

## INTRODUCTION OF GUESTS

The speaker recognized Representatives Luna and Seaman who introduced Oscar Soliz and his family.

## MAJOR STATE CALENDAR HOUSE BILLS SECOND READING

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

### CSHB 901 ON SECOND READING (by King, Hill, Berman, Luna, Goolsby, et al.)

**CSHB 901**, A bill to be entitled An Act relating to the authority of a municipality to implement a photographic traffic signal enforcement system; providing for the imposition of civil penalties and providing a criminal penalty.

#### Amendment No. 1

Representative King offered the following amendment to **CSHB 901**:

Amend **CSHB 901** as follows:

In proposed Section 707.011, Transportation Code, insert a new subsection (d) to read as follows:

(d)(1) For a second or subsequent violation within a twelve month period, in addition to the civil penalty applicable to the violation the municipality shall also require the person against whom the penalty is imposed to successfully complete a driving safety course approved under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes). The municipality shall adopt, as part of its ordinance under this chapter, provisions for notice to the person against whom the penalty is imposed of the requirements of this subsection, time limits within which the course shall be taken and such additional procedures relating to the completion of the course as the municipality deems advisable. Upon completion of the driving safety course, a person who is required to complete the course shall provide the municipality with a copy of a certificate approved by the Texas Education Agency for use with driving safety courses.

(2) If a person required to complete a driving safety course under this subsection fails to complete the course and provide the certificate required by subsection (d)(1) within the time prescribed by the ordinance, the municipality shall impose an additional civil fine of \$200. The additional fine provided by this section shall be subject to the other provisions of this chapter regarding late payment, collection and deposit of civil penalties.

Amendment No. 1 was withdrawn.

#### Amendment No. 2

Representative Elkins offered the following amendment to **CSHB 901**:

Amend **CSHB 901**, on page 2, between lines 3 and 4, by inserting the following:

Sec. 707.0011. APPLICABILITY. This chapter applies only to a municipality having a population of less than 50,000.

(Isett in the chair)

**Amendment No. 3**

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

Amend **CSHB 901**, on page 2, between lines 3 and 4, by inserting the following:

Sec. 707.0011. APPLICABILITY. This chapter applies only to a municipality having a population of less than 50.

Representative King moved to table Amendment No. 3.

A record vote was requested.

The motion to table was lost by (Record 368): 45 Yeas, 94 Nays, 2 Present, not voting.

Yeas — Allen; Bailey; Baxter; Berman; Brown, B.; Capelo; Casteel; Cook, R.; Davis, J.; Delisi; Deshotel; Eiland; Eissler; Farabee; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Harper-Brown; Hill; Hochberg; Keffer, B.; King; Krusee; Laubenberg; Lewis; Luna; Madden; Marchant; McCall; Menendez; Mercer; Morrison; Mowery; Phillips; Ritter; Seaman; Smith, T.; Taylor; Truitt; Turner; Wohlgemuth; Wong; Woolley.

Nays — Alonzo; Bohac; Bonnen; Branch; Brown, F.; Burnam; Callegari; Campbell; Canales; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Corte; Crabb; Davis, Y.; Dawson; Denny; Dukes; Dunnam; Dutton; Edwards; Elkins; Ellis; Farrar; Flores; Flynn; Garza; Gattis; Geren; Giddings; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Hartnett; Heflin; Hegar; Hilderbran; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, J.; Keel; Keffer, J.; Kolkhorst; Kuempel; Laney; Mabry; Martinez Fischer; McClendon; McReynolds; Merritt; Miller; Moreno, J.; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Rodriguez; Rose; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Thompson; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wolens; Zedler.

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

Absent, Excused — Crownover; Oliveira.

Absent — Driver; Gallego; Jones, E.; Moreno, P.; Smithee; Telford.

**STATEMENT OF VOTE**

When Record No. 368 was taken, I was outside the chamber with members of the Pecos County Commissioners Court. I would have voted no.

Gallego

Amendment No. 3 was adopted.

