general revenue is appropriated to the department in fiscal year 2008, and \$2,000,000 in general revenue is appropriated to the department in fiscal year 2009, for mental health treatment and detoxification services provided in the city of Laredo in Webb County through the local mental health and mental retardation authority serving that region.

Amendment No. 187 was adopted.

Amendment No. 188

On behalf of Representative Menendez, Representative Villarreal offered the following amendment to **CSHB 1**:

Floor Packet Page No. 284

Amend **CSHB 1** in Article XI by adding the following appropriately numbered rider:

____. Appropriation for Mental Health Services. (a) In addition to other amounts appropriated to the Department of State Health Services, \$100,000 is appropriated to the department for the fiscal biennium beginning September 1, 2007, for the purpose of contracting with the San Antonio Clubhouse, Inc., for programs to provide services to persons with mental health disorders.

(b) The contract must require San Antonio Clubhouse, Inc., to comply with the department's standards regarding the use of the money, accountability, and reporting.

Amendment No. 188 was adopted.

Amendment No. 189

Representative Peña offered the following amendment to **CSHB 1**:
Floor Packet Page No. 285

Amend **CSHB 1**, in Article XI, by adding the following appropriately numbered rider:

____. Appropriation for Certain Health Care Facilities in Hidalgo County. In addition to other amounts appropriated to the Department of State Health Services, \$4,000,000 in general revenue is appropriated to the department for the state fiscal biennium beginning September 1, 2007, for design and construction of a new outpatient substance abuse treatment services facility in Edinburg.

Amendment No. 189 was adopted.

Amendment No. 190

Representative Raymond offered the following amendment to **CSHB 1**:
Floor Packet Page No. 286

Amend **CSHB 1** as follows:

(1) Under the Article XI appropriations to the Department of State Health Services add the following rider:

Department of State Health Services, Additional Amounts for Family Planning Services. In addition to other amounts appropriated to the Department of State Health Services by this Act that may be used for this purpose, the additional amount of \$10,000,000 is appropriated to the department out of the general revenue fund for the state fiscal biennium beginning September 1, 2007, to provide additional family planning services for the expanded Medicaid Women's Health Program in this state by enabling the department's contracted family planning services providers to expand their infrastructure to accommodate the family planning needs of the increased number of women in this state who are eligible for covered family planning services.

(2) Adjust the article totals accordingly.

Amendment No. 190 was adopted.

Amendment No. 191

Representative Miles offered the following amendment to **CSHB 1**:

Floor Packet Page No. 287

Amend **CSHB 1** as follows:

(1) Under the Article XI appropriations to the Health and Human Services Commission add the following rider:

Child Health Plan Program Outreach and Marketing. In addition to amounts otherwise appropriated by this Act, an amount of \$28,000,000 is appropriated out of the general revenue fund and an amount of \$72,000,000 is appropriated out of federal funds to the Health and Human Services Commission for the state fiscal biennium beginning September 1, 2007, for outreach and marketing activities that promote enrollment in the child health plan program under Chapter 62, Health and Safety Code. Any funds for this purpose not expended in fiscal year 2008 may be carried over to fiscal year 2009 for the same purpose.

(2) Adjust the article totals accordingly.

Amendment No. 191 was adopted.

Amendment No. 192

Representative Chisum offered the following amendment to **CSHB 1**:

Floor Packet Page No. 288

Overview

We have been asked to prepare an amendment which would require the Health and Human Services Commission to take certain actions with regard to eligibility certifications.

Required Action

To Article XI, add the following new rider:

_____ Eligibility Certifications. It is the intent of the Legislature that all initial eligibility certifications for Health and Human Service eligibility-based programs utilize technology to reduce time required for those determinations and to reduce error rates. The Health and Human Services Commission shall determine the feasibility of utilizing proven technology for that purpose, and shall implement any such procedures found to be beneficial no later than January 1, 2008.

For re-certification of eligibility-based programs, no later than January 1, 2008 the Commission shall implement procedures to determine the need for a personal interview, based on a system of objective, risk-based factors and conditions. Such procedures shall apply to all re-certifications on a regular and continuous basis, and shall comply with and apply all current federal mandates and guidelines concerning Payment Error Rate Measure (PERM). Such procedures shall measure and control PERM within Medicaid and CHIP to within a 4% error rate, or within any other lower established federal guideline, and shall be designed to permit continuous enrollment for qualified recipients.

In the event the Commission determines to contract with an outside vendor for these services, preference shall be given to any vendor organized in the State of Texas and whose primary business presence is in the State of Texas. Further preference shall be given to any vendor that has, at the time of bidding, successfully implemented in at least one other state the technology offered.

Amendment No. 192 was withdrawn.

Amendment No. 193

Representative Raymond offered the following amendment to **CSHB 1**:
Floor Packet Page No. 289

Amend **CSHB 1** as follows:

(1) Under the Article XI appropriations to the Health and Human Services Commission add the following rider:

Community Health Center Revolving Loan. In addition to amounts otherwise appropriated by this Act, an amount of \$60 million is appropriated out of the general revenue fund to the Health and Human Services Commission for the state fiscal biennium beginning September 1, 2007, to fund loans for community health centers under Chapter 136, Human Resources Code.

(2) Adjust the article totals accordingly.

Amendment No. 193 was adopted.

Amendment No. 194

Representative Keffer offered the following amendment to **CSHB 1**:
Floor Packet Page No. 290

Add the following appropriately to the rider to Article XI:

____. CONTINGENCY APPROPRIATION: In addition to any other amounts appropriated by this Act to the Texas Forest Service, the Amount of \$20,400,000 is appropriated out of the General Revenue Fund for the fiscal year ending August 31, 2008, and the amount of \$20,400,000 is appropriated out of the General Revenue Fund for the fiscal year ending August 31, 2009 to the Texas Forest Service for the purpose of funding the Texas Wildfire Protection Plan.

Amendment No. 194 was adopted.

Amendment No. 195

Representative Burnam offered the following amendment to **CSHB 1**:
Floor Packet Page No. 291

Amend **CSHB 1** as follows:

(1) In Article XI of the bill, add the following rider to the appropriations for the Texas Commission on Environmental Quality:

Appropriation from Texas Emissions Reduction Plan Account. In addition to the amounts appropriated to the Texas Commission on Environmental Quality from the Texas Emissions Reduction Plan Account No. 5071 in Article VI of the bill (page VI-10) and in the contingency appropriation for **HB 1335** (page XI-62), an amount equal to the unexpended balance in the account in excess of those amounts is appropriated to the commission for the state fiscal biennium ending August 31, 2009, to be used for Strategy A.1.1 of the commission.

(2) Adjust the article and agency totals (pages XI-1 and XI-61) appropriately.

Amendment No. 195 was adopted.

Amendment No. 196

Representative S. King offered the following amendment to **CSHB 1**:
Floor Packet Page No. 292

Amend **CSHB 1** in XI by adding the following rider. \$500,000 in general revenue is appropriated to Dyess Airforce Base in Abilene, TX. for the state fiscal biennium beginning September 1, 2007, for the repairs to the runway and related purposes.

Amendment No. 196 was adopted.

Amendment No. 197

Representative Miles offered the following amendment to **CSHB 1**:
Floor Packet Page No. 293

Amend **CSHB 1** in Article XI of the bill by adding the following rider following the Article XI provisions for the Health and Human Services Commission:

Kinship Care Support Program. Contingent on the enactment and becoming law of **HB 2595** or similar legislation of the 80th Legislature, Regular Session, that requires the establishment of a kinship care support program, the Health and Human Services Commission shall expend, out of funds appropriated in Article II in Strategy D.1.1, TANF Grants (page II-62), amounts necessary to develop and implement that program.

Amendment No. 197 was adopted.

Amendment No. 198

Representative Strama offered the following amendment to **CSHB 1**:
Floor Packet Page No. 296

Amend **CSHB 1** by adding the following to Article XI in the appropriate location:

THE UNIVERSITY OF TEXAS SYSTEM ADMINISTRATION

Contingency for **HCR 143**. Contingent on passage of **HCR 143** or similar resolution or legislation creating a Commission on Online Learning to perform specified functions with support from The University of Texas System Institute for Public School Initiatives, the amount of \$252,671 in General Revenue for the fiscal year ending August 31, 2008, and the amount of \$212,670 in General Revenue for the fiscal year ending August 31, 2009, is appropriated to The University of Texas System to implement the provisions of the legislation.

Amendment No. 198 was adopted.

Amendment No. 199

Representative Darby offered the following amendment to **CSHB 1**:
Floor Packet Page No. 295

Overview:

Add following motion to Article XI. This motion would appropriate an additional \$370,000 per year to Strategy C.2.2., Center for Fine Arts at Angelo State University.

Required Action:

1. On page III-119 of Angelo State University's bill pattern increase general revenue appropriations to Strategy C.2.2 by \$370,000 for Fiscal Year 2008 and \$370,000 for Fiscal Year 2009.

Amendment No. 200

Representative Darby offered the following amendment to Amendment No. 199:

Amend Amendment No. 199 by Darby to **CSHB 1** (page 295, pre-filed amendment packet), by inserting the following between "Required Action" and "I. On page III-19":

Add the following under the Article XI provisions for Angelo State University:

Amendment No. 200 was adopted.

Amendment No. 199, as amended, was adopted.

Amendment No. 201

Representative Flores offered the following amendment to **CSHB 1**:
Floor Packet Page No. 261

Overview

The rider would direct the commissioner of education relating to make an additional transportation allotment to school districts for transportation of students who would be subject to hazardous traffic conditions while walking, contingent on passage of **HB 206** or similar legislation.

