

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-EIGHTH DAY — MONDAY, APRIL 18, 2011

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

The roll of the house was called and a quorum was announced present (Record 402).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

The invocation was offered by Penny Biddy, associate pastor, Brook Hollow Christian Church, Abilene.

The speaker recognized Representative Otto 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 Otto and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

CAPITOL PHYSICIAN

The speaker recognized Representative S. Miller who presented Dr. Monte Horne of Hamilton as the "Doctor for the Day."

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

(Keffer in the chair)

MESSAGE FROM THE SENATE

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

HCR 9 - ADOPTED (by Branch)

Representative Branch moved to suspend all necessary rules to take up and consider at this time **HCR 9**.

The motion prevailed.

The following resolution was laid before the house:

HCR 9, Congratulating the Honorable Jack Pope on the occasion of his 98th birthday.

HCR 9 was read and was adopted.

On motion of Representative Hunter, the names of all the members of the house were added to **HCR 9** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Branch who introduced the Honorable Jack Pope and justices of the Supreme Court of Texas.

HR 1356 - ADOPTED (by Hunter and Aliseda)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 1356**.

The motion prevailed.

The following resolution was laid before the house:

HR 1356, Recognizing April 18, 2011, as Texas A&M University-Corpus Christi Day at the State Capitol.

HR 1356 was adopted.

On motion of Representatives Scott and Torres, the names of all the members of the house were added to **HR 1356** as signers thereof.

HB 3856 - PERMISSION TO INTRODUCE

Representative Naishtat requested permission to introduce and have placed on first reading **HB 3856**.

Permission to introduce was granted by (Record 403): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent — Quintanilla; Smith, T.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Transportation, upon adjournment today, Representative Phillips' desk in the house chamber, for a formal meeting, to vote out pending bills.

SCR 42 - ADOPTED (Truitt and Pitts - House Sponsors)

Representative Truitt moved to suspend all necessary rules to take up and consider at this time **SCR 42**.

The motion prevailed.

The following resolution was laid before the house:

SCR 42, Recognizing Ronnie G. Jung on the occasion of his retirement as executive director of the Teacher Retirement System of Texas.

SCR 42 was read and was adopted.

On motion of Representative Pitts, the names of all the members of the house were added to **SCR 42** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Truitt who introduced Ronnie G. Jung and his wife, Diann.

LEAVE OF ABSENCE GRANTED

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

Woolley on motion of S. Davis.

(Speaker in the chair)

MAJOR STATE CALENDAR HOUSE BILLS THIRD READING

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

HB 2499 ON THIRD READING (by Cook)

HB 2499, A bill to be entitled An Act relating to the continuation and functions of the Department of Information Resources and the transfer of certain department functions to the comptroller of public accounts.

HB 2499 was passed by (Record 404): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Woolley.

Absent — Castro; Farrar; Madden.

HB 1774 ON THIRD READING**(by L. Taylor)**

HB 1774, A bill to be entitled An Act relating to the continuation and functions of the office of injured employee counsel under the workers' compensation program.

HB 1774 was passed by (Record 405): 144 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Nays — Simpson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Woolley.

Absent — Christian; Lewis; Naishtat.

HB 2251 ON THIRD READING**(by Bonnen)**

HB 2251, A bill to be entitled An Act relating to the continuation and functions of the Texas Public Finance Authority.

HB 2251 was passed by (Record 406): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless;

Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Woolley.

Absent — Christian.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 1148 ON THIRD READING
(by W. Smith)**

HB 1148, A bill to be entitled An Act relating to an exemption for certain disabled veterans from the payment of a fee for the issuance of a personal identification certificate.

HB 1148 was passed by (Record 407): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Woolley.

Absent — Alonzo; Christian; Harper-Brown; Howard, C.

STATEMENT OF VOTE

When Record No. 407 was taken, I was in the house but away from my desk. I would have voted yes.

C. Howard

HB 1206 ON THIRD READING

(by Guillen)

HB 1206, A bill to be entitled An Act relating to training for members of governing boards of public junior college districts.

HB 1206 was passed by (Record 408): 139 Yeas, 8 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Workman; Zedler; Zerwas.

Nays — Fletcher; Hartnett; Lewis; Miller, S.; Riddle; Sheffield; Weber; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Woolley.

Absent — Davis, S.

STATEMENT OF VOTE

I was shown voting yes on Record No. 408. I intended to vote no.

Simpson

REASON FOR VOTE

I wanted to amend this bill to allow for online training or via DVD. The amendment was not prepared as requested. So without the amendment, I voted no.

Simpson

HB 1353 ON THIRD READING

(by Elkins, et al.)

HB 1353, A bill to be entitled An Act relating to speed limits.

HB 1353 was passed by (Record 409): 146 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Nays — Aycock; Hochberg.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Woolley.

STATEMENT OF VOTE

I was shown voting yes on Record No. 409. I intended to vote no.

C. Anderson

HB 1806 ON THIRD READING

(by Flynn)

HB 1806, A bill to be entitled An Act relating to fishing tournament fraud; providing penalties.

HB 1806 was passed by (Record 410): 142 Yeas, 4 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; Workman; Zedler; Zerwas.

Nays — Garza; Lyne; Simpson; White.

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

Absent, Excused — Woolley.

Absent — Torres.

HB 1917 ON THIRD READING **(by Schwertner)**

HB 1917, A bill to be entitled An Act relating to the removal of appointed emergency services commissioners by a commissioners court.

HB 1917 was passed by (Record 411): 140 Yeas, 6 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott;

Sheets; Shelton; Simpson; Smith, T.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; White; Workman; Zedler; Zerwas.

Nays — Fletcher; Lewis; Miller, S.; Riddle; Sheffield; Weber.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Woolley.

Absent — Madden; Smith, W.

HB 2582 ON THIRD READING

(by Murphy)

HB 2582, A bill to be entitled An Act relating to the repeal of the partial tax exemption for certain beer.

HB 2582 was passed by (Record 412): 142 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; White; Workman; Zedler; Zerwas.

Nays — Garza; Riddle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Woolley.

Absent — Lozano; Miller, S.; Sheffield; Weber.

STATEMENT OF VOTE

I was shown voting no on Record No. 412. I intended to vote yes.

Riddle

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of illness in the family:

Morrison on motion of Hardcastle.

**HB 2866 ON THIRD READING
(by Harper-Brown)**

HB 2866, A bill to be entitled An Act relating to the electronic submission of certain documents to the attorney general and the submission of certain documents by the attorney general; imposing certain fees.

HB 2866 was passed by (Record 413): 132 Yeas, 10 Nays, 4 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Driver; Dukes; Dutton; Eissler; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Perry; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; White; Workman; Zedler; Zerwas.

Nays — Davis, S.; Eiland; Elkins; Hilderbran; Isaac; Landtroop; Lyne; Miller, S.; Phillips; Weber.

Present, not voting — Mr. Speaker(C); Deshotel; Muñoz; Peña.

Absent, Excused — Morrison; Woolley.

Absent — Kolkhorst; Laubenberg.

STATEMENT OF VOTE

I was shown voting yes on Record No. 413. I intended to vote no.

C. Anderson

**HB 992 ON THIRD READING
(by Castro)**

HB 992, A bill to be entitled An Act relating to excess undergraduate credit hours at public institutions of higher education.

HB 992 was passed by (Record 414): 94 Yeas, 51 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Berman; Branch; Burnam; Callegari; Castro; Chisum; Christian; Coleman; Cook; Craddick; Crownover; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kuempel; Larson; Lavender; Lozano; Lucio; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Otto; Patrick; Peña; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Simpson; Smith, W.; Smithee; Strama; Taylor, L.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Zerwas.

