

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-SIXTH DAY — MONDAY, MAY 2, 2011

→ The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 611).

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; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; 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, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent, Excused — Harless; Kuempel.

Absent — Hopson; Quintanilla.

The invocation was offered by Joy Richards, First United Methodist Church, Centerville.

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

(Quintanilla now present)

LEAVES OF ABSENCE GRANTED

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

Harless on motion of Raymond.

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

Kuempel on motion of Hochberg.

CAPITOL PHYSICIAN

The speaker recognized Representative P. King who presented Dr. C. Kelley Tibbels of Decatur as the "Doctor for the Day."

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

REGULAR ORDER OF BUSINESS SUSPENDED

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

HR 1446 - ADOPTED (by Harper-Brown)

Representative Harper-Brown moved to suspend all necessary rules to take up and consider at this time **HR 1446**.

The motion prevailed.

The following resolution was laid before the house:

HR 1446, In memory of Robert Kenneth "Robby" Rives of Dallas.

HR 1446 was read and was unanimously adopted by a rising vote.

(Huberty in the chair)

On motion of Representative Legler, the names of all the members of the house were added to **HR 1446** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Harper-Brown who introduced family members of Robert Kenneth "Robby" Rives.

HR 1669 - ADOPTED (by Jackson)

Representative Jackson moved to suspend all necessary rules to take up and consider at this time **HR 1669**.

The motion prevailed.

The following resolution was laid before the house:

HR 1669, Congratulating Christina Yampanis of Dallas on her receipt of a 2010 Director's Community Leadership Award from the Federal Bureau of Investigation.

HR 1669 was adopted.

MESSAGE FROM THE SENATE

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

**HCR 47 - PREVIOUSLY ADOPTED
(by Guillen)**

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

HCR 47, In memory of U.S. Army Private First Class Ira Benjamin Laningham IV of Zapata.

On motion of Representative Riddle, the names of all the members of the house were added to **HCR 47** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Guillen who introduced family members of U.S. Army Private First Class Ira Benjamin Laningham IV.

**HR 1346 - ADOPTED
(by Naishtat)**

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 1346**.

The motion prevailed.

The following resolution was laid before the house:

HR 1346, Commemorating National Children's Mental Health Awareness Day on May 3, 2011.

HR 1346 was adopted.

LEAVE OF ABSENCE GRANTED

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

Hernandez Luna on motion of Walle.

**HR 935 - ADOPTED
(by Naishtat)**

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 935**.

The motion prevailed.

The following resolution was laid before the house:

HR 935, Recognizing May 1 through 8, 2011, as the Holocaust Days of Remembrance.

HR 935 was adopted.

On motion of Representative Naishtat, the names of all the members of the house were added to **HR 935** as signers thereof.

HR 1659 - ADOPTED
(by Gonzalez)

Representative Gonzalez moved to suspend all necessary rules to take up and consider at this time **HR 1659**.

The motion prevailed.

The following resolution was laid before the house:

HR 1659, Honoring Henry Kellen, a Holocaust survivor and founder of the El Paso Holocaust Museum and Study Center.

HR 1659 was adopted.

On motion of Representative Naishtat, the names of all the members of the house were added to **HR 1659** as signers thereof.

HR 565 - ADOPTED
(by S. King)

Representative S. King moved to suspend all necessary rules to take up and consider at this time **HR 565**.

The motion prevailed.

The following resolution was laid before the house:

HR 565, In memory of Officer Rodney Holder of the Abilene Police Department.

HR 565 was read and was unanimously adopted by a rising vote.

On motion of Representative Riddle, the names of all the members of the house were added to **HR 565** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative S. King who introduced family members of Officer Rodney Holder.

HR 1045 - ADOPTED
(by Isaac)

Representative Isaac moved to suspend all necessary rules to take up and consider at this time **HR 1045**.

The motion prevailed.

The following resolution was laid before the house:

HR 1045, In memory of Dr. Bonnie Ann Powers-Prather of Arlington.

HR 1045 was unanimously adopted by a rising vote.

On motion of Representative Sheets, the names of all the members of the house were added to **HR 1045** as signers thereof.

(Kuempel now present)

HR 1458 - ADOPTED
(by Burkett)

Representative Burkett moved to suspend all necessary rules to take up and consider at this time **HR 1458**.

The motion prevailed.

The following resolution was laid before the house:

HR 1458, In memory of Officer J. D. Tippit of the Dallas Police Department, who died in the line of duty on November 22, 1963.

HR 1458 was read and was unanimously adopted by a rising vote.

On motion of Representative Riddle, the names of all the members of the house were added to **HR 1458** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Burkett who introduced family members and friends of Officer J. D. Tippit.