Required Action

On page III-27 of the Texas Education Agency bill pattern, add the following new rider:

Contingency Appropriation for **HB 206**. Contingent upon the enactment of **HB 206**, or similar legislation by the Eightieth Legislature, Regular Session relating to state funding for school districts for transportation of students who would be subject to hazardous traffic conditions while walking, the Texas Education Agency is hereby appropriated \$ _____ in Foundation School Funds in fiscal year 2008 and \$ _____ in Foundation School Funds in fiscal year 2009 for an additional transportation allotment under the provisions of that legislation.

Amendment No. 202

Representative Flores offered the following amendment to Amendment No. 201:

Amend Amendment No. 201 to **CSHB 1** by Flores (page 261, prefiled amendments packet) by striking the line immediately after "Required Action" and substituting:

Following the Article XI appropriation to the Texas Education Agency, add the following new rider:

Amendment No. 202 was adopted.

Amendment No. 201, as amended, was adopted.

Amendment No. 203

Representative Flores offered the following amendment to **CSHB 1**:

Floor Packet Page No. 262

Overview

The rider would appropriate additional funds to the Texas Education Agency for enhanced allocations per approved route mile through the transportation allotment, contingent on passage of **HB 207** or similar legislation.

Required Action

On page III-27 of the Texas Education Agency bill pattern, add the following new rider:

Contingency Appropriation for **HB 207**. Contingent upon the enactment of **HB 207**, or similar legislation by the Eightieth Legislature, Regular Session relating to the transportation allotment provided under the public school finance system, the Texas Education Agency is hereby appropriated \$ _____ in Foundation School Funds in fiscal year 2008 and \$ _____ in Foundation School Funds in fiscal year 2009 for increased state aid through the transportation allotment under the provisions of that legislation.

Also contingent upon the enactment of **HB 207**, or similar legislation by the Eightieth Legislature, Regular Session, the allocation per mile of approved route for the transportation allotment, as contained in Rider 5 of the Texas Education Agency's bill pattern of the General Appropriations Act for the 2008–09 biennium, is hereby struck and replaced with the allocations per mile of approved route by linear density grouping established in § 42.155 of the Texas Education Code, as amended by that legislation.

Amendment No. 204

Representative Flores offered the following amendment to Amendment No. 203:

Amend Amendment No. 203 by Flores to **CSHB 1** (page 262, pre-filed amendment packet) by striking "On page III-27 of the Texas Education Agency bill pattern, add the following new rider:" and substituting "Amend **CSHB 1** by adding the following rider following the Article XI provisions for the Texas Education Agency:".

Amendment No. 204 was adopted.

Amendment No. 203, as amended, was adopted.

Amendment No. 205

Representative Flores offered the following amendment to **CSHB 1**:

Floor Packet Page No. 297

Overview

This rider would direct the Department of Public Safety to use \$500,000 in General Revenue Funds in fiscal year 2008 and \$500,000 in General Revenue in fiscal year 2009 to establish the Rio Grande Valley Border Security and Technology Training Center.

Required Action

1) In Article XI of the bill pattern for the Department of Public Safety, add the following new rider:

_____ . Rio Grande Valley Border Security and Technology Training Center. From funds appropriated above in Strategy D.1.6, State Law Enforcement, the Department of Public Safety (DPS) shall use \$500,000 in fiscal year 2008 and \$500,000 in fiscal year 2009 from General Revenue to establish the Rio Grande Valley Border Security and Technology Training Center in Hidalgo County.

Amendment No. 205 was adopted.

Amendment No. 206

Representative F. Brown offered the following amendment to **CSHB 1**:

Floor Packet Page No. 298

Amend **CSHB 1** as follows:

(1) Add the following to Article XI:

COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS
AND EDUCATION

Additional Appropriations for the Commission on Law Enforcement Officer Standards and Education for the Addition of Field Service Agents and a Regional Field Service Unit. (a) The amounts appropriated by this rider are appropriated to the Commission on Law Enforcement Officer Standards and Education from the Law Enforcement Officer Standards and Education General Revenue-Dedicated Account No. 116 for the purpose of adding three field service agents and instituting a seven-person regional field service unit. The following amounts are appropriated for the following strategies as listed under the Article V appropriations to the Commission on Law Enforcement Officer Standards and Education and are in addition to the amounts otherwise appropriated under that article for the strategies:

(A) Strategy A.1.1.: \$82,860 for the state fiscal year ending August 31, 2008; and \$81,240 for the state fiscal year ending August 31, 2009;

(B) Strategy A.1.2.: \$82,860 for the state fiscal year ending August 31, 2008; and \$81,240 for the state fiscal year ending August 31, 2009; and

(C) Strategy B.1.1.: \$41,430 for the state fiscal year ending August 31, 2008; and \$40,620 for the state fiscal year ending August 31, 2009.

(b) The Commission on Law Enforcement Officer Standards and Education is authorized to employ an additional ___ full-time equivalent employees (FTEs) during the period covered by the appropriation.

(2) Adjust the article totals accordingly.

Amendment No. 206 was adopted.

Amendment No. 207

Representative Creighton offered the following amendment to **CSHB 1**:
Floor Packet Page No. 300

Amend **CSHB 1** as follows:

(1) In Article XI of the bill, add the following contingent rider to the appropriations for the Texas Water Development Board:

Contingency Appropriation for **HB 3073**: Administration of National Flood Insurance Program. (a) This rider is contingent on the enactment of **HB 3073** or similar legislation by the 80th Legislature, Regular Session, 2007, that becomes law, transferring authority for the National Flood Insurance Program from the Texas Commission on Environmental Quality to the Texas Water Development Board and creating the floodplain management account.

(b) In addition to other amounts appropriated in this Act, the Texas Water Development Board is appropriated out of the floodplain management account:

(1) for the state fiscal year ending August 31, 2008, an amount equal to 50 percent of the maintenance taxes collected on gross premiums attributable to insurance against loss or damage by flood under Chapter 252, Insurance Code, but not to exceed \$2,499,714, to fund the performance of the board's functions under Section 16.316, Water Code; and

(2) for the state fiscal year ending August 31, 2009, an amount equal to 50 percent of the maintenance taxes collected on gross premiums attributable to insurance against loss or damage by flood under Chapter 252, Insurance Code, but not to exceed \$2,746,065, to fund the performance of the board's functions under Section 16.316, Water Code.

(2) Adjust the article and agency totals appropriately.

Amendment No. 207 was adopted.

Amendment No. 208

Representative Flores offered the following amendment to **CSHB 1**:
Floor Packet Page No. 301

Overview

The proposed rider would appropriate \$6,238,500 in General Revenue in fiscal year 2008 to be transferred to the Water Assistance Fund No. 480 to provide a grant to the La Joya Special Utility District for a water infrastructure project.

Required Action

1. In Article XI add the following rider for the Water Development Board:

_____. Contingency Appropriation: La Joya Special Utility District Water Infrastructure Project. Contingent upon the passage of HB 479, or similar legislation relating to the succession of the La Joya Water Supply Corporation by the La Joya Special Utility District by the Eightieth Legislature, Regular Session, the Texas Water Development Board is appropriated \$6,238,500 out of the General Revenue Fund in Strategy B.1.1, State Financial Assistance Programs, in fiscal year 2008 to be transferred to the Water Assistance Fund (WAF) No. 480, as authorized in Chapter 15, Water Code to fund a grant to the La Joya Special Utility District for a water infrastructure project.

Any unexpended balances as of August 31, 2008 out of appropriations made herein are appropriated to the Water Development Board for the same purpose for the fiscal year beginning September 1, 2008.

Amendment No. 208 was adopted.

Amendment No. 209

Representative Otto offered the following amendment to **CSHB 1**:

Floor Packet Page No. 302

Overview

Appropriate \$21,700,000 in General Obligation bond authority to the Texas Building and Procurement Commission for the Texas State Library and Archives Commission project of renovation and expansion of the Lorenzo de Zavala Building. The renovations and repair will replace the roof and elevators, replace the environmental controls and wiring and complete the abatement of asbestos. The expansion of archival storage space will accommodate the necessary archival growth for the next 20 years, according to the agency.

Increase General Revenue appropriation to the Texas Public Finance Authority for Bond Debt Service by \$1,884,394 for the 2008-09 biennium. The increase would result in an \$1,884,394 cost to the bill.

Required Action

1) On page I-14 of the bill pattern for the Building and Procurement Commission, increase General Obligation bond authority for Strategy B.2.1, Building Design and Construction \$21,700,000 in fiscal year 2008 and provide for unexpended balances in fiscal year 2009.

2) On page I-16 of the bill pattern for the Building and Procurement Commission, amend the following rider:

3. Capital Budget. None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code, § 1232.103.

2008

2009

Out of the Interagency Contracts:

a. Construction of Buildings and Facilities

(1) Construction of Buildings	\$2,000,000	\$2,000,000
Total, Construction of Buildings and Facilities	\$2,000,000	\$2,000,000
Total, Capital Budget	\$2,000,000	\$2,000,000

b. Repair or Rehabilitation of Buildings and Facilities

(1) Facilities Renovation and Expansion of the Texas State Library and Archives

<u>Commission</u>	\$21,700,000	UB
Total, Capital Budget	<u>\$23,700,000</u>	<u>\$2,000,000</u>
<u>Method of Financing (Capital Budget):</u>		
Interagency Contracts	\$2,000,000	\$2,000,000
Bond Proceeds-General Obligation Bonds	\$21,700,000	UB
<u>Total, Method of Financing</u>	<u>\$23,700,000</u>	<u>\$2,000,000</u>

3) On page I-82 of the bill pattern for Bond Debt Service Payments, increase General Revenue for Strategy A.1.1, Bond Debt Service by \$308,028 in fiscal year 2008 and by \$1,576,366 in fiscal year 2009.

4) On page I-40 of the Public Finance Authority bill pattern, amend Rider 2, Information Listing of Appropriated Funds for Strategy A.2.2, Bond Debt Service to increase General Revenue amounts by \$308,028 in fiscal year 2008 and \$1,576,366 in fiscal year 2009.