Nays — Anderson, C.; Anderson, R.; Aycock; Beck; Bohac; Bonnen; Brown; Burkett; Button; Cain; Carter; Creighton; Darby; Davis, S.; Fletcher; Flynn; Geren; Hancock; Harper-Brown; Hartnett; Howard, C.; Hughes; King, S.; Kleinschmidt; Kolkhorst; Landtroop; Laubenberg; Legler; Lewis; Lyne; Madden; Miller, D.; Miller, S.; Murphy; Nash; Orr; Parker; Paxton; Perry; Riddle; Schwertner; Sheets; Sheffield; Shelton; Smith, T.; Solomons; Taylor, V.; Weber; White; Workman; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Morrison; Woolley.

Absent — Frullo; Torres.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 414. I intended to vote no.

Berman

When Record No. 414 was taken, I was in the house but away from my desk. I would have voted no.

Frullo

I was shown voting yes on Record No. 414. I intended to vote no.

Harless

I was shown voting yes on Record No. 414. I intended to vote no.

Isaac

I was shown voting yes on Record No. 414. I intended to vote no.

Huberty

I was shown voting yes on Record No. 414. I intended to vote no.

Truitt

HB 1325 ON THIRD READING
(by Hartnett)

HB 1325, A bill to be entitled An Act relating to payment of the costs for services of a guardian ad litem, court visitor, and attorney ad litem in a guardianship proceeding.

HB 1325 was passed by (Record 415): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Morrison; Woolley.

Absent — Callegari.

STATEMENT OF VOTE

When Record No. 415 was taken, I was in the house but away from my desk. I would have voted yes.

Callegari

HB 1614 ON THIRD READING
(by Gooden, Pitts, and Jackson)

HB 1614, A bill to be entitled An Act relating to fees for process server certification.

HB 1614 was passed by (Record 416): 101 Yeas, 46 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Beck; Branch; Burkett; Burnam; Button; Castro; Chisum; Christian; Coleman; Cook; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, V.; Gonzalez; Gooden; Guillen;

Gutierrez; Hamilton; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Jackson; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kuempel; Larson; Lavender; Lewis; Lozano; Lucio; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Naishtat; Nash; Oliveira; Otto; Peña; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheffield; Shelton; Smith, W.; Smithee; Strama; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; White; Workman; Zerwas.

Nays — Anderson, C.; Anderson, R.; Aycock; Berman; Bohac; Bonnen; Brown; Cain; Callegari; Carter; Craddick; Creighton; Crownover; Darby; Elkins; Fletcher; Flynn; Gonzales, L.; Hancock; Harper-Brown; Hughes; Isaac; King, P.; Kolkhorst; Landtroop; Laubenberg; Legler; Lyne; Madden; Miller, S.; Murphy; Orr; Parker; Patrick; Paxton; Perry; Phillips; Sheets; Simpson; Smith, T.; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Morrison; Woolley.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 416. I intended to vote no.

Frullo

I was shown voting yes on Record No. 416. I intended to vote no.

Huberty

I was shown voting yes on Record No. 416. I intended to vote no.

Keffer

I was shown voting yes on Record No. 416. I intended to vote no.

Schwertner

POSTPONED BUSINESS

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

**SB 423 ON SECOND READING
(Menendez - House Sponsor)**

SB 423, A bill to be entitled An Act relating to health insurance coverage for eligible survivors of certain public servants killed in the line of duty.

SB 423 was considered in lieu of **HB 983**.

SB 423 was read second time.

Amendment No. 1

Representative Menendez offered the following amendment to **SB 423**:

Amend **SB 423**, immediately following the enacting clause (house committee printing, page 1, between lines 4 and 5), by inserting the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 615.041, Government Code, is amended to read as follows:

Sec. 615.041. **PROOF OF CLAIM.** As soon as practicable after ~~[Proof of]~~ the death of an individual listed under Section 615.003 that is claimed to meet the requirements of Section 615.021(1), the individual's employing entity shall furnish ~~[be furnished]~~ to the board of trustees of the Employees Retirement System of Texas proof of the death in the form and with additional evidence and information required by the board.

SECTION _____. Subchapter C, Chapter 615, Government Code, is amended by adding Section 615.046 to read as follows:

Sec. 615.046. **LIMITED ELIGIBILITY OF CERTAIN SURVIVORS TO FILE CLAIM.** (a) Notwithstanding any other law, an eligible survivor of an individual described by Section 615.071 whose claim was denied or who otherwise did not receive payment on a claim under Section 615.022 because the individual's employing entity did not timely furnish proof of the individual's death to the board of trustees of the Employees Retirement System of Texas, may furnish the proof of death and file a claim not later than September 30, 2011. An eligible survivor who files a claim under this section is entitled to receive the payment under Section 615.022 that would have been received had proof of death been timely furnished.

(b) This section expires October 1, 2011.

Amendment No. 1 was adopted.

SB 423, as amended, was passed to third reading.

HB 983 - LAID ON THE TABLE SUBJECT TO CALL

Representative Menendez moved to lay **HB 983** on the table subject to call.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Truitt requested permission for the Committee on Pensions, Investments, and Financial Services to meet while the house is in session, at 2:15 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Pensions, Investments, and Financial Services, 2:15 p.m. today, 3W.15, for a formal meeting, to consider pending business.

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 2605 ON SECOND READING
(by L. Taylor)**

CSHB 2605, A bill to be entitled An Act relating to the continuation and functions of the division of workers' compensation of the Texas Department of Insurance.

Amendment No. 1

Representative L. Taylor offered the following amendment to **CSHB 2605**:
Floor Packet Page No. 1

Amend **CSHB 2605** (house committee printing) as follows:

(1) On page 2, strike lines 20 through 23 and substitute the following:

(d) Except as otherwise provided by this subsection, judicial review under Subsection (c) shall be conducted in the manner provided by Section 413.031(k-1), Labor Code. For judicial review of an independent review organization decision to which an injured employee is a party:

(1) venue shall be as provided by Section 410.252, Labor Code; and

(2) service and notice shall be as provided by Section 410.253, Labor

Code.

(2) On page 19, line 18, after the period, strike "Judicial review" and substitute "Except as otherwise provided by this subsection, Section 413.031(d) of this code, or Section 1305.356(d), Insurance Code, judicial [Judicial] review".

(3) On page 19, line 21, after the period, insert the following:

The standard of review shall be as provided by Section 2001.174, Government Code. The court shall conduct the review without a jury as provided by Section 2001.175(e), Government Code. The time to file a petition shall be as provided by Section 410.252.

(4) On page 19, line 26, strike "Section 413.031(a), Labor Code, is" and substitute "Sections 413.031(a) and (d), Labor Code, are".

(5) On page 20, between lines 13 and 14, insert the following:

(d) A party who has exhausted all administrative remedies under Section 413.031 and this section and who is aggrieved by a final decision of the hearings officer under Subsection (c) may seek judicial review of the decision. Except as otherwise provided by this subsection, judicial [Judicial] review under this subsection shall be conducted in the manner provided by Section 413.031(k-1). For [for] judicial review of an independent review organization decision to which an injured employee is a party:

(1) venue shall be as provided by Section 410.252; and

(2) service and notice shall be as provided by Section 410.253 [a contested case under Subchapter G, Chapter 2001, Government Code].

Amendment No. 1 was adopted.

Amendment No. 2

Representative L. Taylor offered the following amendment to **CSHB 2605**:
Floor Packet Page No. 3

Amend **CSHB 2605** (house committee printing) as follows:

(1) On page 4, strike lines 4-6 and substitute the following:

SECTION 8. Section 402.073, Labor Code, is amended to read as follows:

Sec. 402.073. COOPERATION WITH STATE OFFICE OF ADMINISTRATIVE HEARINGS. (a) The commissioner and the chief administrative law judge of the State Office of Administrative Hearings ~~[by rule]~~ shall adopt a memorandum of understanding governing administrative procedure law hearings under this subtitle conducted by the State Office of Administrative Hearings in the manner provided for a contested case hearing under Chapter 2001, Government Code. The memorandum of understanding must address the payment of costs by parties to a medical fee dispute under Section 413.0312.