### CSHB 901 - MOTION FOR PREVIOUS QUESTION

Representative Wilson moved the previous question on passage to engrossment of **CSHB 901**.

The motion prevailed.

Amendment No. 2, as amended, was adopted.

A record vote was requested.

**CSHB 901**, as amended, failed to pass to engrossment by (Record 369): 34 Yeas, 103 Nays, 1 Present, not voting.

Yeas — Allen; Bailey; Berman; Capelo; Dawson; Delisi; Driver; Eiland; Farabee; Garza; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Harper-Brown; Hartnett; Hill; Keffer, B.; King; Laubenberg; Lewis; Luna; Madden; McCall; Morrison; Mowery; Phillips; Smith, T.; Taylor; Truitt; Villarreal; Wolens; Wong.

Nays — Alonzo; Baxter; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Davis, Y.; Denny; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; Ellis; Farrar; Flores; Flynn; Gallego; Gattis; Geren; Giddings; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Heflin; Hegar; Hilderbran; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, J.; Keel; Keffer, J.; Kolkhorst; Krusee; Kuempel; Laney; Mabry; Marchant; Martinez Fischer; McClendon; McReynolds; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Smith, W.; Smithee; Solis; Solomons; Stick; Talton; Telford; Thompson; Turner; Uresti; Van Arsdale; West; Wilson; Wise; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Crownover; Oliveira.

Absent — Burnam; Canales; Deshotel; Hodge; Jones, E.; Menendez; Seaman; Swinford; Wohlgemuth.

### STATEMENTS OF VOTE

When Record No. 369 was taken, my vote failed to register. I would have voted yes.

Deshotel

When Record No. 369 was taken, my vote failed to register. I would have voted no.

Hodge

### REASON FOR VOTE

I would, by reference, incorporate the remarks I entered regarding this subject in the 77th Session which were, as follows:

This bill has been marketed as a "public safety" measure that could save lives. That assertion is false.

In fact, this bill would be detrimental to the administration of public safety and would be utilized by municipalities as an excuse to further under-fund police agencies. Even in the floor debate, the bill's advocates proffered the idea that the bill would "[cut down on the need for officers to be assigned to enforce these types of violations]." Representative King even went so far as to suggest that cameras would be "better and more effective than officers on the street." It is that thinking that will be used to justify fewer police officers on the street to enforce traffic and intervene with drivers, thereby preventing injuries. Cameras will not detain a single reckless driver or take a single drunk driver off the road.

This bill is driven by private vendors who stand to make money based upon a contingency arrangement with cities in divvying up the fine. The proposal privatizes a government function regarding the enforcement of the law, and completely removes the element of discretion. This is unwise.

It should also be noted that there are many legitimate reasons a motorist may lawfully proceed into an intersection, e.g., to avoid an errant pedestrian or bicyclist, emergency personnel, construction or even to allow a larger vehicle to turn. These and any of a number of other valid defenses will not be excused by a camera. Nor will cameras necessarily punish the driver, but instead in many cases, merely the owner. It will have no effect on car thieves, renters, teenagers, or any other of the myriad of non-owner drivers. Of course, the owner will be placed in the position of either paying the fine, or spending time and personal expense to prove his innocence under time-consuming and inconvenient circumstances.

Some advocates of the bill argued that certain "cities" had come out in favor of this camera bill. That argument is unpersuasive. If cities are genuinely interested in saving lives, they will make public safety a priority and adequately fund police departments, which are now, in many Texas cities, far below the accepted ratio of officers per population.

Keel

### **CSHB 901 - DOUBLE MOTION TO RECONSIDER AND TABLE**

Representative Talton moved to reconsider the vote by which **CSHB 901** failed to pass to engrossment and to table the motion to reconsider.

The motion to table prevailed.

### **CSHB 15 ON SECOND READING** **(by Corte, Wohlgemuth, et al.)**

**CSHB 15**, A bill to be entitled An Act relating to regulation of abortion; creating an offense.

(Crownover now present)

(Nixon in the chair)