Amendment No. 209 was withdrawn.

Amendment No. 210

Representative Rose offered the following amendment to **CSHB 1**:

Floor Packet Page No. 304

Amend **CSHB 1** (House committee printing) as follows:

(1) Add the following to Article XI:

DEPARTMENT OF INFORMATION RESOURCES

Appropriation for Interagency Agreement with Health and Human Services Commission. The following amounts are appropriated out of the general revenue fund to the Department of Information Resources to enter into an interagency agreement with the Health and Human Services Commission to provide independent review and technical oversight of the Texas Integrated Eligibility Redesign System: \$_____ for the state fiscal year ending August 31, 2008; and \$_____ for the state fiscal year ending August 31, 2009.

(2) Adjust article and agency totals appropriately.

Amendment No. 210 was adopted.

Amendment No. 211

Representative B. Cook offered the following amendment to **CSHB 1**:

Floor Packet Page No. 279

Contingent upon the passage of **HB 3113** or **SB 1659** \$12 million shall be appropriated to the Texas State Railroad Authority.

Amendment No. 212

Representative B. Cook offered the following amendment to Amendment No. 211:

Amend Amendment No. 211 to **CSHB 1** by Cook (page 279, prefiled amendments packet) by striking the text of the amendment and adding the following new text in Article XI:

Contingent on the passage of **HB 3113** or **SB 1659** by the 80th Legislature, \$12 million shall be appropriated to the Texas State Railroad Authority.

Amendment No. 212 was adopted.

Amendment No. 211, as amended, was adopted.

Amendment No. 213

Representative Kolkhorst offered the following amendment to **CSHB 1**:
Floor Packet Page No. 294

Overview

The following would add a rider to Article XI. The following rider appropriates \$2,400,000 in General Revenue per year for tuition revenue debt bond service contingent upon enactment of **HB 3727** or similar legislation.

Required Action

1. On page III-127 of the Sam Houston State University Bill pattern increase General Revenue appropriations for Strategy B.1.2 Tuition Revenue Bond Retirement, \$2,400,000 in Fiscal Year 2008 and \$2,400,000 in Fiscal Year 2009.

2. On page III-128 amend the following rider:

Contingency Appropriation for **HB 3727**. Contingent upon enactment of **HB 3727** or similar legislation relating to tuition revenue bonds for Sam Houston State University, \$2,400,000 in Fiscal Year 2008 and \$2,400,000 in Fiscal Year 2009 in General Revenue is appropriated for debt service on tuition revenue bonds.

Amendment No. 214

Representative Kolkhorst offered the following amendment to Amendment No. 213:

Amend Floor Amendment No. 213 by Kolkhorst to **CSHB 1** by striking the text of the amendment and substituting:

Amend **CSHB 1** by adding the following rider in Article XI of the bill:

Sam Houston State University Tuition Bond Retirement. The following amounts are appropriated to Sam Houston State University for Strategy B.1.2. Tuition Revenue Bond Retirement: \$2,400,000 for state fiscal year 2008 and \$2,400,000 for state fiscal year 2009. The appropriations made by this rider are contingent on the enactment and becoming law of **HB 3727** or similar legislation by the 80th Legislature, Regular Session, 2007.

Amendment No. 214 was adopted.

Amendment No. 213, as amended, was adopted.

Amendment No. 215

Representative Phillips offered the following amendment to **CSHB 1**:
Floor Packet Page No. 278

Overview

The rider would add \$119,791 in All Funds for the biennium to create a new district court in Grayson County. The new court would be created September 15, 2008. This would result in an additional cost to the bill of \$65,885 in General Revenue.

Required Action

On page IV of the bill pattern for the Comptroller's Judiciary Section, add the following new rider:

_____ . Contingency Appropriation for **HB 3083**. Contingent on passage of **HB 3083**, or similar legislation relating to the creation of an additional judicial district in Grayson County, by the Eightieth Legislature, Regular Session, the Comptroller's Judiciary Section is appropriated \$65,885 for fiscal year 2009 from the General Revenue Fund and \$53,906 for the fiscal year 2009 from the Judicial Fund No. 573, and 1.0 additional full-time equivalent position to implement the provisions of the legislation.

Amendment No. 216

Representative Phillips offered the following amendment to Amendment No. 215:

Amend Amendment No. 215 by Phillips to **CSHB 1** (page 278, pre-filed amendment packet), by inserting the following between "Required Action" and "On page IV":

Add the following under the Article XI provisions for Judiciary Section, Comptroller's Department:

Amendment No. 216 was adopted.

Amendment No. 215, as amended, was adopted.

Amendment No. 217

Representative Phillips offered the following amendment to **CSHB 1**:
Floor Packet Page No. 305

Amend **CSHB 1** as follows:

(1) Add the following to Article XI:

JUVENILE PROBATION COMMISSION

Contingency Appropriation for Inspection of Facilities. Contingent on the enactment of **HB 2043** or similar legislation by the 80th Legislature, Regular Session, 2007, that becomes law, in addition to amounts otherwise appropriated by this Act, the amount of \$1,375,908 is appropriated out of the general revenue fund to the Juvenile Probation Commission for the fiscal biennium beginning September 1, 2007, to be used to hire 10 employees, in addition to the number of full-time employees otherwise authorized for the Juvenile Probation Commission by this Act, to conduct and oversee annual inspections at secure, pre-adjudication

and post-adjudication facilities used to detain juveniles. The 10 employees shall include compliance resource specialists, not more than one attorney, and other appropriate personnel.

(2) Adjust the article totals (page XI-1) and agency totals accordingly.

Amendment No. 217 was adopted.

Amendment No. 218

Representative Morrison offered the following amendment to **CSHB 1**:
Floor Packet Page No. 277

Overview

Add following rider to Article XI. Create new rider that, contingent on passage and enactment of **HB 2978** or similar legislation, increases appropriations to the Higher Education Coordinating Board by \$5 million per year to fund an engineering summer program and an engineering scholarship program established by this legislation.

Required Action

On page III-52 of the Higher Education Coordinating Board bill pattern, add the following new rider:

_____ Contingency Rider for **HB 2978**. Contingent on passage and enactment of **HB 2978** or similar legislation related to the establishment of an engineering summer programs and engineering scholarship program, the Higher Education Coordinating Board is hereby appropriated \$5,000,000 in General Revenue in fiscal year 2008 and \$5,000,000 in General Revenue in fiscal year 2009.

Amendment No. 219

Representative Morrison offered the following amendment to Amendment No. 218:

Amend Amendment No. 218 to **CSHB 1** by Morrison (page 277, pre-filed amendment packet) by striking the two lines immediately following "Required Action" and substituting the following:

Following the Article XI appropriations to the Texas Higher Education Coordinating Board, add the following new contingency rider:

Amendment No. 219 was adopted.

Amendment No. 218, as amended, was adopted.

Amendment No. 220

Representative Farabee offered the following amendment to **CSHB 1**:
Floor Packet Page No. 275

Overview

The rider would add \$250,000 in All Funds for the biennium to create a new district court in Wichita County. The new court would be created September 1, 2007. This action would result in an additional cost to the bill of \$137,500 in General Revenue.

Required Action

On Page IV-36 of the bill pattern for the Comptroller's Judiciary Section, add the following new rider:

_____. Contingency Appropriation for **HB 2486**. Contingent on passage of **HB 2486**, or similar legislation relating to the creation of an additional judicial district in Wichita County, by the Eightieth Legislature, Regular Session, the Comptroller's Judiciary Section is appropriated \$68,750 for fiscal year 2008 and \$68,750 for fiscal year 2009 from the General Revenue Fund and \$56,250 for fiscal year 2008 and \$56,250 for fiscal year 2009 from Judicial Fund No. 573, and 1.0 additional full-time equivalent position to implement the provisions of the legislation.

Amendment No. 221

Representative Farabee offered the following amendment to Amendment No. 220:

Amend Amendment No. 220 by Farabee to **CSHB 1** (page 275, pre-filed amendment packet) by striking "On page IV-36 of the bill pattern for the Comptroller's Judiciary Section, add the following new rider:" and substituting "Amend **CSHB 1** by adding the following rider to Article XI:"

Amendment No. 221 was adopted.

Amendment No. 220, as amended, was adopted.

Amendment No. 222

Representative Strama offered the following amendment to **CSHB 1**:

Amend **CSHB 1** as follows:

(1) Add the following rider following the Article XI provisions for the Texas Education Agency (page XI-20):

_____. Contingency for **HB 2835**. Contingent on the enactment and becoming law of **HB 2835** or similar legislation by the 80th Legislature, Regular Session, 2007, relating to discipline and security in primary and secondary schools, out of funds appropriated to the Texas Education Agency in Article III, Strategy A.1.1, Foundation School Program—Equalized Operations, \$16,049,055 in fiscal year 2008 and \$21,118,278 in fiscal year 2009 shall be set aside and transferred to the Juvenile Probation Commission for the support of students placed in a juvenile justice alternative education program by court order.

(2) Add the following to Article XI:

Juvenile Probation Commission

Add the following rider following the appropriations for the Juvenile Probation Commission :

_____. Contingency for **HB 2835**. Contingent on the enactment and becoming law of **HB 2835** or similar legislation by the 80th Legislature, Regular Session, 2007, relating to discipline and security in primary and secondary schools, out of funds transferred to the Juvenile Probation Commission pursuant to a Texas Education Agency (TEA) Rider, the Juvenile Probation Commission

shall allocate \$16,049,055 in fiscal year 2008 and \$21,118,278 in fiscal year 2009 for the support of students placed in a juvenile justice alternative education program by court order.

Amendment No. 222 was adopted.