(2) On page 21, strike lines 15 and 16 and substitute the following:

(g) Except as otherwise provided by this subsection, the nonprevailing party shall reimburse the division for the costs for services provided by the State Office of Administrative Hearings under this section. If the injured employee is the nonprevailing party, the insurance carrier shall reimburse the division for the costs for services provided by the State Office of Administrative Hearings under this section. The party required to reimburse the division under this subsection shall remit payment to the division not later than the 30th day after the date of receiving a bill or statement from the division.

(h) The State Office of Administrative Hearings shall timely notify the division if a dispute is dismissed before issuance of a decision under this section. In the event of a dismissal, the party requesting the hearing, other than the injured employee, shall reimburse the division for the costs for services provided by the State Office of Administrative Hearings unless otherwise agreed by the parties. If the injured employee requested the hearing, the insurance carrier shall reimburse the division for the costs for services provided by the State Office of Administrative Hearings unless otherwise agreed by the parties. The responsible party shall remit payment to the division not later than the 30th day after the date of receiving a bill or statement from the division.

(i) The State Office of Administrative Hearings shall identify the nonprevailing party and any costs for services provided by the office under this section in its final decision. Money collected by the division under this section shall be deposited in the general revenue fund to the credit of the Texas Department of Insurance operating account.

(j) Interest on the amount of reimbursement required by this section that remains unpaid accrues at a rate provided by Section 401.023 beginning on the 45th day after the date the division submits the bill or statement to a party until the date the reimbursement is paid. Failure to pay the division as required by this section is an administrative violation under this subtitle.

(k) The commissioner by rule shall establish procedures to enable the division to charge a party to a medical fee dispute, other than an injured employee, for the costs of services provided by the State Office of Administrative Hearings.

(3) Strike page 35, line 22, through page 36, line 4, and substitute the following:

SECTION 50. Sections 1305.355(c), (f), and (g), Insurance Code, as amended by this Act, and Section 1305.356, Insurance Code, as added by this Act, apply to a medical dispute based on a review by an independent review organization under Section 1305.355 that is commenced on or after June 1, 2012. A dispute based on a review by an independent review organization under Section 1305.355 that is commenced before June 1, 2012, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(4) On page 36, line 5, between "SECTION 51." and "Section 402.073", insert "(a)".

(5) On page 36, between lines 10 and 11, insert the following:

(b) The State Office of Administrative Hearings and the division of workers' compensation of the Texas Department of Insurance shall adopt an updated memorandum of understanding required by Section 402.073, Labor Code, as amended by this Act, not later than June 1, 2012.

(6) On page 38, strike lines 19 through 23 and substitute the following: Insurance on or after June 1, 2012. The appeal of a medical fee dispute that is based on a review conducted by the division of workers' compensation before June 1, 2012, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 2 was adopted.

Amendment No. 3

Representative L. Taylor offered the following amendment to **CSHB 2605**:
Floor Packet Page No. 6

Amend **CSHB 2605** (house committee printing) on page 27, line 27, between "the" and "records" by inserting "types of".

Amendment No. 3 was adopted.

Amendment No. 4

Representative Solomons offered the following amendment to **CSHB 2605**:
Floor Packet Page No. 9

Amend **CSHB 2605** (house committee printing) by striking SECTIONS 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, and 54 of the bill and renumbering the remaining SECTIONS of the bill accordingly.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Castro offered the following amendment to **CSHB 2605**:

Floor Packet Page No. 11

Amend **CSHB 2605** (house committee printing) on page 10, by adding the following on line 11 following the period:

The division shall solicit proposals or applications from all independent training and testing providers in this state, and shall make public on their website any such entity that is authorized to conduct the certification program developed under Subsection (a-3).

Amendment No. 6

Representative Castro offered the following amendment to Amendment No. 5:

Amend Amendment No. 5 to **CSHB 2605** by Castro (page 11 of the prefiled amendments packet) by striking the text of the amendment and substituting the following:

Amend **CSHB 2605** (house committee printing) on page 10, line 11, after "Subsection (a-3)." by adding the following:

The division shall solicit proposals or applications from independent training and testing providers and shall make public on its website a complete list of providers that are authorized to conduct the certification training program developed under Subsection (a-3).

Amendment No. 6 was adopted.

Amendment No. 5, as amended, was adopted.

Amendment No. 7

Representative Zedler offered the following amendment to **CSHB 2605**:

Floor Packet Page No. 17

Amend **CSHB 2605** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION ____ . Section 408.023(r), Labor Code, is amended to read as follows:

(r) Notwithstanding the waiver or expiration of Subsections (a)-(g) and (i), ~~[there may be no direct or indirect provision of health care under this subtitle and rules adopted under this subtitle, and no direct or indirect receipt of remuneration under this subtitle and rules adopted under this subtitle by]~~ a doctor is considered to be removed from the workers' compensation system if the doctor [who]:

(1) before September 1, 2007:

(A) was removed or deleted from the list of approved doctors either by action of the Texas Workers' Compensation Commission or the division or by agreement with the doctor;

(B) was not admitted to the list of approved doctors either by action of the Texas Workers' Compensation Commission or the division or by agreement with the doctor;

(C) was suspended from the list of approved doctors either by action of the Texas Workers' Compensation Commission or the division or by agreement with the doctor; or

(D) had the doctor's license to practice suspended by the appropriate licensing agency, including a suspension that was stayed, deferred, or probated, or voluntarily relinquished the license to practice; and

(2) was not reinstated or restored by the Texas Workers' Compensation Commission or the division;

(A) to the list of approved doctors; or

(B) to the workers' compensation system [~~before September 1, 2007~~].

Amendment No. 8

Representatives L. Taylor and Zedler offered the following amendment to Amendment No. 7:

Amend Amendment No. 7 to **CSHB 2605** by Zedler (page 17 of the prefiled amendments packet) by striking lines 6 through 12 of the amendment and substituting the following:

(r) Notwithstanding the waiver or expiration of Subsections (a)-(g) and (i), there may be no direct or indirect provision of health care under this subtitle and rules adopted under this subtitle, and no direct or indirect receipt of remuneration under this subtitle and rules adopted under this subtitle by a doctor who:

Amendment No. 8 was adopted.

Amendment No. 7, as amended, was adopted.

Amendment No. 9

Representative Deshotel offered the following amendment to **CSHB 2605**:
Floor Packet Page No. 19

Amend **CSHB 2605** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subchapter C, Chapter 504, Labor Code, is amended by adding Sections 504.054, 504.055, and 504.056 to read as follows:

Sec. 504.054. EXPEDITED PROVISION OF MEDICAL BENEFITS FOR INJURY SUSTAINED BY FIRST RESPONDER IN COURSE AND SCOPE OF EMPLOYMENT. (a) In this section, "first responder" means an individual employed by a political subdivision of this state who is:

(1) a peace officer under Article 2.12, Code of Criminal Procedure;

(2) a person licensed under Chapter 773, Health and Safety Code, as an emergency care attendant, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-paramedic, or licensed paramedic; or

(3) a firefighter subject to certification by the Texas Commission on Fire Protection under Chapter 419, Government Code, whose principal duties are firefighting and aircraft crash and rescue.

(b) This section applies only to a first responder injured in the course and scope of employment.

(c) The political subdivision, division, and insurance carrier shall accelerate and give priority to an injured first responder's claim for medical benefits, including all health care required to cure or relieve the effects naturally resulting from a compensable injury sustained in the course and scope of employment.