RECESS

At 10:51 a.m., the chair announced that the house would stand recessed until 1 p.m. today.

AFTERNOON SESSION

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

(Harless and Hopson now present)

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 19).

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

**MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING**

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

SB 1420 ON THIRD READING

(Harper-Brown, Phillips, Pickett, and Bonnen - House Sponsors)

SB 1420, A bill to be entitled An Act relating to the continuation and functions of the Texas Department of Transportation; providing penalties.

Amendment No. 1

Representative Pickett offered the following amendment to **SB 1420**:

Amend, on 3rd reading, the Phillips Amendment No. 90 to **CSSB 1420**, as amended by Amendment Nos. 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, and 101, and adopted on 2nd reading, as follows:

(1) Strike added Section 223.201(j), Transportation Code, and substitute:

(j) Before the department may enter into a comprehensive development agreement under Subsection (f), the department must:

(1) obtain, not later than August 31, 2013, the appropriate environmental clearance for any project other than the State Highway 99 (Grand Parkway) project; and

(2) present to the commission a full financial plan for the project, including costing methodology and cost proposals.

(k) Not later than December 1, 2012, the department shall present a report to the commission on the status of a project described in Subsection (f), including the status of the project's environmental clearance, an explanation of any project delays, and, if the procurement is not completed, the anticipated date for completion.

(1) In this section, "environmental clearance" means a finding of no significant impact has been issued for the project, or for a project for which an environmental impact statement is prepared, a record of decision has been issued for that project.

(2) Redesignate Subsection (k) of Section 223.201, Transportation Code, as Subsection (m).

(3) Add new Subsections (c)-(e) to added Section 223.2011, Transportation Code, to read as follows:

(c) Not later than December 1, 2012, the department or the authority, as applicable, shall present a report to the commission on the status of a project described in Subsection (a), including the status of the project's environmental clearance, an explanation of any project delays, and, if the procurement is not completed, the anticipated date for completion.

(d) The department may not provide any financial assistance to an authority to pay for the costs of procuring an agreement under this section.

(e) In this section, "environmental clearance" means a finding of no significant impact has been issued for the project, or for a project for which an environmental impact statement is prepared, a record of decision has been issued for that project.

(4) Redesignate Subsection (c) of added Section 223.2011, Transportation Code, as Subsection (f).

(5) At the end of the amendment, add a new SECTION to read as follows:

SECTION _____. This section and the sections of this Act that amend Section 223.201, Transportation Code, add Sections 223.2011, 223.2013, 223.2017, and 223.2018, Transportation Code, repeal Section 223.201(h), Transportation Code, and provide transitional information related to those

sections, take effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution.

Amendment No. 1 was adopted. (Carter recorded voting no.)

Amendment No. 2

Representative Eissler offered the following amendment to **SB 1420**:

Amend **SB 1420** on third reading, in added Section 221.004(c), Transportation Code (second reading Amendment No. 51 by Hilderbran), by striking "Kerr and Kimble" and substituting "Kerr, Kimble, and Montgomery".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Callegari offered the following amendment to **SB 1420**:

Amend **SB 1420**, on third reading, by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill:

SECTION _____. The Texas Department of Transportation shall contract with a university to study whether indexing commodities, such as asphalt and steel, at the time of bid is in the best interest of the state. The study shall include surveys of relevant industry groups and other states to determine industry best practice and shall be completed and presented to the Texas Transportation Commission on or before December 31, 2011. The commission shall take appropriate action based on the results of the study.

Amendment No. 3 was adopted. (Carter recorded voting no.)

Amendment No. 4

Representative Laubenberg offered the following amendment to **SB 1420**:

Amend **SB 1420** on third reading in Section 371.053, Transportation Code, as added by Amendment No. 101 by Laubenberg by striking "local toll project entity" each place it appears and substituting "regional tollway authority".

Amendment No. 4 was adopted by (Record 612): 135 Yeas, 8 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Gutierrez; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; 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; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Branch; Davis, Y.; Giddings; Hamilton; Mallory Caraway; Reynolds; Thompson.

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

Absent, Excused — Hernandez Luna.

Absent — Dukes; Kolkhorst; McClendon.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 612. I intended to vote no.

Button

I was shown voting no on Record No. 612. I intended to vote yes.

Y. Davis

When Record No. 612 was taken, my vote failed to register. I would have voted yes.

Kolkhorst

Amendment No. 5

Representative Pickett offered the following amendment to **SB 1420**:

Amend **SB 1420** on third reading as follows:

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

SECTION _____. Subchapter I-1, Chapter 201, Transportation Code, as added by this Act, takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, Subchapter I-1, Chapter 201, Transportation Code, takes effect September 1, 2011.