Amendment No. 223

Representative Gattis offered the following amendment to **CSHB 1**:

Amend **CSHB 1** in Article XI, following the Article IX provisions for Article XI (page XI-78) by adding the following rider:

Scheduled Exempt Positions. Under Section 3.05, Scheduled Exempt Positions under the Article IX general provisions:

(1) change the exempt salary groups for the Adjutant General from 4 to 5, for the Presiding Officer of the Board of Pardons and Paroles from 3 to 4, for the three Texas Commission Environmental Quality Commissioners from 5 to 6, for the Texas Department Housing and Community Affairs Executive Director from 4 to 5, for one Texas Workforce Commission Commissioner from 4 to 6, for the Chief Administrative Law Judge from 3 to 5, for the Office of Public Utility Counsel Public Counsel from 3 to 4, and for the three Public Utility Commission of Texas Commissioners from 4 to 6;

(2) amend the title of the Health and Human Services Commission Commissioner to Executive Commissioner; and

(3) add the Texas Public Finance Authority Executive Director at Group 4 and Department of Information Resources Executive Director at Group 6 to the list of exempt positions.

Amendment No. 223 was adopted.

Amendment No. 127 - Vote Reconsidered

Representative Chisum moved to reconsider the vote by which Amendment No. 127, as amended, was withdrawn.

The motion to reconsider prevailed.

Amendment No. 224

Representative Villarreal offered the following amendment to Amendment No. 127:

Amend Amendment No. 127 to **CSHB 1** by Villarreal (Page 194, pre-filed amendment package) by striking the text of the amendment and substituting the following:

Amend **CSHB 1** by adding the following rider following the Article XI provisions for the Department of Insurance (page XI-74):

Report to Legislature by Division of Workers' Compensation of Certain Information Regarding Employers Not Covered by Workers' Compensation Insurance. (a) Out of funds appropriated to the division of workers' compensation of the Texas Department of Insurance in Article VIII of this Act, the division shall report annually to the legislature any information collected by the division regarding:

(1) the compliance of employers who do not obtain or otherwise provide workers' compensation insurance coverage with any notice requirements imposed by Subchapter A, Chapter 406, Labor Code;

(2) any administrative penalties assessed under Subtitle A, Title 5, Labor Code, or rules adopted under that subtitle against employers described by Subdivision (1) for failure to comply with the notice requirements;

(3) the compliance of employers who do not obtain or otherwise provide workers' compensation insurance coverage with the reporting requirements of Section 411.032, Labor Code; and

(4) any administrative penalties assessed under Section 411.032, Labor Code, against an employer described by Subdivision (3) for failure to comply with the reporting requirements.

(b) The division may make the report required under Subsection (a) as part of the department's annual report under Section 32.021, Insurance Code, or as a separate report.

Amendment No. 224 was adopted.

Amendment No. 127, as amended, was adopted.

Amendment No. 225

Representative Anchia offered the following amendment to **CSHB 1**:

Amend **CSHB 1** in Article XI of the bill following the Article XI appropriations to the Department of State Health Services (page XI-12) by adding the following rider:

Contingency for **HB 1883**. Contingent on **HB 1883**, 80th Legislature, Regular Session, 2007, or similar legislation passing and becoming law, the Department of State Health Services is appropriated \$8,000 in general revenue for the state fiscal year ending August 31, 2008, and \$8,000 in general revenue for the state fiscal year ending August 31, 2009, to pay related expenses of the Department of State Health Services.

Amendment No. 225 was adopted.

Amendment No. 90 - Vote Reconsidered

Representative Chisum moved to reconsider the vote by which Amendment No. 90 was withdrawn.

The motion to reconsider prevailed.

Amendment No. 226

Representative Parker offered the following amendment to Amendment No. 90:

Amend Floor Amendment No. 90 to **CSHB 1** by Parker (Floor Amendment Packet, page 136) by striking the text of the amendment and substituting the following:

Amend **CSHB 1**, in Article XI, as follows:

(1) Add the following rider following the appropriations to the Department of Public Safety (page XI-58):

Additional Officers. The following amounts are appropriated to the Texas Department of Public Safety to provide funding for an additional 171 Department of Public Safety officers assigned to border security:

(1) \$16.25 million from general revenue for the state fiscal year ending August 31, 2008; and

(2) \$16.25 million from general revenue for the state fiscal year ending August 31, 2009.

(2) Adjust the article totals and methods of financing accordingly.

Amendment No. 226 was adopted.

Amendment No. 90, as amended, was adopted.

Amendment No. 91 - Vote Reconsidered

Representative Chisum moved to reconsider the vote by which Amendment No. 91, as amended, was withdrawn.

The motion to reconsider prevailed.

Amendment No. 227

Representative Noriega offered the following amendment to Amendment No. 91:

Amend Floor Amendment No. 91 by Noriega as amended by Floor Amendment No. 92 by Isett by striking "On Page V-42 of the Department of Public Safety's bill pattern:" and substituting the following:

Add the following under the Article XI provisions for the Department of Public Safety:

Amendment No. 227 was adopted.

Amendment No. 91, as amended, was adopted.

Amendment No. 228

Representative Turner offered the following amendment to **CSHB 1**:

(1) Amend **CSHB 1** by adding the following rider to Article XI of the bill following the Article XI provisions for the Texas Department of Criminal Justice:

GPS Monitoring Pilot Program. (a) The following amounts are appropriated to the Texas Department of Criminal Justice in addition to other appropriations to the department under Article V of this Act for the purpose of establishing a pilot program to use active, real-time global positioning satellite tracking devices to monitor a cumulative total of 500 individuals who are on community supervision or who have been released from the department to parole:

(1) \$2,000,000 for the state fiscal year beginning September 1, 2007; and

(2) \$2,000,000 for the state fiscal year beginning September 1, 2008.

(b) The pilot program must evaluate the effectiveness of using active, real-time global positioning satellite devices to enhance public safety by tracking individuals who are on community supervision or have been released from the

department to parole. The department is authorized to employ 8 full-time equivalent employees (FTEs), in addition to those otherwise authorized by this Act, to operate the pilot program.

(2) Adjust the number of FTEs authorized for the Texas Department of Criminal Justice accordingly and adjust the Article totals and Article XI agency totals accordingly.

Amendment No. 228 was adopted.

Amendment No. 229

Representative Villarreal offered the following amendment to **CSHB 1**:

Amend **CSHB 1** in Article XI of the bill following the Article XI provisions for the Texas Education Agency by adding the following rider:

Contingency Appropriation for **HB 3390**: Kindergarten-Plus Pilot Program. Contingent on the passage and becoming law of **HB 3390** or similar legislation that establishes a Kindergarten-Plus Pilot Program in certain school districts, in addition to other amounts appropriated to the Texas Education Agency, the amounts of \$130,284 in general revenue for fiscal year 2008 and \$130,284 in general revenue for fiscal year 2009 plus the unexpended balance from fiscal year 2008 are appropriated to the Texas Education Agency to award grants to eligible school districts to provide Kindergarten-Plus programs as provided by that legislation.

Amendment No. 229 was adopted.

Amendment No. 34 - Vote Reconsidered

Representative Chisum moved to reconsider the vote by which Amendment No. 34 was withdrawn.

The motion to reconsider prevailed.

Amendment No. 230

Representative Turner offered the following amendment to Amendment No. 34:

Amend Amendment No. 34 to **CSHB 1** by Turner (page 39 prefiled amendment packet) by striking the text of the amendment and substituting the following:

Amend **CSHB 1** in Article XI of the bill, following the Article XI provisions for the Department of State Health Services by adding the following rider:

Local Mental Health Authority Diversion Programs. The following amounts are appropriated to the Department of State Health Services for reallocation to a local mental health authority for the purpose of funding local programs designed to reduce inpatient admissions, emergency room visits, and state hospital admissions of persons with mental illness:

(1) the unobligated balances in Strategy C.1.3, Mental Health State Hospitals (page II-39) at the end of the state fiscal year ending August 31, 2007, that are allocated to that local mental health authority for state hospital civil placement or state hospital forensic placements; and

(2) the unobligated balances in Strategy C.1.3, Mental Health State Hospitals (page II-39) at the end of the state fiscal year ending August 31, 2008, that are allocated to that local mental health authority for state hospital civil placement or state hospital forensic placements.

Amendment No. 230 was adopted.

Amendment No. 34, as amended, was adopted.

Amendment No. 231

Representative Turner offered the following amendment to **CSHB 1**:

Amend **CSHB 1**, by adding the following appropriately numbered rider in Article II of the bill following the special provisions relating to all health and human services agencies:

_____. Funding Equity Among Local Mental Health and Mental Retardation Authorities. (a) It is the intent of the Legislature that the Department of State Health Services and the Department of Aging and Disability Services shall implement a long-term plan to achieve equity in state funding allocations among local mental health and mental retardation authorities. The plan shall be implemented from fiscal years 2007-2015. The goal of the plan shall be to achieve equity to the greatest extent possible by fiscal year 2015; however, any funding reductions to a local authority for achieving equity may not exceed 5 percent of allocated general revenue in a fiscal year. The plan shall also provide for improving funding equity to be a priority in distributing any new state or federal funds that may become available for allocation to community centers.

(b) In assessing the equity of funding the departments may use alternatives other than basing equity calculations solely on the total population served by each local authority. Additional factors, such as incidence of poverty and the number of uninsured persons, may be considered if they help to provide a better estimate of the need for state funded mental health or mental retardation services in the areas served by each local authority. The departments shall submit the long-term equity plan to the Office of the Governor and the Legislative Budget Board by December 31, 2007. The departments shall include in legislative appropriations requests a table showing how implementation of the equity plan will affect projected allocations to community centers at the baseline current services funding level.

Amendment No. 232

Representative Turner offered the following amendment to Amendment No. 231:

Amend Amendment No. 231 by Turner to **CSHB 1** (page 55, pre-filed amendments packet) by striking lines 2 and 3 and substituting the following: numbered rider in Article XI of the bill under the Article II, Special Provisions (page XI-15), as a special provision relating to all health and human services agencies:

Amendment No. 232 was adopted.