(d) The division shall accelerate, under rules adopted by the commissioner, a contested case hearing requested by or an appeal submitted by a first responder regarding the denial of a claim for medical benefits, including all health care required to cure or relieve the effects naturally resulting from a compensable injury sustained in the course and scope of employment. The first responder shall provide notice to the division and independent review organization that the contested case or appeal involves a first responder.

Sec. 504.055. MAXIMUM MEDICAL IMPROVEMENT AFTER INJURY SUSTAINED BY FIRST RESPONDER IN COURSE AND SCOPE OF EMPLOYMENT. (a) On application by either the first responder, as defined by Section 504.054, a political subdivision, or an insurance carrier, the commissioner by order may extend the 104-week period described by Section 401.011(30)(B) for an injury sustained by the first responder in the course and scope of employment if the commissioner rules within 12 weeks before the expiration of the 104-week period. If an order is issued under this section, the order shall extend the statutory period for maximum medical improvement to a date certain, based on a recommendation presented to the commissioner by the first responder's treating doctor.

(b) Either the first responder, political subdivision, or insurance carrier may dispute an application for extension made under this section. A dispute under this section is subject to Chapter 410.

(c) The commissioner shall adopt rules to implement this section, including rules establishing procedures for requesting and disputing an extension.

Sec. 504.056. FIRST RESPONDER MEDICAL DISPUTES; CONTESTED CASE HEARING AND JUDICIAL REVIEW. (a) In this section, "first responder" has the meaning assigned by Section 504.054.

(b) A first responder whose medical dispute remains unresolved after a review by an independent review organization is entitled to a contested case hearing. The independent review organization's decision is binding during the pendency of a dispute. A hearing under this subsection shall be conducted by the division in the same manner as a hearing conducted under Section 413.0311.

(c) A first responder who has exhausted all administrative remedies under Subsection (b) and is aggrieved by a final decision of the division may seek judicial review of the decision. Judicial review under this subsection shall be conducted in the manner provided by Section 413.0311(d).

SECTION ____. Sections 504.054, 504.055, and 504.056, Labor Code, as added by this Act, apply only to a claim for workers' compensation benefits based on a compensable injury that occurs on or after the effective date of this

Act. A claim based on a compensable injury that occurs before that date is governed by the law in effect on the date the compensable injury occurred, and the former law is continued in effect for that purpose.

Amendment No. 10

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

Amend Amendment No. 9 to **CSHB 2605** by Deshotel (pages 19 through 21 of the prefiled amendments packet) as follows:

(1) On page 1, line 10, between "employed" and "by", insert ", or volunteering service to,"

(2) On page 1, line 17, following the underlined semicolon, strike "or".

(3) On page 1, line 21, between "rescue" and the underlined period, insert the following:

(4) a volunteer firefighter, regardless of whether the volunteer firefighter is certified under Subchapter D, Chapter 419, Government Code; or

(5) an emergency medical services volunteer, as that term is defined by Section 773.003, Health and Safety Code

(4) On page 1, between lines 21 and 22, add the following:

(a-1) For purposes of this section, an injury sustained in the course and scope of employment includes an injury sustained by a first responder providing services on a volunteer basis.

(5) On page 2, line 15, between "employment" and "if", insert ",or while providing services on a volunteer basis,".

Amendment No. 10 was adopted.

Representative L. Taylor moved to table Amendment No. 9, as amended.

The motion to table was lost by (Record 417): 65 Yeas, 78 Nays, 1 Present, not voting.

Yeas — Aliseda; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Eissler; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hamilton; Hancock; Harless; Hopson; Howard, C.; Hunter; Isaac; King, P.; Kleinschmidt; Landtroop; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Murphy; Nash; Orr; Otto; Patrick; Paxton; Perry; Phillips; Pitts; Price; Ritter; Schwertner; Scott; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Taylor, L.; Torres; Truitt; Weber.

Nays — Allen; Alonzo; Alvarado; Bohac; Brown; Burkett; Burnam; Button; Castro; Coleman; Creighton; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Fletcher; Gallego; Geren; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hardcastle; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Howard, D.; Huberty; Hughes; Jackson; Johnson; King, S.; King, T.; Kolkhorst; Kuempel; Larson; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles;

Miller, D.; Miller, S.; Muñoz; Naishtat; Oliveira; Parker; Pickett; Quintanilla; Reynolds; Riddle; Rodriguez; Sheets; Smith, T.; Solomons; Strama; Taylor, V.; Thompson; Turner; Veasey; Vo; Walle; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Morrison; Woolley.

Absent — Keffer; Peña; Raymond; Villarreal.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 417. I intended to vote no.

Garza

I was shown voting yes on Record No. 417. I intended to vote no.

Hamilton

When Record No. 417 was taken, I was in the house but away from my desk. I would have voted no.

Keffer

I was shown voting yes on Record No. 417. I intended to vote no.

Nash

When Record No. 417 was taken, I was in the house but away from my desk. I would have voted no.

Peña

When Record No. 417 was taken, I was in the house but away from my desk. I would have voted no.

Raymond

I was shown voting no on Record No. 417. I intended to vote yes.

T. Smith

Amendment No. 9, as amended, was withdrawn.

Amendment No. 11

Representative Zedler offered the following amendment to **CSHB 2605**:
Floor Packet Page No. 7

Amend **CSHB 2605** (house committee printing) as follows:

(1) On page 5, strike lines 12 through 14 and substitute the following:

SECTION 11. Section 408.0041, Labor Code, is amended by amending Subsections (b) and (h) and adding Subsections (b-1), (f-2), (f-3), and (f-4) to read as follows:

(2) On page 6, between lines 9 and 10, insert the following:

(f-2) An employee required to be examined by a designated doctor may request a medical examination to determine maximum medical improvement and the employee's impairment rating from the treating doctor or from another doctor to whom the employee is referred by the treating doctor if:

(1) the designated doctor's opinion is the employee's first evaluation of maximum medical improvement and impairment rating; and

(2) the employee is not satisfied with the designated doctor's opinion.

(f-3) The commissioner shall provide the insurance carrier and the employee with reasonable time to obtain and present the opinion of a doctor selected under Subsection (f) or (f-2) before the commissioner makes a decision on the merits of the issue.

(f-4) The commissioner by rule shall adopt guidelines prescribing the circumstances under which an examination by the employee's treating doctor or another doctor to whom the employee is referred by the treating doctor to determine any issue under Subsection (a), other than an examination under Subsection (f-2), may be appropriate.

(h) The insurance carrier shall pay for:

(1) an examination required under Subsection (a), [~~or~~] (f), or (f-2), unless otherwise prohibited by this subtitle or by an order or rule of the commissioner; and

(2) the reasonable expenses incident to the employee in submitting to the examination.

(3) On page 37, lines 6 and 7, strike "Section 408.0041, Labor Code, as amended by this Act, applies" and substitute "Section 408.0041(b), Labor Code, as amended by this Act, and Section 408.0041(b-1), Labor Code, as added by this Act, apply".

Representative L. Taylor moved to table Amendment No. 11.

The motion to table prevailed by (Record 418): 110 Yeas, 31 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dukes; Dutton; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Guillen; Hamilton; Hancock; Hardcastle; Hochberg; Hopson; Howard, C.; Huberty; Hunter; Isaac; Jackson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Miller, S.; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Perry; Rickett; Pitts; Price; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Turner; Villarreal; Vo; Weber; White; Workman.

Nays — Alonzo; Brown; Castro; Creighton; Davis, Y.; Eiland; Farrar; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Harless; Harper-Brown; Hartnett; Hernandez Luna; Howard, D.; Hughes; Johnson; Landtroop; Laubenberg; Lucio; Mallory Caraway; Paxton; Phillips; Reynolds; Simpson; Truitt; Veasey; Walle; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Morrison; Woolley.