(2) Strike the SECTION of the bill providing that "This Act takes effect September 1, 2011." and substitute the following:

SECTION _____. Except as otherwise provided by this Act, this Act takes effect September 1, 2011.

Amendment No. 5 was adopted.

Amendment No. 6

Representative Y. Davis offered the following amendment to **SB 1420**:

Amend **SB 1420** on third reading in Section 371.053, Transportation Code, as added by second reading amendment No. 101 by Laubenberg, by adding the following at the end of the section:

(d) This section does not apply to:

(1) a regional tollway authority under Chapter 366; or

(2) a county acting under Chapter 284 with a population of more than four million.

Amendment No. 6 was adopted. (The vote was reconsidered later today, and Amendment No. 6 failed of adoption by Record No. 613.)

Amendment No. 7

Representative Kolkhorst offered the following amendment to **SB 1420**:

Amend **SB 1420** on third reading as follows:

(1) In Section 222.074(a), Transportation Code, as added by Amendment No. 52 by Phillips, strike "or private" and substitute "[~~or private~~]".

(2) In Section 222.074(a)(2)(A), Transportation Code, as added by Amendment No. 52 by Phillips, strike "or private".

(3) In Section 222.074(a)(8), Transportation Code, as added by Amendment No. 52 by Phillips, strike "or private".

(4) In Section 222.074(f), Transportation Code, as added by Amendment No. 52 by Phillips, strike "or private".

(5) In Section 222.074(g), Transportation Code, as added by Amendment No. 52 by Phillips, strike "or private" in each place that it appears.

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

SECTION _____. Section 222.074(c), Transportation Code, is amended to read as follows:

(c) Financial assistance to a public [~~or private~~] entity under Subsection (a) shall be limited, as applicable, to a qualified project that is consistent with the transportation plan developed by the metropolitan planning organization.

SECTION _____. Subchapter D, Chapter 222, Transportation Code, is amended by adding Section 222.080 to read as follows:

Sec. 222.080. OPEN RECORDS. Notwithstanding any other law, an agreement relating to a request for financial assistance from the bank is public information subject to disclosure under Chapter 552, Government Code, if the request for financial assistance is approved.

SECTION _____. Section 222.074(b), Transportation Code, is repealed.

Amendment No. 7 was adopted.

Amendment No. 8

Representative Kolkhorst offered the following amendment to **SB 1420**:

Amend **SB 1420** on third reading as follows:

(1) Strike Section 222.079, Transportation Code, as added by Amendment No. 52 by Phillips.

(2) Make necessary conforming changes to the recital of the SECTION adding Section 222.079, Transportation Code.

Amendment No. 8 was adopted.

Amendment No. 6 - Vote Reconsidered

Representative Anchia moved to reconsider the vote by which Amendment No. 6 was adopted.

The motion to reconsider prevailed.

Amendment No. 6 failed of adoption by (Record 613): 20 Yeas, 119 Nays, 3 Present, not voting.

Yeas — Alonzo; Branch; Button; Coleman; Davis, Y.; Deshotel; Dutton; Farrar; Hardcastle; Jackson; Legler; Lucio; Mallory Caraway; Miles; Quintanilla; Reynolds; Thompson; Turner; Vo; Woolley.

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

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

Absent, Excused — Hernandez Luna.

Absent — Callegari; Harper-Brown; King, T.; Kolkhorst; Menendez; Miller, S.; Peña.

STATEMENT OF VOTE

When Record No. 613 was taken, my vote failed to register. I would have voted no.

Kolkhorst

Amendment No. 9

Representative Y. Davis offered the following amendment to **SB 1420**:

Amend **SB 1420** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 111, Transportation Code, is amended by adding Section 111.103 to read as follows:

Sec. 111.103. HIGH SPEED RAIL SAFETY STANDARDS; FEES. (a) Except as provided by Subsection (f), on application by a railroad, the department by rule may adopt safety standards for high-speed passenger rail rolling stock and systems designed to operate at speeds in excess of 185 miles per hour for that railroad.

(b) The department may require the high-speed rail system to be isolated by grade separations or physical barriers from streets and roadways and existing freight or passenger railroads.

(c) The department shall consider safety records of rolling stock and systems operating internationally in countries with a history of safe commercial high-speed passenger rail service.

(d) A railroad is not required to seek approval of high-speed rail safety standards from the department if it is operating under standards approved by the Federal Railroad Administration or other federal authority.