Amendment No. 231, as amended, was adopted.

Amendment No. 120 - Vote Reconsidered

Representative Chisum moved to reconsider the vote by which Amendment No. 120 was withdrawn.

The motion to reconsider prevailed.

Amendment No. 233

Representative Homer offered the following amendment to Amendment No. 120:

Amend Floor Amendment No. 120 by Homer to **CSHB 1** by striking the text of the amendment and substituting the following:

Amend **CSHB 1** in Article XI of the bill following the Article XI provisions for the Texas Department of Transportation (page XI-72) by adding the following rider:

State Highway 24 Appropriation. The following amounts are appropriated to the Texas Department of Transportation to complete construction of State Highway 24:

- (1) \$15,000,000 in the fiscal year ending August 31, 2008; and
- (2) \$15,000,000 in the fiscal year ending August 31, 2009.

Amendment No. 233 was adopted.

Amendment No. 120, as amended, was adopted.

Amendment No. 87 - Vote Reconsidered

Representative Chisum moved to reconsider the vote by which Amendment No. 87 was withdrawn.

The motion to reconsider prevailed.

Amendment No. 234

Representative Homer offered the following amendment to Amendment No. 87:

Amend Floor Amendment No. 87 by Homer to **CSHB 1** by striking the text of the amendment and substituting the following:

Amend **CSHB 1** in Article XI of the bill following the Article XI provisions for the Department of Criminal Justice (page XI-56) by adding the following rider:

Lamar County Supervision and Corrections Department Recidivism Reduction Programs. The Department of Criminal Justice is appropriated \$250,000 in each year of the biennium, to make a grant, through the community justice assistance division, to the Lamar County Community Supervision and Corrections Department to be used for the expansion and study of that department's programs intended to reduce recidivism among individuals supervised by that department, including that department's horticultural therapy and butterfly cultivation programs, cognitive behavior programs, and programs that encourage inmates supervised by that department to receive postsecondary education.

Amendment No. 234 was adopted.

Amendment No. 87, as amended, was adopted.

Amendment No. 235

Representative Homer offered the following amendment to **CSHB 1**:

Amend **CSHB 1** in Article XI of the bill following the Article XI appropriations to the Department of Transportation by adding the following rider:

Northeast Texas Rural Rail Transportation District Rail Line. The following amounts are appropriated out of general revenue to the Department of Transportation for the purpose of rehabilitating the Northeast Texas Rural Rail Transportation District rural rail line starting in Greenville and ending in Mount Pleasant:

- (1) \$8,000,000 for the state fiscal year ending August 31, 2008; and
- (2) \$8,000,000 for the state fiscal year ending August 31, 2009.

Amendment No. 235 was adopted.

Amendment No. 236

Representative D. Howard offered the following amendment to **CSHB 1**:

Floor Packet Page No. 111

Amend **CSHB 1** (House committee printing) in Article III of the bill, following the appropriations to the Texas Higher Education Coordinating Board (page III-52), by adding the following appropriately numbered rider:

_____. Grants to Nursing Education Programs. Contingent on the passage of **HB 1894**, or similar legislation relating to the provision of grants by the Texas Higher Education Coordinating Board to nursing education programs, the Texas Higher Education Coordinating Board may use the amount appropriated for the state fiscal biennium beginning September 1, 2007, to the board in Strategy G.1.2., Earnings-Nursing/Allied Health (page III-39), to provide grants to nursing education programs as described by Section 63.202(f), Education Code.

Amendment No. 237

Representative D. Howard offered the following amendment to Amendment No. 236:

Amend Floor Amendment No. 236 by Howard (page 111, pre-filed amendment packet) to **CSHB 1** by striking page 1, lines 2-13, and substituting the following:

XI of the bill, following the appropriations to the Texas Higher Education Coordinating Board (page XI-21), by adding the following rider:

Grants to Nursing Education Programs. Contingent on the passage of **HB 1894**, or similar legislation relating to the provision of grants by the Texas Higher Education Coordinating Board to nursing education programs, the Texas Higher Education Coordinating Board may use the amount appropriated in Article III for the state fiscal biennium beginning September 1, 2007, to the board

in Strategy G.1.2., Earnings-Nursing/Allied Health (page III-39), to provide grants to nursing education programs as described by Section 63.202(f), Education Code.

Amendment No. 237 was adopted.

Amendment No. 236, as amended, was adopted.

Amendment No. 83 - Vote Reconsidered

Representative Chisum moved to reconsider the vote by which Amendment No. 83 was withdrawn.

The motion to reconsider prevailed.

Amendment No. 238

Representative Jones offered the following amendment to Amendment No. 83:

Amend Floor Amendment No. 83 by Jones (page S-3, Supplemental Pre-filed Amendment Packet) to **CSHB 1** by striking the text of the amendment and substituting the following:

Amend **CSHB 1** in Article XI by adding the following rider following the appropriations to Texas Tech University (page XI-34):

_____. Relocation of Governor Smith Statue. (a) It is the intent of the legislature that the board of regents of the Texas Tech University System exercise its discretionary authority regarding Texas Tech University under Chapter 109, Education Code, to relocate the statue of former Governor Preston Smith from its current location on the grounds of the university to a prominent location in the vicinity of the entrance to the university at the intersection of University Avenue and Broadway.

(b) The university may use a necessary amount of funds appropriated in Article III to Texas Tech University under Strategy A.1.1 for operations support to accomplish the purpose of Subsection (a).

Amendment No. 238 was adopted.

Amendment No. 83, as amended, was adopted.

Amendment No. 239

Representative Miller offered the following amendment to **CSHB 1**:
Floor Packet Page No. S-7

Amend **CSHB 1** as follows:

(1) In Article XI of the bill, following the appropriation to Tarleton State University (page XI-27), add the following appropriately numbered rider:

_____. Small Business Development Center. In addition to the amounts appropriated above, the following amounts are appropriated to Tarleton State University out of the general revenue fund for the purpose of funding the Small Business Development Center to provide business counseling, technical

assistance, training workshops, and business plan development for small businesses: \$100,000 for the state fiscal year ending August 31, 2008; and \$100,000 for the state fiscal year ending August 31, 2009.

(2) Adjust the article totals (page XI-1) and university totals (page XI-27) accordingly.

Amendment No. 239 was adopted.

Amendment No. 240

Representative Raymond offered the following amendment to **CSHB 1**:
Floor Packet Page No. S-6

Amend **CSHB 1** as follows:

(1) Under the Article XI appropriations to the Texas Education Agency (pages XI-17 – XI-20), add the following appropriately numbered rider:

_____. Contingency for **HB 1625**: Salary Increase for Certain Professional Public School Employees. Contingent on the enactment of **HB 1625** or similar legislation by the 80th Legislature, Regular Session, 2007, relating to increased salaries for certain professional employees of public schools, in addition to other amounts appropriated for the state fiscal biennium beginning September 1, 2007, the amount of \$1,034,800,000 is appropriated out of the general revenue fund to the Texas Education Agency for use as provided by that legislation for the 2008 fiscal year, and the amount of \$1,034,800,000 is appropriated out of the general revenue fund to the Texas Education Agency for use as provided by that legislation for the 2009 fiscal year.

(2) Adjust the article totals (page XI-1) accordingly.

Amendment No. 240 was adopted.

Amendment No. 93 - Vote Reconsidered

Representative Chisum moved to reconsider the vote by which Amendment No. 93 was withdrawn.

The motion to reconsider prevailed.

Amendment No. 241

Representative Chavez offered the following amendment to Amendment No. 93:

Amend Amendment No. 93 by Chavez to **CSHB 1** (page 141, pre-filed amendment packet) by striking "as follows:" and substituting the following: by adding the following item following the Article XI provisions for the Department of Public Safety:

Amendment No. 241 was adopted.

Amendment No. 93, as amended, was adopted.

A record vote was requested.

CSHB 1, as amended, was passed to engrossment by (Record 249): 132 Yeas, 16 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Flores; Flynn; Frost; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; 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; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Alonzo; Burnam; Coleman; Davis, Y.; Farias; Farrar; Gallego; Garcia; Hernandez; Herrero; Leibowitz; Moreno; Oliveira; Olivo; Ortiz; Thompson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Talton.

STATEMENTS OF VOTE

I was shown voting no on Record No. 249. I intended to vote yes.

Garcia

I was shown voting yes on Record No. 249. I intended to vote no.

Miles

CSHB 15 ON SECOND READING (by Chisum)

CSHB 15, A bill to be entitled An Act relating to making supplemental appropriations and reductions in appropriations.

Amendment No. 1

Representative Chisum offered the following amendment to **CSHB 15**:

Floor Packet Page No. 1

Amend **CSHB 15** as follows:

(1) In SECTION 8 of the bill, strike "\$12,847,069" and substitute "\$12,014,700" (page 4, line 13, house committee printing).

(2) Strike SECTION 10 of the bill and substitute the following (page 4, line 25, through page 5, line 5, house committee printing):

SECTION 10. TEXAS BUILDING AND PROCUREMENT COMMISSION: JOHN H. REAGAN BUILDING. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2007, the

amount of \$3,000,000 is appropriated out of the general revenue fund to the Texas Building and Procurement Commission for the two-year period beginning on the effective date of this Act for the purpose of completing the renovations of the John H. Reagan Building.

(3) Strike SECTION 19 of the bill and substitute the following (page 7, line 27, through page 8, line 8, house committee printing):

SECTION 19. COMPTROLLER OF PUBLIC ACCOUNTS: SUPPORT FOR TAX ADMINISTRATION DUTIES AND STATEWIDE FISCAL RESPONSIBILITIES. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2007, the amount of \$4,100,000 is appropriated out of the general revenue fund to the comptroller of public accounts for the two-year period beginning on the effective date of this Act for the purpose of supporting the comptroller's tax administration duties and statewide fiscal responsibilities.