Absent — Farias; Hilderbran; King, S.; Miles; Naishtat; Thompson.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 418. I intended to vote no.

Burnam

When Record No. 418 was taken, my vote failed to register. I would have voted no.

Hilderbran

When Record No. 418 was taken, I was in the house but away from my desk. I would have voted no.

Naishtat

Amendment No. 12

Representative Deshotel offered the following amendment to **CSHB 2605**:
Floor Packet Page No. 19

Amend **CSHB 2605** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION ____ Subchapter C, Chapter 504, Labor Code, is amended by adding Sections 504.054, 504.055, and 504.056 to read as follows:

Sec. 504.054. EXPEDITED PROVISION OF MEDICAL BENEFITS FOR INJURY SUSTAINED BY FIRST RESPONDER IN COURSE AND SCOPE OF EMPLOYMENT. (a) In this section, "first responder" means an individual employed by a political subdivision of this state who is:

(1) a peace officer under Article 2.12, Code of Criminal Procedure;

(2) a person licensed under Chapter 773, Health and Safety Code, as an emergency care attendant, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-paramedic, or licensed paramedic; or

(3) a firefighter subject to certification by the Texas Commission on Fire Protection under Chapter 419, Government Code, whose principal duties are firefighting and aircraft crash and rescue.

(b) This section applies only to a first responder injured in the course and scope of employment.

(c) The political subdivision, division, and insurance carrier shall accelerate and give priority to an injured first responder's claim for medical benefits, including all health care required to cure or relieve the effects naturally resulting from a compensable injury sustained in the course and scope of employment.

(d) The division shall accelerate, under rules adopted by the commissioner, a contested case hearing requested by or an appeal submitted by a first responder regarding the denial of a claim for medical benefits, including all health care required to cure or relieve the effects naturally resulting from a compensable

injury sustained in the course and scope of employment. The first responder shall provide notice to the division and independent review organization that the contested case or appeal involves a first responder.

Sec. 504.055. MAXIMUM MEDICAL IMPROVEMENT AFTER INJURY SUSTAINED BY FIRST RESPONDER IN COURSE AND SCOPE OF EMPLOYMENT. (a) On application by either the first responder, as defined by Section 504.054, a political subdivision, or an insurance carrier, the commissioner by order may extend the 104-week period described by Section 401.011(30)(B) for an injury sustained by the first responder in the course and scope of employment if the commissioner rules within 12 weeks before the expiration of the 104-week period. If an order is issued under this section, the order shall extend the statutory period for maximum medical improvement to a date certain, based on a recommendation presented to the commissioner by the first responder's treating doctor.

(b) Either the first responder, political subdivision, or insurance carrier may dispute an application for extension made under this section. A dispute under this section is subject to Chapter 410.

(c) The commissioner shall adopt rules to implement this section, including rules establishing procedures for requesting and disputing an extension.

Sec. 504.056. FIRST RESPONDER MEDICAL DISPUTES; CONTESTED CASE HEARING AND JUDICIAL REVIEW. (a) In this section, "first responder" has the meaning assigned by Section 504.054.

(b) A first responder whose medical dispute remains unresolved after a review by an independent review organization is entitled to a contested case hearing. The independent review organization's decision is binding during the pendency of a dispute. A hearing under this subsection shall be conducted by the division in the same manner as a hearing conducted under Section 413.0311.

(c) A first responder who has exhausted all administrative remedies under Subsection (b) and is aggrieved by a final decision of the division may seek judicial review of the decision. Judicial review under this subsection shall be conducted in the manner provided by Section 413.0311(d).

SECTION ____. Sections 504.054, 504.055, and 504.056, Labor Code, as added by this Act, apply only to a claim for workers' compensation benefits based on a compensable injury that occurs on or after the effective date of this Act. A claim based on a compensable injury that occurs before that date is governed by the law in effect on the date the compensable injury occurred, and the former law is continued in effect for that purpose.

Amendment No. 13

Representative Deshotel offered the following amendment to Amendment No. 12:

Amend Amendment No. 12 to **CSHB 2605** by Deshotel (pages 19 through 21 of the prefiled amendments packet) as follows:

(1) On page 1, line 5, strike ", 504.055, and 504.056" and substitute "and 504.055".

(2) On page 1, strike lines 22 through 23 and substitute the following:

(b) This section applies only to a first responder who sustains a serious injury, as defined by commissioner rule, in the course and scope of employment.

(3) On page 2, strike lines 9 through 27.

(4) On page 2, line 28, strike "Sec. 504.056" and substitute "Sec. 504.055".

(5) On page 3, line 12, strike ", 504.055, and 504.056" and substitute "and 504.055".

Amendment No. 13 was adopted.

Amendment No. 14

Representative Riddle offered the following amendment to Amendment No. 12:

Amend Amendment No. 12 to **CSHB 2605** by Deshotel (pages 19 through 21 of the prefiled amendments packet) as follows:

(1) On page 1, line 10, between "employed" and "by", insert ", or volunteering service to,"

(2) On page 1, line 17, following the underlined semicolon, strike "or".

(3) On page 1, line 21, between "rescue" and the underlined period, insert the following:

(4) a volunteer firefighter, regardless of whether the volunteer firefighter is certified under Subchapter D, Chapter 419, Government Code; or

(5) an emergency medical services volunteer, as that term is defined by Section 773.003, Health and Safety Code

(4) On page 1, between lines 21 and 22, add the following:

(a-1) For purposes of this section, an injury sustained in the course and scope of employment includes an injury sustained by a first responder providing services on a volunteer basis.

(5) On page 2, line 15, between "employment" and "if", insert ",or while providing services on a volunteer basis,".

Amendment No. 14 was adopted.

Amendment No. 12, as amended, was adopted.

CSHB 2605 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE CASTRO: Representative Taylor, in the bill, in this reform of workers' comp., we do something to change the sanctions. The way that companies, an insurance company that may not comply with either responding to a claim or filing a refusal, we change the way a commissioner can deal with that. Can you explain that change?

REPRESENTATIVE L. TAYLOR: Well, we try to make it more uniform throughout the statute. It's a little confusing. When you just read it, it looked like we may be taking some of those provisions out, but we're actually making it more uniform and consistent throughout the statute. But they are still in there, up to \$25,000 a day, and I think you've got a concern about if time was to be

considered as part of the penalty. And that's certainly within the latitude of the commissioner to include time, and severity, and all those things when you're levying all those penalties.

CASTRO: Sure, and so I just want to make clear that part of the intention is for the commissioner—how long the company is taking to respond to the claim, basically.

L. TAYLOR: Yes.

CASTRO: And we anticipate the fine would probably go up the longer they take?

L. TAYLOR: Sure.

REMARKS ORDERED PRINTED

Representative Castro moved to print remarks between Representative L. Taylor and Representative Castro.

The motion prevailed.

CSHB 2605, as amended, was passed to engrossment.

GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

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

CSHB 44 ON SECOND READING (by Menendez)

CSHB 44, A bill to be entitled An Act relating to the authority of a property owners' association to regulate the use of certain lots for residential purposes.

Amendment No. 1

Representative Menendez offered the following amendment to **CSHB 44**:

Amend **CSHB 44** in SECTION 1 Chapter 209 of the Property Code (a)(1)(B) by striking the words: residential-sized propane or natural gas tank

Amendment No. 1 was adopted.

(Kleinschmidt in the chair)

CSHB 44, as amended, was passed to engrossment by (Record 419): 89 Yeas, 52 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Bohac; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farrar; Fletcher; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hardcastle; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Huberty; Hughes; Hunter; Jackson; Johnson; Keffer; King, P.; King, T.; Kuempel; Legler; Lozano; Lucio; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles;

Miller, D.; Miller, S.; Muñoz; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Peña; Pickett; Raymond; Reynolds; Riddle; Rodriguez; Scott; Sheets; Smithe; Solomons; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Workman; Zedler.