(e) The department by rule shall adopt reasonable fees to recover all costs to administer this section.

(f) The department may not adopt safety standards for high-speed passenger rail rolling stock and systems unless the department has developed a high-speed rail plan.

Amendment No. 9 was withdrawn.

Amendment No. 10

Representative Darby offered the following amendment to **SB 1420**:

Amend **SB 1420** on third reading by striking Section 223.242(d), Transportation Code, as added by second reading Amendment No. 14 as amended by Amendment No. 15 by Harper-Brown and substituting:

(d) The department may enter into not more than three design-build contracts for highway projects, each of which has a construction cost estimate of \$50 million or more to the department, in any fiscal year.

Amendment No. 10 was adopted.

Amendment No. 11

Representative Phillips offered the following amendment to **SB 1420**:

Amend **SB 1420** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 111, Transportation Code, is amended by adding Section 111.103 to read as follows:

Sec. 111.103. HIGH SPEED RAIL SAFETY STANDARDS; FEES. (a) Except as provided by Subsection (f), on application by a railroad, the department by rule may adopt safety standards for high-speed passenger rail rolling stock and systems designed to operate at speeds in excess of 185 miles per hour for that railroad.

(b) The department may require the high-speed rail system to be isolated by grade separations or physical barriers from streets and roadways and existing freight or passenger railroads.

(c) The department shall consider safety records of rolling stock and systems operating internationally in countries with a history of safe commercial high-speed passenger rail service.

(d) A railroad is not required to seek approval of high-speed rail safety standards from the department if it is operating under standards approved by the Federal Railroad Administration or other federal authority.

(e) The department by rule shall adopt reasonable fees to recover all costs to administer this section.

(f) The department may not adopt safety standards for high-speed passenger rail rolling stock and systems unless the department has developed a high-speed rail plan.

Amendment No. 11 was adopted.

SB 1420, as amended, was passed by (Record 614): 121 Yeas, 24 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Bonnen; Branch; Brown; Burkett; Burnam; Button; Callegari; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Jackson; Johnson; Keffer; King, S.; Kleinschmidt; Kuempel; Landtroop; 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; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Turner; Villarreal; Vo; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — Berman; Bohac; Cain; Carter; Castro; Christian; Davis, S.; Davis, Y.; Farias; Flynn; Gooden; Harless; Hughes; Hunter; Isaac; King, P.; Kolkhorst; Larson; Madden; Reynolds; Simpson; Taylor, V.; Walle; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hernandez Luna.

Absent — King, T.; Laubenberg; Veasey.

STATEMENTS OF VOTE

When Record No. 614 was taken, I was in the house but away from my desk. I would have voted no.

T. King

I was shown voting yes on Record No. 614. I intended to vote no.

Pitts

I was shown voting yes on Record No. 614. I intended to vote no.

Zedler

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 1390 ON THIRD READING
(by Deshotel and Bohac)**

HB 1390, A bill to be entitled An Act relating to retainage under certain construction contracts.

Amendment No. 1

Representative Deshotel offered the following amendment to **HB 1390**:

Amend **HB 1390** on third reading in SECTION 2 of the bill, in added Section 53.057(g), Property Code, in the first sentence, by striking "Subsection (f)(2)(D)" and substituting "Subsection (f)(1)(B)(iv)".

Amendment No. 1 was adopted.

HB 1390, as amended, was passed by (Record 615): 139 Yeas, 7 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; 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; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; 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; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Berman; Flynn; Geren; Perry; Phillips; Sheffield; Taylor, V.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hernandez Luna.

Absent — King, T.; Legler.

POSTPONED BUSINESS

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

HB 2494 ON SECOND READING

(by Legler, et al.)

HB 2494, A bill to be entitled An Act relating to the recovery of fraudulently obtained unemployment benefits.

HB 2494 was read second time on April 26, postponed until April 28, and was again postponed until 7:59 a.m. today.

(Geren in the chair)

Amendment No. 1

Representative Turner offered the following amendment to **HB 2494**:

Amend **HB 2494** by striking the following language accordingly:

On page 1, line 17, strike "or" and replace with ";"; &

On page 1 strike all of line 18.

(Hernandez Luna now present)

Representative Legler moved to table Amendment No. 1.

The motion to table prevailed by (Record 616): 94 Yeas, 54 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hernandez Luna; Hochberg; Howard, D.; Hughes; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Taylor, V.; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

HB 2494 was passed to engrossment by (Record 617): 93 Yeas, 50 Nays, 2 Present, not voting.

Yeas — Aliseda; Anchia; Anderson, C.; Anderson, R.; Aycock; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Eissler; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Taylor, V.; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent — Beck; Driver; Eiland; Hughes; Miles.