(4) Strike SECTION 22 of the bill and substitute the following (page 9, lines 7 through 26, house committee printing):

SECTION 22. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: CPS REFORM. (a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2007, the following amounts are appropriated to the Department of Family and Protective Services for the two-year period beginning on the effective date of this Act to continue the reform of child protective services:

- (1) \$1,048,130 is appropriated out of the general revenue fund; and
- (2) \$1,171,174 in federal funds (TANF) is appropriated.

(b) In addition to other amounts appropriated for the state fiscal biennium ending August 31, 2009, that may be used for this purpose, the following amounts are appropriated to the Department of Family and Protective Services for the state fiscal biennium ending August 31, 2009, to continue the reform of child protective services:

- (1) \$33,422,512 is appropriated out of the general revenue fund; and
- (2) \$64,274,345 in federal funds (TANF) is appropriated.

(c) In addition to the number of full-time equivalent employees (FTEs) the Department of Family and Protective Services is authorized to employ under other law during each fiscal year of the state fiscal biennium ending August 31, 2009, the department may employ an additional:

- (1) 768 FTEs during the state fiscal year ending August 31, 2008; and
- (2) 1,092 FTEs during the state fiscal year ending August 31, 2009.

(5) In SECTION 26(a) of the bill, strike Subdivisions (1) through (18) of Subsection (a) (page 11, line 16 through page 13, line 7, house committee printing) and substitute the following:

(1) \$154,354 is appropriated out of the general revenue fund to the Railroad Commission of Texas;

(2) \$1,124,521 is appropriated out of the general revenue fund and an additional \$4,856,648 is appropriated out of general revenue dedicated accounts to the Texas Commission on Environmental Quality;

(3) \$381,705 is appropriated out of the general revenue fund, an additional \$17,699 is appropriated out of general revenue dedicated accounts, and \$1,937,066 in federal funds is appropriated to the Texas Workforce Commission;

(4) \$958,928 is appropriated out of the state highway fund to the Texas Department of Transportation;

(5) \$1,881,572 is appropriated out of general revenue dedicated accounts to the Parks and Wildlife Department;

(6) \$280,004 is appropriated out of the general revenue fund to the Texas State Library and Archives Commission;

(7) \$725,426 is appropriated out of the general revenue fund to the secretary of state;

(8) \$1,283,643 is appropriated out of the general revenue fund, \$136,277 in other funds is appropriated, and \$778,098 in federal funds is appropriated to the Texas Education Agency;

(9) \$552,478 is appropriated out of the general revenue fund, \$590,858 in other funds is appropriated, and \$10,995 in federal funds is appropriated to the Texas Higher Education Coordinating Board;

(10) \$519,429 is appropriated out of the general revenue fund to the Public Utility Commission of Texas;

(11) \$78,920 is appropriated out of the general revenue fund, an additional \$1,262,720 is appropriated out of general revenue dedicated accounts, and \$2,604,360 in other funds is appropriated to the General Land Office;

(12) \$1,341,008 is appropriated out of the general revenue fund to the Office of the Attorney General;

(13) \$59,907 is appropriated out of the general revenue fund to the Texas Alcoholic Beverage Commission;

(14) \$113,978 is appropriated out of the general revenue fund to the Texas Department of Licensing and Regulation;

(15) \$510,730 is appropriated out of the general revenue fund to the Texas Water Development Board; and

(16) \$839,500 is appropriated out of the general revenue fund to the Texas Youth Commission.

(6) In SECTION 26(b) of the bill, strike "\$8,797,336" and substitute "\$8,081,368" (page 13, line 8, house committee printing).

(7) In SECTION 26(g) of the bill, between "appropriations to the Comptroller of Public Accounts" and "for the state fiscal year", insert "made by Section 13.17(b), Article IX, Chapter 1369, Acts of the 79th Legislature, Regular Session, 2005 (the General Appropriations Act)," (page 15, line 10, house committee printing).

(8) In SECTION 26(h)(1) of the bill, strike "\$718,319" and substitute "\$912,610" (page 15, line 24, house committee printing).

(9) In SECTION 26(h)(2) of the bill, strike "\$855,314" and substitute "\$1,153,023" (page 15, line 26, house committee printing).

(10) In SECTION 26(i)(1) of the bill, strike "\$1,675,034" and substitute "\$2,192,309" (page 16, line 7, house committee printing).

(11) In SECTION 26(i)(2) of the bill, strike "\$283,282" and substitute "\$371,007" (page 16, line 9, house committee printing).

(12) In SECTION 26(j)(1) of the bill, strike "\$66,600" and substitute "\$83,250" (page 16, line 16, house committee printing).

(13) In SECTION 26(j)(2) of the bill, strike "\$113,400" and substitute "\$141,750" (page 16, line 18, house committee printing).

(14) In SECTION 26(k)(1) of the bill, strike "\$967,247" and substitute "\$997,767" (page 16, line 26, house committee printing).

(15) In SECTION 26(k)(2) of the bill, strike "\$38,950" and substitute "\$40,066" (page 17, line 1, house committee printing).

(16) In SECTION 26(k)(3) of the bill, strike "\$327,069" and substitute "\$336,433" (page 17, line 3, house committee printing).

(17) In SECTION 26(l)(1) of the bill, strike "\$218,728" and substitute "\$352,798" (page 17, line 10, house committee printing).

(18) In SECTION 26(l)(2) of the bill, strike "\$668,680" and substitute "\$1,031,167" (page 17, line 12, house committee printing).

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

SECTION _____. HEALTH AND HUMAN SERVICES COMMISSION: TRANSFER OF FUNDS APPROPRIATED FOR CHIP SERVICES. Notwithstanding any provision of another Act making appropriations to the contrary, the Health and Human Services Commission may, without the necessity of prior approval by another officer or entity, transfer funds appropriated to the commission under Goal C: CHIP Services by Chapter 1369, Acts of the 79th Legislature, Regular Session, 2005 (page II-70, General Appropriations Act), to other goals and strategies as necessary to efficiently and effectively comply with the provisions of this Act.

(20) In SECTION 31 of the bill, between "cumulative" and "amount", insert "net" (page 20, line 2, house committee printing).

(21) In SECTION 31 of the bill, strike "specifically for the two-year period beginning on the effective date of this Act" (page 20, lines 3 and 4, house committee printing).

Amendment No. 2

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

Amend the Chisum amendment to **CSHB 15** as follows:

(1) On page 2, line 6, strike "\$1,048,130" and substitute "\$1,502,423".

(2) On page 2, line 8, strike "\$1,171,174" and substitute "\$2,214,557".

(3) On page 2, line 10, add the following new section (b-1) and renumber the subsequent sections appropriately:

(b-1) In addition to the number of full-time equivalent employees (FTEs) previously appropriated for the state fiscal biennium ending August 31, 2007, the Department of Family and Protective Services may employ an additional 117 FTEs.

(4) On page 2, line 10, add the following new section (b-2) and renumber the subsequent sections appropriately:

(b-2) In addition to the capital budget authority previously granted for the fiscal biennium ending August 31, 2007, the Department of Family and Protective Services may use an additional \$2,033,837 in capital budget authority for programming expenses associated with providing tablet personal computers for conservatorship workers, child-care licensing staff, and residential child-care licensing staff.

(5) On page 2, line 16, strike "\$33,422,512" and substitute "\$32,968,219".

(6) On page 2, line 18, strike "\$64,274,345" and substitute "\$63,230,962".

Amendment No. 2 was adopted.

CSHB 15 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ELKINS: Chairman Chisum, I'd like to clarify the purpose for the additional funds being provided to the Texas Medical Board in this bill. It's my understanding that the Texas Medical Board is overwhelmed with processing a backlog of licensures, applications, from 2,500 plus positions willing to practice in Texas. Is it true then these funds are only to be used to relieve the backlog?

REPRESENTATIVE CHISUM: Yes.

ELKINS: Okay, then, are these funds to be used to administer or create any new licensing and regulatory functions that have not been authorized by the legislature?

CHISUM: No.

REMARKS ORDERED PRINTED

Representative Elkins moved to print remarks between Representative Chisum and Representative Elkins.

The motion prevailed.

Amendment No. 3

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

Amend Amendment No. 1 by Chisum to **CSHB 15** (page 1, pre-filed amendments packet), by adding the following appropriately numbered Subdivision to the amendment:

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

SECTION _____. TEXAS YOUTH COMMISSION: OPERATING EXPENSES. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2007, the amount of \$4,800,000 is appropriated out of the general revenue fund to the Texas Youth Commission for the two-year period beginning on the effective date of this Act for the purpose of providing for the agency's operating expenses.

Amendment No. 3 was adopted.

Amendment No. 4

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

Amend the Chisum Amendment for **CSHB 15**, located on page 1 of the **CSHB 15** amendment packet, as follows:

On page 1 of the amendment, strike lines 8 through 15, replace with the following language, renumber the lines accordingly, and insert the following into the appropriately numbered section of **CSHB 15**:

"SECTION . Texas Youth Commission. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2007, the amount of \$3,000,000 is appropriated out of general revenue to fund the Texas Youth Commission for the purpose of immediately purchasing security camera and security equipment to better ensure the safety of children placed in the care of the state."

Amendment No. 4 was withdrawn.

Amendment No. 1, as amended, was adopted.

Amendment No. 5

Representative Chisum offered the following amendment to **CSHB 15**:

Floor Packet Page No. 6

Required Action

1) On page 8 of **CSHB 15**, amend Section 20 as follows:

SECTION 20. HEALTH AND HUMAN SERVICES COMMISSION: MEDICAID RATE RESTORATION. ~~[In addition to other amounts appropriated for the state fiscal biennium ending August 31, 2009, that may be used for this purpose,]~~ [†] The following amounts are appropriated to the Health and Human Services Commission for the [state fiscal biennium ending August 31, 2009] two-year period beginning June 1, 2007, for the purpose of restoring rates paid to medical professionals in the Medicaid and CHIP programs to fiscal year 2003 levels:

- (1) \$108,900,000 is appropriated out of the general revenue fund; and
- (2) \$169,951,834 in federal matching funds is appropriated.