Nays — Aliseda; Anderson, C.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Cook; Craddick; Creighton; Crownover; Davis, J.; Elkins; Farias; Flynn; Frullo; Garza; Hancock; Harless; Harper-Brown; Hartnett; Howard, C.; Isaac; King, S.; Kolkhorst; Landtroop; Larson; Laubenberg; Lewis; Lyne; Madden; Murphy; Parker; Paxton; Perry; Phillips; Pitts; Price; Ritter; Schwertner; Sheffield; Shelton; Simpson; Smith, W.; Taylor, L.; Taylor, V.; Truitt; Weber; White; Zerwas.

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

Absent, Excused — Morrison; Woolley.

Absent — Darby; Lavender; Quintanilla; Smith, T.; Torres.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 419. I intended to vote no.

Carter

I was shown voting yes on Record No. 419. I intended to vote no.

Geren

I was shown voting yes on Record No. 419. I intended to vote no.

Hunter

When Record No. 419 was taken, my vote failed to register. I would have voted no.

Lavender

I was shown voting yes on Record No. 419. I intended to vote no.

Patrick

I was shown voting no on Record No. 419. I intended to vote yes.

Price

When Record No. 419 was taken, I was in the house but away from my desk. I would have voted yes.

Quintanilla

I was shown voting no on Record No. 419. I intended to vote yes.

Schwertner

When Record No. 419 was taken, I was in the house but away from my desk. I would have voted no.

T. Smith

HB 213 ON SECOND READING**(by Rodriguez, Keffer, et al.)**

HB 213, A bill to be entitled An Act relating to the duties of a mortgage servicer of certain residential mortgage loans.

Amendment No. 1

Representative T. King offered the following amendment to **HB 213**:

Amend **HB 213** (house committee report) as follows:

(1) On page 1, lines 9 and 10, strike "mortgage servicer" has the meaning and substitute "mortgagee" and "mortgage servicer" have the meanings".

(2) On page 1, strike lines 12-15 and substitute the following:

Sec. 397.002. APPLICABILITY. This chapter applies only to a loan secured by a first lien on residential real property that:

(1) is not a federally related mortgage loan, as defined by 12 U.S.C. Section 2602; and

(2) is serviced by a mortgage servicer other than the mortgagee of the loan.

Amendment No. 1 was adopted.

HB 213, as amended, was passed to engrossment.

HB 265 ON SECOND READING**(by Hilderbran)**

HB 265, A bill to be entitled An Act relating to the lease of space by or for a state agency.

HB 265 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BURNAM: For legislative intent, let me make sure I'm clear—doesn't current law already stipulate that the state agency can only lease space if state-owned space is not available?

REPRESENTATIVE HILDERBRAN: You know, you and I were talking about that, I'm not certain about that, but here's what we do agree on, that this is—this should not be a wholesale change, it should be more a consideration, one of the considerations that's undertaken to make good management decisions, and not the only one.

BURNAM: Thank you for that "not the only one." It specifically says in state law now, in the section right before what you're proposing to amend, "state-owned space is not otherwise available to the agency," meaning that if they can't find it, they can rent it. So, it's really not your intent to make this the only criteria; it's your intent to clarify that that is an important criteria that people should look at when deciding whether to rent, or checking out the availability. In fact, your law, your bill, specifically says they will check out the availability of space, correct?

HILDERBRAN: Correct.

BURNAM: And you're going to accept a friendly amendment by me that simply says "reasonably available—"

HILDERBRAN: That adds the word "reasonably."

BURNAM: Yes.

REMARKS ORDERED PRINTED

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

The motion prevailed.

Amendment No. 1

Representative Burnam offered the following amendment to **HB 265**:

Amend **HB 265** (house committee printing) on page 1, line 15, between "all" and "available", by inserting "reasonably".

Amendment No. 1 was adopted.

(Eissler in the chair)

HB 265, as amended, was passed to engrossment.

HB 345 ON SECOND READING

(by Kleinschmidt)

HB 345, A bill to be entitled An Act relating to limitations on awards in an adjudication brought against a local governmental entity for breach of contract.

HB 345 was passed to engrossment.

HB 499 ON SECOND READING

(by Rodriguez)

HB 499, A bill to be entitled An Act relating to the additional penalty for collection costs for certain delinquent ad valorem taxes.

HB 499 was passed to engrossment.

CSHB 469 ON SECOND READING

(by Callegari, Zerwas, S. Miller, W. Smith, Fletcher, et al.)

CSHB 469, A bill to be entitled An Act relating to the calculation of ad valorem taxes on the residence homestead of a 100 percent or totally disabled veteran for the tax year in which the veteran qualifies or ceases to qualify for an exemption from taxation of the homestead.

Representative S. Miller moved to postpone consideration of **CSHB 469** until 10 a.m. Thursday, April 28.

The motion prevailed.

(Pitts in the chair)

HB 968 ON SECOND READING
(by Strama)

HB 968, A bill to be entitled An Act relating to expulsion from school or placement in a disciplinary alternative education program for certain conduct.

Amendment No. 1

Representative Hochberg offered the following amendment to **HB 968**:

Amend **HB 968** (house committee report) as follows:

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

SECTION _____. Section 37.001(a), Education Code, is amended to read as follows:

(a) The board of trustees of an independent school district shall, with the advice of its district-level committee established under Subchapter F, Chapter 11, adopt a student code of conduct for the district. The student code of conduct must be posted and prominently displayed at each school campus or made available for review at the office of the campus principal. In addition to establishing standards for student conduct, the student code of conduct must:

(1) specify the circumstances, in accordance with this subchapter, under which a student may be removed from a classroom, campus, or disciplinary alternative education program, including circumstances in which a student engages in serious misbehavior under Section 37.007(c);

(2) specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program;

(3) outline conditions under which a student may be suspended as provided by Section 37.005 or expelled as provided by Section 37.007;

(4) specify that consideration will be given, as a factor in each decision concerning suspension, removal to a disciplinary alternative education program, expulsion, or placement in a juvenile justice alternative education program, regardless of whether the decision concerns a mandatory or discretionary action, to:

(A) self-defense;

(B) intent or lack of intent at the time the student engaged in the conduct;

(C) a student's disciplinary history; or

(D) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;

(5) provide guidelines for setting the length of a term of:

(A) a removal under Section 37.006; and

(B) an expulsion under Section 37.007;

(6) address the notification of a student's parent or guardian of a violation of the student code of conduct committed by the student that results in suspension, removal to a disciplinary alternative education program, or expulsion;

(7) prohibit bullying, harassment, and making hit lists and ensure that district employees enforce those prohibitions; and

(8) provide, as appropriate for students at each grade level, methods, including options, for:

(A) managing students in the classroom and on school grounds;

(B) disciplining students; and

(C) preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists.

(2) On page 2, line 18, strike "Sections 37.007(a) and (b)" and substitute "Sections 37.007(a), (b), and (c)".

(3) On page 5, between lines 18 and 19, insert the following:

(c) A student may be expelled if the student, while placed in a disciplinary [an] alternative education program, engages [for disciplinary reasons, continues to engage] in documented serious [or persistent] misbehavior while on the program campus despite documented behavioral interventions [that violates the district's student code of conduct]. For purposes of this subsection, "serious misbehavior" means:

(1) deliberate violent behavior that poses a direct threat to the health or safety of others;

(2) extortion, meaning the gaining of money or other property by force or threat;

(3) conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or

(4) conduct that constitutes the offense of:

(A) public lewdness under Section 21.07, Penal Code;

(B) indecent exposure under Section 21.08, Penal Code;

(C) criminal mischief under Section 28.03, Penal Code;

(D) personal hazing under Section 37.152; or

(E) harassment under Section 42.07(a)(1), Penal Code, of a student or district employee.

(4) On page 7, between lines 16 and 17, add the following appropriately numbered SECTIONS to the bill:

SECTION _____. Section 37.009(c), Education Code, is amended to read as follows:

(c) Before it may place a student in a disciplinary alternative education program for a period that extends beyond the end of the school year, the board or the board's designee must determine that:

(1) the student's presence in the regular classroom program or at the student's regular campus presents a danger of physical harm to the student or to another individual; or

(2) the student has engaged in serious [or persistent] misbehavior, as defined by Section 37.007(c) [that violates the district's student code of conduct].

SECTION _____. Sections 37.011(k) and (l), Education Code, are amended to read as follows:

(k) Each school district in a county with a population greater than 125,000 and the county juvenile board shall annually enter into a joint memorandum of understanding that:

(1) outlines the responsibilities of the juvenile board concerning the establishment and operation of a juvenile justice alternative education program under this section;

(2) defines the amount and conditions on payments from the school district to the juvenile board for students of the school district served in the juvenile justice alternative education program whose placement was not made on the basis of an expulsion required under Section 37.007(a), (d), or (e);

(3) establishes [identifies those categories of conduct] that [the school district has defined in its student code of conduct as constituting serious or persistent misbehavior for which] a student may be placed in the juvenile justice alternative education program if the student engages in serious misbehavior, as defined by Section 37.007(c);

(4) identifies and requires a timely placement and specifies a term of placement for expelled students for whom the school district has received a notice under Section 52.041(d), Family Code;

(5) establishes services for the transitioning of expelled students to the school district prior to the completion of the student's placement in the juvenile justice alternative education program;

(6) establishes a plan that provides transportation services for students placed in the juvenile justice alternative education program;

(7) establishes the circumstances and conditions under which a juvenile may be allowed to remain in the juvenile justice alternative education program setting once the juvenile is no longer under juvenile court jurisdiction; and

(8) establishes a plan to address special education services required by law.

(l) The school district shall be responsible for providing an immediate educational program to students who engage in behavior resulting in expulsion under Section 37.007(b)~~[(e)]~~ and (f) but who are not eligible for admission into the juvenile justice alternative education program in accordance with the memorandum of understanding required under this section. The school district may provide the program or the school district may contract with a county juvenile board, a private provider, or one or more other school districts to provide the program. The memorandum of understanding shall address the circumstances under which such students who continue to engage in serious ~~[or persistent]~~ misbehavior, as defined by Section 37.007(c), shall be admitted into the juvenile justice alternative education program.

(5) On page 7, strike lines 17 and 18 and substitute the following:

SECTION 4. (a) Except as provided by Subsection (b) of this section, this Act applies beginning with the 2011-2012 school year.

(b) Sections 37.001(a), 37.007(c), 37.009(c), and 37.011(k) and (l), Education Code, as amended by this Act, apply beginning with the 2012-2013 school year.

(6) Renumber the SECTIONS of the bill accordingly.

Amendment No. 1 was adopted.

(Hochberg in the chair)

HB 968, as amended, was passed to engrossment. (Kleinschmidt and Simpson recorded voting no.)

HB 1064 ON SECOND READING
(by Pitts and Cook)

HB 1064, A bill to be entitled An Act relating to exempting certain customers from certain demand charges by transmission and distribution utilities.

Amendment No. 1

Representative Pitts offered the following amendment to **HB 1064**:

Amend **HB 1064** (house committee printing) as follows:

- (1) On page 1, line 5, strike "35" and substitute "36".
- (2) On page 1, line 6, strike "35.009" and substitute "36.009".
- (3) On page 1, line 7, strike "35.009" and substitute "36.009".
- (4) On page 2, line 5, strike "35.009" and substitute "36.009".

Amendment No. 1 was adopted.

HB 1064 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE COOK: Is it correct that this bill and the rules to be adopted by the PUC shall only apply to nonresidential secondary service customers and to no other rate classes?

REPRESENTATIVE PITTS: That is correct, Byron.

COOK: Are there going to be any cost shifts to any other customer class under this bill?

PITTS: There will not be.

COOK: Transmission distribution utilities shall implement any rate modification required by this bill, and their first rate case subsequent to the PUC adoption rules necessitated by this legislation, is that correct?

PITTS: That is correct.

REMARKS ORDERED PRINTED

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

The motion prevailed.

HB 1064 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE C. ANDERSON: I just wanted to point out—are you aware that this bill requires that the transmission and distribution utility companies waive the rash of demand—number one? Number two, required to verify the customers qualify, and number three, to ratify the tariff in a—case to make up for the differential there?

REPRESENTATIVE PITTS: That is correct.

C. ANDERSON: And the PUC will set the rate as they go forward, and we would just hope that as the PUC goes through that process that they don't raise the tariff on these nonprofits. Are you aware these are churches, schools—

PITTS: That is correct. And, Doc, this is basically the same bill you and I had last session.

C. ANDERSON: Yes, and thank you.

REMARKS ORDERED PRINTED

Representative C. Anderson moved to print remarks between Representative Pitts and Representative C. Anderson.

The motion prevailed.

HB 1064, as amended, was passed to engrossment.

CSHB 1118 ON SECOND READING (by Ritter and Deshotel)

CSHB 1118, A bill to be entitled An Act relating to the resale of property purchased by a taxing unit at a tax sale.

CSHB 1118 was passed to engrossment.

CSHB 1380 ON SECOND READING (by Truitt)

CSHB 1380, A bill to be entitled An Act relating to the graduate medical training requirements for certain foreign medical school graduates applying for a license to practice medicine in this state.

CSHB 1380 was passed to engrossment.

HB 1965 ON SECOND READING (by Kolkhorst, Zerwas, Naishtat, Branch, Bohac, et al.)

HB 1965, A bill to be entitled An Act relating to the expansion of faith- and community-based health and human services initiatives.

Amendment No. 1

Representative Kolkhorst offered the following amendment to **HB 1965**:

Amend **HB 1965** (house committee report) as follows:

(1) On page 4, line 8, strike "following groups:" and substitute "following groups and entities:".

(2) On page 4, strike lines 9 and 10 and substitute the following:

(1) a statewide nonprofit organization;

(3) On page 4, strike line 16 and substitute the following:

(7) a statewide association of nonprofit organizations.

Amendment No. 1 was adopted.

HB 1965, as amended, was passed to engrossment.

HB 2131 ON SECOND READING
(by Geren, Solomons, et al.)

HB 2131, A bill to be entitled An Act relating to the issuance of a pass for expedited access to the State Capitol.

HB 2131 was passed to engrossment. (Isaac and White recorded voting no.)

SB 691 ON SECOND READING
(T. King - House Sponsor)

SB 691, A bill to be entitled An Act relating to exemptions from permitting by groundwater conservation districts of the drilling and operation of certain water wells.

SB 691 was considered in lieu of **HB 2420**.

SB 691 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE LUCIO: Are the provisions in Section 1 of this bill intended to preclude a groundwater conservation district from using a non-evidentiary approval procedure before an exempt well is drilled that would ensure that the well construction meet protective standards and that the wells location confirms to applicable setbacks in spacing requirements?

REPRESENTATIVE T. KING: No, it's not intended to do that.

REMARKS ORDERED PRINTED

Representative Lucio moved to print remarks between Representative T. King and Representative Lucio.

The motion prevailed.

SB 691 was passed to third reading.

HB 2420 - LAID ON THE TABLE SUBJECT TO CALL

Representative T. King moved to lay **HB 2420** on the table subject to call.

The motion prevailed.