2) On page 10 of **CSHB 15**, amend Section 24 as follows:

SECTION 24. DEPARTMENT OF AGING AND DISABILITY SERVICES: RESTORATION OF COMMUNITY CARE PROVIDER RATES TO FISCAL YEAR 2003 LEVELS. ~~[In addition to other amounts appropriated for the state fiscal biennium ending August 31, 2009, that may be used for this purpose,]~~ [†] The amount of \$10,814,194 is appropriated out of the general revenue fund and \$16,914,509 in federal funds is appropriated to the Department of Aging and Disability Services for the [state fiscal biennium ending August 31, 2009] two-year period beginning June 1, 2007, for the purpose of restoring provider rates to fiscal year 2003 levels in programs for home and

community-based services, in programs for community living assistance and support services (CLASS), in the Texas Home Living Waiver program, and in intermediate care facilities for the mentally retarded.

Amendment No. 6

Representative Gattis offered the following amendment to Amendment No. 5:

Required Action

1) Amend the amendment to Section 24 as follows:

SECTION 24. DEPARTMENT OF AGING AND DISABILITY SERVICES: RESTORATION OF COMMUNITY CARE PROVIDER RATES TO FISCAL YEAR 2003 LEVELS. The amount of \$10,814,194 is appropriated out of the general revenue fund and \$16,914,509 in federal funds is appropriated to the Department of Aging and Disability Services for the two-year period beginning June 1, 2007, for the purpose of restoring provider rates to fiscal year 2003 levels in programs for home and community-based services, in programs for community living assistance and support services (CLASS), in the Texas Home Living Waiver program, and in intermediate care facilities for the mentally retarded. The adjustment to provider rates for such services shall be effective January 1, 2007.

Amendment No. 6 was adopted.

Amendment No. 5, as amended, was adopted.

Amendment No. 7

Representative Gattis offered the following amendment to **CSHB 15**:

Floor Packet Page No. 14

Amend **CSHB 15** (house committee printing) with the following appropriately numbered rider for the Health and Human Services Commission bill pattern:

Staffing and Capital Authorization in Lieu of Contracted Responsibilities.
(a) Notwithstanding any other provision in this Act, if the executive commissioner of the Health and Human Services Commission determines that a service performed as of the effective date of this Act under a contract would be more effectively performed by state personnel, the executive commissioner is authorized to adjust the agency's FTE limitation to the extent necessary to ensure the successful assumption of such contracted duties. The commission must make corresponding adjustments in the scope of duties and responsibilities in the affected contract. An increase in agency staffing resulting from the executive commissioner's determination under this section are subject to the following requirements:

1. The commission must notify the Legislative Budget Board and the Governor at least 10 days prior to adjusting the budgeted FTE levels.

2. The commission must report on a quarterly basis beginning December 1, 2007, to the Legislative Budget Board and the Governor the number of eligibility and related support staff and any related costs in Strategy A.1.2, Integrated Eligibility and Enrollment.

(b) Notwithstanding any other provision in the General Appropriations Act, if the executive commissioner of the Health and Human Services Commission determines that a service performed as of the effective date of this Act under a contract would be more effectively performed by state personnel, the Health and Human Services Commission is authorized to exceed the capital authority limitations provided elsewhere in this Act to the extent necessary to acquire hardware, software, and office space to support any assumed contracted duties and responsibilities. The commission must make corresponding adjustments in the scope of the affected contract. An increase in a capital project is subject to the following requirements:

1. The commission must notify the Legislative Budget Board and the Governor at least 10 days prior to acquiring capital equipment.

2. The commission must include capital acquisitions in required financial reporting to the Legislative Budget Board and the Governor.

(c) The additional staffing and capital expended from appropriated sources made to the Texas Health and Human Services Commission is for the two-year period beginning on the effective date of this Act.

Amendment No. 7 was adopted.

Amendment No. 8

Representative Eiland offered the following amendment to **CSHB 15**:

Floor Packet Page No. 9

Amend **CSHB 15** (house committee printing) as follows:

(1) Add the following appropriately numbered new SECTION to the bill:

SECTION _____. (a) In addition to other amounts appropriated for the state fiscal biennium ending August 31, 2009, that may be used for these purposes, the amount of \$13,100,000 is appropriated out of the general revenue fund to The University of Texas Medical Branch at Galveston for the state fiscal biennium ending August 31, 2009, to reimburse the institution for nonreimbursed losses resulting from interruptions in services and operations caused by Hurricane Rita.

(b) It is the intent of the legislature that The University of Texas Medical Branch at Galveston use the money appropriated by Subsection (a) of this section in equal amounts in each fiscal year of the state fiscal biennium for which the money is appropriated.

(2) In SECTION 8 of the bill (page 4, line 13), strike "\$12,847,069" and substitute "\$6,847,069".

(3) Strike SECTIONS 10 and 19 of the bill.

(4) Renumber the SECTIONS of the bill and any cross-references to those SECTIONS accordingly.

Representative Chisum moved to table Amendment No. 8.

A record vote was requested.

The motion to table was lost by (Record 250): 39 Yeas, 101 Nays, 1 Present, not voting.

Yeas — Anderson; Berman; Branch; Brown, B.; Brown, F.; Chisum; Crabb; Darby; Driver; Dukes; Flynn; Gattis; Giddings; Guillen; Hartnett; Hill; Isett; Jackson; Jones; Kolkhorst; Krusee; Latham; Laubenberg; Madden; McClendon; Merritt; Miller; Mowery; Parker; Patrick; Paxton; Phillips; Riddle; Smithee; Swinford; Turner; Van Arsdale; Woolley; Zedler.

Nays — Allen; Alonzo; Anchia; Aycock; Bailey; Bohac; Bolton; Bonnen; Burnam; Callegari; Castro; Chavez; Coleman; Cook, B.; Cook, R.; Creighton; Crownover; Davis, J.; Davis, Y.; Delisi; Deshotel; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Garcia; Geren; Gonzales; Gonzalez Toureilles; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; King, P.; King, S.; King, T.; Kuempel; Leibowitz; Lucio; Macias; Mallory Caraway; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Miles; Morrison; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Solomons; Strama; Taylor; Thompson; Truitt; Vaught; Veasey; Villarreal; Vo; West; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Talton.

Absent — Christian; Cohen; Corte; Gallego; Howard, C.; Keffer; Moreno; Straus.

Amendment No. 8 was adopted.

Amendment No. 9

Representative Heflin offered the following amendment to **CSHB 15**:
Floor Packet Page No. 11

Amend **CSHB 15**, by striking Section 26 and Section 30 and by inserting an appropriately numbered new section to read as follows:

"SECTION _____. The unencumbered appropriations from the general revenue fund appropriated to the Teacher Retirement System for use during the state fiscal year ending August 31, 2007, by Chapter 1369, Acts of the 79th Legislature, Regular Session, 2005 (the General Appropriations Act) under A.3.1 for the Teacher Retirement System (Retiree Health-Supplemental Funds) are reduced by the amount of \$76,644,468 and, in addition to other amounts appropriated for the state fiscal biennium ending August 31, 2009, the amount of \$76,444,468 in general revenue is appropriated to A.2.1. Retiree Health-Statutory Funds."

Amendment No. 9 was withdrawn.

A record vote was requested.

CSHB 15, as amended, was passed to engrossment by (Record 251): 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; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent, Excused — Talton.

Absent — Coleman; Dunnam; Moreno.

STATEMENT OF VOTE

When Record No. 251 was taken, I was in the house but away from my desk. I would have voted yes.

Coleman

ADJOURNMENT

Representative Chisum moved that the house adjourn until 3 a.m. today, Friday, March 30.

The motion prevailed.

The house accordingly, at 2:56 a.m., adjourned until 3 a.m. today, Friday, March 30.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 17**HCR 140, HCR 161, HCR 169****Senate List No. 16****SB 190****MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

Message No. 1**MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Thursday, March 29, 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:

LOCAL AND UNCONTESTED CALENDAR**SB 24** Nelson

Relating to certain health care services provided through telemedicine or telehealth under the state Medicaid program.

SB 35 Nelson

Relating to a purchasing preference for contractors who provide foods of higher nutritional value and who do not provide foods containing trans fatty acids.

SB 47 Nelson

Relating to certain requirements relating to the issuance of a marriage license or the recording of a declaration of informal marriage and to the maintenance of marriage and divorce indexes by the bureau of vital statistics.

SB 99 Zaffirini

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 123 Deuell

Relating to excepting from required disclosure under the public information law certain personal information maintained by a municipality that pertains to a minor.

SB 131 West, Royce

Relating to the creation of nursing home family councils.

SB 136 Nelson

Relating to the establishment of a community education program concerning Internet safety.

- SB 143** West, Royce
Relating to fetal and infant mortality review and health warnings related to fetal and infant mortality; imposing a penalty.
- SB 162** Shapiro
Relating to property tax abatement agreements entered into by the Dallas County Utility and Reclamation District pertaining to single-family residential property and to the validation of certain actions of the district.
- SB 206** Nelson
Relating to certain providers of subsidized child care.
- SB 222** Ellis
Relating to a security freeze on a consumer file maintained by a consumer reporting agency.
- SB 231** Harris
Relating to child support enforcement.
- SB 251** Harris
Relating to parking of a motor vehicle operated by or for the transportation of a veteran with a disability in certain parking spaces; providing a criminal penalty.
- SB 291** Nelson
Relating to criminal history record information for certain guardianship services and to lists of certain public guardians.
- SB 300** Ellis
Relating to the duration of judgment liens in favor of the state.
- SB 303** Harris
Relating to health care coverage for a child in a suit affecting the parent-child relationship.
- SB 304** Harris
Relating to the calculation of child support obligations.
- SB 316** Ogden
Relating to the denial, suspension, or revocation of a state-issued license if the applicant for the license makes a false statement or misrepresentation or refuses to provide information; providing a criminal penalty.
- SB 318** Deuell
Relating to Medicaid incentive payments for direct nursing care provided by nursing homes.
- SB 339** Ellis
Relating to entrance examination procedures for certain police officers under municipal civil service.
- SB 342** Ellis
Relating to eligibility requirements for a beginning position in a police department in certain municipalities under municipal civil service.
- SB 344** Carona
Relating to the additional exit conference required following inspection, survey, or investigation of certain facilities.
- SB 350** Ellis

Relating to a request for a public hearing before requiring the abatement of certain nuisances.