HB 2541 ON SECOND READING
(by Solomons)

HB 2541, A bill to be entitled An Act relating to the regulation of traffic on certain roads by counties.

HB 2541 was passed to engrossment.

CSHB 2559 ON SECOND READING
(by Truitt)

CSHB 2559, A bill to be entitled An Act relating to commercial motor vehicle installment sales.

CSHB 2559 was passed to engrossment.

CSHB 2904 ON SECOND READING**(by Zerwas)**

CSHB 2904, A bill to be entitled An Act relating to the administration of the Glenda Dawson Donate Life-Texas Registry.

CSHB 2904 was passed to engrossment.

HB 3174 ON SECOND READING**(by Madden, et al.)**

HB 3174, A bill to be entitled An Act relating to the stay of recognition or enforcement of a foreign country judgment to allow for de novo review of a contract or agreement for a sale, offer for sale, or sell under the Securities Act.

(Speaker in the chair)

HB 3174 was passed to engrossment.

RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

CSHCR 69**(by Hopson)**

CSHCR 69, Directing the Texas Facilities Commission to name the Department of State Health Services Laboratory Services Section building in Austin in honor of former state representative Dr. Bob Glaze.

CSHCR 69 was adopted by (Record 420): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Morrison; Woolley.

Absent — Flynn.

FIVE-DAY POSTING RULE SUSPENDED

Representative Ritter moved to suspend the five-day posting rule to allow the Committee on Natural Resources to consider **HB 2558** and **SB 683** at 8 a.m. tomorrow in E2.010.

The motion prevailed.

PROVIDING FOR A LOCAL, CONSENT, AND RESOLUTIONS CALENDAR

Representative Thompson moved to set a local, consent, and resolutions calendar for 10 a.m. Thursday, April 21.

The motion prevailed.

FIVE-DAY POSTING RULE SUSPENDED

Representative Gallego moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Criminal Jurisprudence to consider **HB 728**, **HB 864**, **HB 1715**, **HB 2526**, **HB 2647**, **HB 3056**, **HB 3306**, **HB 3522**, **HB 3525**, and **HB 3546** at 10:30 a.m. or upon final adjournment tomorrow in JHR 120.

The motion prevailed.

Representative Jackson moved to suspend the five-day posting rule to allow the Committee on Judiciary and Civil Jurisprudence to consider **HB 910**, **HB 2096**, **HB 2876**, and **HJR 126** at 2 p.m. or upon adjournment today in E2.010.

The motion prevailed.

Representative Guillen moved to suspend the five-day posting rule to allow the Committee on Culture, Recreation, and Tourism to consider **SB 390**, **SB 460**, **SB 498**, **SB 499**, **SB 766**, and pending business upon adjournment today at Desk 16.

The motion prevailed.

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

Representative McClendon moved to set a congratulatory and memorial calendar for 10 a.m. Thursday, April 21.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Culture, Recreation, and Tourism, upon adjournment today, Desk 16, for a formal meeting, to consider **SB 390**, **SB 460**, **SB 498**, **SB 499**, **SB 766**, and pending business.

Judiciary and Civil Jurisprudence, 2 p.m. or upon adjournment today, E2.010, for a public hearing, to consider **HB 910**, **HB 2096**, **HB 2876**, **HJR 126**, and the previously posted agenda.

Local and Consent Calendars, upon adjournment today, Agricultural Museum (1W.14), for a formal meeting, to set a local, consent, and resolutions calendar.

Public Health, upon adjournment today, Desk 90, for a formal meeting, to consider pending business.

Environmental Regulation, upon adjournment today, 3W.9, for a formal meeting, to consider pending business.

Criminal Jurisprudence, upon adjournment today, 3W.15, for a formal meeting, to consider pending business.

Corrections, upon adjournment today, Desk 50, for a formal meeting, to consider pending business.

Natural Resources, 8 a.m. tomorrow, E2.010, for a public hearing, to consider **HB 2558**, **SB 683**, and previously posted business.

Homeland Security and Public Safety, upon adjournment today, Desk 119, for a formal meeting, to consider pending business.

Calendars, upon adjournment today, 1W.14, for a formal meeting, to set a calendar.

Border and Intergovernmental Affairs, upon adjournment today, Desk 127, for a formal meeting, to consider **SB 978**.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Solomons requested permission for the Committee on Redistricting to meet while the house is in session, at 11 a.m. tomorrow, in 1W.14, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Redistricting, 11 a.m. tomorrow, 1W.14, for a formal meeting, to consider pending business.

PROVIDING FOR ADJOURNMENT

Representative Keffer moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 9 a.m. tomorrow in memory of Gregory Simmons of Eastland.

The motion prevailed.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES
CORRECTIONS IN REFERRAL**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

ADJOURNMENT

In accordance with a previous motion, the house, at 3:45 p.m., adjourned until 9 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 3854 (By Paxton), Relating to the creation of the Prosper Municipal Management District No. 2; providing authority to impose a tax, levy an assessment, and issue bonds.

To Natural Resources.

HB 3855 (By Garza), Relating to the Bexar Metropolitan Water District.

To Natural Resources.

HCR 137 (By Craddick), Designating April 2011 as Parkinson's Awareness Month.

To Public Health.

HCR 138 (By Deshotel), Honoring the African Americans who fought in the Texas Revolution.

To Culture, Recreation, and Tourism.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

HB 1875 (By Kolkhorst), Relating to the repeal of certain health programs, task forces, and councils, and to the review of certain health programs, councils, and divisions under the Texas Sunset Act.

To Government Efficiency and Reform.

HB 2075 (By Martinez), Relating to certain diseases or illnesses suffered by firefighters and emergency medical technicians.
To Urban Affairs.

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE SENATE CHAMBER

Austin, Texas
Monday, April 18, 2011

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:

SCR 42 Duncan SPONSOR: Truitt
Recognizing Ronnie G. Jung on the occasion of his retirement as executive director of the Teacher Retirement System of Texas.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 15

Agriculture and Livestock - **HB 141, SB 199, SB 646**

Business and Industry - **HB 1873**

Corrections - **HB 961**

Criminal Jurisprudence - **HB 227, HB 1199, HB 2822**

Culture, Recreation, and Tourism - **HB 3722, SCR 5**

Economic and Small Business Development - **HB 2494, HJR 122**

Elections - **HB 1094, HB 1226, HB 1545, HB 1627, HB 1679, HB 2060, HB 2061, HB 2144, HB 2190, HB 2194, HB 2629, HB 3498**

Energy Resources - **HB 773, HB 2289, HB 2963**

Higher Education - **SB 528, SB 777, SB 1009, SB 1226, SB 1226**

Homeland Security and Public Safety - **HB 78, HB 647, HB 1743, HB 2040, HB 2623, HCR 90**

Judiciary and Civil Jurisprudence - **HB 1971**

Licensing and Administrative Procedures - **HB 1451, HB 1859, HB 2067**

Pensions, Investments, and Financial Services - **HB 2226, HB 2615, SB 423**

Ways and Means - **HB 1887**

ENGROSSED

April 15 - HB 33, HB 253, HB 360, HB 423, HB 533, HB 564, HB 588, HB 596, HB 600, HB 725, HB 729, HB 908, HB 975, HB 988, HB 1000, HB 1020, HB 1075, HB 1106, HB 1136, HB 1147, HB 1242, HB 1254, HB 1301, HB 1413, HB 1469, HB 1525, HB 1568, HB 1768, HB 1814, HB 1832, HB 1861, HB 1944, HB 1955, HB 1990, HB 2015, HB 2257, HB 2296, HB 2340, HB 2375, HB 2670, HB 2716, HB 2794

SIGNED BY THE GOVERNOR

April 15 - HCR 64, HCR 65, HCR 128, HCR 150