SB 351 Ellis

Relating to notice procedures for abatement of certain nuisances.

SB 352 Ellis

Relating to the method of providing notice in the enforcement of certain municipal ordinances involving substandard buildings and conditions.

SB 370 Shapiro

Relating to a school district employee's immunity from liability and responsibility for certain materials.

SB 406 Wentworth

Relating to the assignment of a judge to hear a motion for the recusal or disqualification of a statutory probate court judge.

SB 408 Lucio

Relating to authorizing certain counties and municipalities to regulate land development; providing a penalty.

SB 426 West, Royce

Relating to qualification for an ad valorem tax exemption for property used to provide low-income or moderate-income housing in the event of a change in ownership of the property as a result of a foreclosure sale.

SB 430 Harris

Relating to a claim for reimbursement in a suit to dissolve a marriage.

SB 432 Harris

Relating to the consent to and annulment of certain marriages.

SB 433 Harris

Relating to attorney's fees in certain postjudgment proceedings.

SB 457 Watson

Relating to the eligibility for education benefits of surviving minor children of certain public employees killed in the line of duty.

SB 470 Brimer

Relating to the submission of uniform financial reports.

SB 471 Brimer

Relating to certain information reporting requirements regarding workers' compensation claims.

SB 496 Duncan

Relating to the use of the judicial and court personnel training fund.

SB 497 Duncan

Relating to the application of the professional prosecutors law to the state prosecuting attorney.

SB 541 West, Royce

Relating to continuing education in sustainable and energy-efficient design standards for a person registered by the Texas Board of Architectural Examiners.

SB 548 Carona

Relating to notice of the presumption for theft by check.

SB 551 Deuell
Relating to indigent health care.

SB 552 Deuell
Relating to the accreditation of basic food safety education and training programs for food handlers.

SB 555 Lucio
Relating to designating April as Texas Fruit and Vegetable Month.

SB 560 Ellis
Relating to reimbursement for jury service.

SB 564 Hegar
Relating to the name of The Calhoun County Navigation District.

SB 573 Brimer
Relating to an interim study concerning the breeding of white-tailed and mule deer in this state.

SB 589 Nelson
Relating to Temporary Assistance for Needy Families (TANF) employment programs and participation in those programs by certain parents who are not TANF recipients.

SB 590 Nelson
Relating to a designated agent's access to a principal's medical and health care information.

SB 591 Nelson
Relating to the requirement that licensed physicians provide emergency contact information to the Texas Medical Board.

SB 593 Wentworth
Relating to providing notice to the beneficiaries under a decedent's will.

SB 600 Duncan
Relating to compensation paid to statutory county court judges and certain court-related fees.

SB 606 Ogden
Relating to the disclosure of the name of a student or minor who is a victim of abuse or unlawful conduct by an educator.

SB 608 Ellis
Relating to restrictions on state contracts with certain contractors.

SB 618 Wentworth
Relating to the jurisdiction of and representation in the county, justice, and small claims courts in civil matters.

SB 622 Carona
Relating to the collection of certain data for the Texas Natural Resources Information System and the duties of the Texas Geographic Information Council.

SB 640 West, Royce

Relating to creating a recognition day to celebrate adoption, adoptive families, and adoption workers in Texas.

SB 653 Seliger

Relating to filling certain vacancies on the governing bodies of municipalities.

SB 670 Ellis

Relating to allowing an independent school district to change the length of trustees' terms.

SB 682 Hegar

Relating to the creation of the Fulshear Municipal Utility District No. 1 of Fort Bend County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

SB 683 Hegar

Relating to the creation and powers of the Fort Bend County Municipal Utility District No. 182, including powers related to the construction, maintenance, operation, and financing of roads or turnpikes; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

SB 684 Hegar

Relating to the creation of the Waller County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

SB 688 Shapleigh

Relating to the area served by certain municipal drainage utility systems.

SB 699 Carona

Relating to the use of only parts of driver's license and social security numbers in certain court documents.

SB 711 Shapleigh

Relating to the use of TexasOnline by businesses to apply and pay for certain permits.

SB 759 Nelson

Relating to certain requirements relating to permanency hearings and placement review hearings for children under the care of the Department of Family and Protective Services.

SB 760 Nelson

Relating to participation and reimbursement of telemedicine medical service providers under the Medicaid program.

SB 761 Nelson

Relating to reports by nurses of certain conduct and protection from retaliation for those nurses.

SB 762 Nelson

Relating to the certification and regulation of mammography systems.

SB 763 Duncan

Relating to the affidavit required to prove expenses in a civil action.

SB 779 Hegar

Relating to the appraisal of open-space land devoted principally to agricultural use.

SB 826 West, Royce

Relating to providing notice of residence homestead exemptions from ad valorem taxation to owners of certain residential real property.

SB 831 Ellis

Relating to energy savings performance contracts.

SB 849 Hegar

Relating to the submission of annual reports by farm mutual insurance companies.

SB 850 Duncan

Relating to the designation of certain highways as the Ports-to-Plains Corridor.

SB 904 Brimer

Relating to the continuation and functions of the Texas Alcoholic Beverage Commission; providing penalties.

SB 908 Brimer

Relating to the continuation and functions of the State Office of Risk Management.

SB 940 Wentworth

Relating to multi-jurisdictional library districts.

SB 948 Hegar

Relating to the waiver of penalty and interest on a taxing unit's delinquent payment of its allocation of the budget of an appraisal district.

SB 978 Watson

Relating to certain insurance premium surcharges.

SB 1263 Brimer

Relating to regulation and licensing of certain insurance agents.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, March 29, 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:

HCR 153 Rose SPONSOR: Hegar
Honoring Emma Jean Schulle on her retirement as the Caldwell County district clerk.

HCR 156 Homer SPONSOR: Eltife
Recognizing March 28, 2007, as Paris/Lamar County Day at the State Capitol.

HCR 165 Merritt SPONSOR: Eltife
Recognizing March 27 and 28, 2007, as Longview/Gregg County Days at the State Capitol.

SB 929 Jackson, Mike
Relating to reimbursement procedures and to the resolution of certain medical disputes regarding workers' compensation claims.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, March 29, 2007 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 3 Dukes SPONSOR: Ellis
Commending the Together Rx Access card program and participating pharmaceutical companies for their efforts to help uninsured Texans get prescription medication at reduced rates.

HCR 4 Merritt SPONSOR: Eltife
In memory of David Lee Crowson of Longview.

HCR 5 Homer SPONSOR: Eltife
Congratulating Homer L. Thornton, Jr., of Paris, Texas, on the occasion of his 75th birthday.

SB 64 Zaffirini
Relating to the reporting of political contributions accepted or political expenditures made near an election; providing a civil penalty.

SB 75 Shapiro
Relating to penalties for certain repeat and habitual felony sex offenders.

SB 244 Williams

Relating to the temporary sealing of certain affidavits on which search warrants are based.

SB 287 Lucio

Relating to the appointment of an attorney for a workers' compensation claimant in certain judicial review proceedings initiated by a workers' compensation insurance carrier.

SB 393 Patrick, Dan

Relating to creating a recognition day in honor of election volunteers.

SB 484 Fraser

Relating to the powers, duties, and composition of the electric utility restructuring legislative oversight committee.

SB 505 Uresti

Relating to access to criminal history record information by the Guardianship Certification Board.

SB 506 Uresti

Relating to provisional certification for certain guardians.

SB 507 Uresti

Relating to reimbursement of members of the Guardianship Certification Board for certain expenses.

SB 534 Hegar

Relating to certain rights and liabilities of an employer regarding an employee's access to a concealed handgun.

SB 611 Lucio

Relating to reporting certain information regarding residential property and personal automobile insurance and public Internet access to that information.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 28

Border and International Affairs - **HB 971, HB 2600**

Corrections - **HB 44, HB 425**

County Affairs - **HB 673**

Defense Affairs and State-Federal Relations - **HB 1852, HB 2130, HB 2282**

Energy Resources - **HB 2231, HB 2232**

Financial Institutions - **HB 2007**

Human Services - **HB 75, HB 518, HB 1230, HB 1633, HB 1972**

Law Enforcement - **HB 220**

Local Government Ways and Means - **HB 1820, HB 2438**

Natural Resources - **HB 713, HB 1033**

State Affairs - **HB 709**

Transportation - **HB 1781, HB 1840, HB 2127**

Urban Affairs - **HB 1401**

ENGROSSED

March 28 - HB 34, HB 167, HB 178, HB 227, HB 246, HB 271, HB 313, HB 314, HB 342, HB 365, HB 374, HB 391, HB 396, HB 398, HB 402, HB 412, HB 423, HB 482, HB 504, HB 536, HB 684, HB 694, HB 860, HB 1010, HB 1029, HB 1032, HB 1060, HB 1206, HB 1210, HB 1298, HB 1387, HB 1388, HB 1396, HB 1397, HB 1521, HB 1676, HB 1709, HB 1763, HB 1780

SIGNED BY THE GOVERNOR

March 28 - HB 542, HB 2061