HB 1089 ON SECOND READING
(by Martinez Fischer, Garza, et al.)

HB 1089, A bill to be entitled An Act relating to the authority of a county or municipality to require the removal of graffiti by a property owner.

HB 1089 was read second time on April 21, postponed until April 26, and was again postponed until 8:59 a.m. today.

Representative Menendez moved to postpone consideration of **HB 1089** until 9:05 a.m. Monday, May 9.

The motion prevailed.

HB 1979 ON SECOND READING
(by Laubenberg and Burkett)

HB 1979, A bill to be entitled An Act relating to strategic partnerships for the continuation of certain water districts annexed by a municipality.

HB 1979 was read second time on April 19, postponed until April 25, and was again postponed until 9 a.m. today.

Representative Laubenberg moved to postpone consideration of **HB 1979** until 10 a.m. Monday, May 9.

The motion prevailed.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Dutton requested permission for the Committee on Urban Affairs to meet while the house is in session, at 3 p.m. today, in 1W.14, to consider **HB 2075**, **HB 2672**, **HB 3363**, and pending business.

Permission to meet was granted.

Representative Madden requested permission for the Committee on Corrections to meet while the house is in session, at 3:30 p.m. today, in 3W.9, to consider **SB 1106**, **SB 1886**, and pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Corrections, 3:30 p.m. today, 3W.9, for a formal meeting, to consider **SB 1106**, **SB 1886**, and pending business.

Urban Affairs, 3 p.m. today, 1W.14, for a formal meeting, to consider **HB 2075**, **HB 2672**, **HB 3363**, and pending business.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hamilton requested permission for the Committee on Licensing and Administrative Procedures to meet while the house is in session, at 3 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Licensing and Administrative Procedures, 3 p.m. today, 3W.9, 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 2250 ON SECOND READING (by Bonnen)

CSHB 2250, A bill to be entitled An Act relating to the abolition of the Coastal Coordination Council and the transfer of its functions to the General Land Office.

Representative Ritter moved to postpone consideration of **CSHB 2250** until 9 a.m. Wednesday, May 4.

The motion prevailed.

CSHB 2608 ON SECOND READING
(by Harper-Brown)

CSHB 2608, A bill to be entitled An Act relating to the continuation and functions of the Texas Department of Housing and Community Affairs.

(Hancock in the chair)

Amendment No. 1

Representative Darby offered the following amendment to **CSHB 2608**:
Floor Packet Page No. 4

Amend **CSHB 2608** (house committee report) as follows:

(1) Add the following appropriately numbered SECTIONS to ARTICLE 3 of the bill and renumber subsequent SECTIONS of that ARTICLE accordingly:

SECTION 3. Section 2306.6711(b), Government Code, is amended to read as follows:

(b) Not later than the deadline specified in the qualified allocation plan, the board shall issue commitments for available housing tax credits based on the application evaluation process provided by Section 2306.6710. The board may not allocate to an applicant housing tax credits in any unnecessary amount, as determined by the department's underwriting policy and by federal law, and in any event may not allocate to the applicant housing tax credits in an amount greater than \$3 [~~\$2~~] million in a single application round.

SECTION 3. Section 2306.6725, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The department shall provide appropriate incentives as determined through the qualified allocation plan to reward applicants who:

(1) on the date an application round begins, are doing business in this state for purposes of Chapter 171, Tax Code;

(2) using financing or other assistance from the department, have developed and completed:

(A) at least 150 units of comparable housing if the proposed project is located in a rural area; or

(B) at least 350 units of comparable housing if the proposed project is located in an area other than a rural area; and

(3) in the five-year period preceding the date the application round begins, have not had any instances of material noncompliance with respect to a project for which the department provided financing or other assistance.

(2) Add the following appropriately numbered SECTION to ARTICLE 5 of the bill and renumber subsequent SECTIONS of that ARTICLE accordingly:

SECTION 5. The changes in law made by this Act to Sections 2306.6711 and 2306.6725, Government Code, apply only to an application for low income housing tax credits that is submitted to the Texas Department of

Housing and Community Affairs during an application cycle that begins on or after the effective date of this Act. An application that is submitted during an application cycle that began before the effective date of this Act is governed by the law in effect at the time the application cycle began, and the former law is continued in effect for that purpose.

Amendment No. 2

Representative Riddle offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Darby to **CSHB 2608** (house committee report) (p. 4 of the prefiled amendment packet) as follows:

(1) On page 1, line 17, strike "Subsection (b-1)" and substitute "Subsections (b-1) and (b-2)".

(2) On page 2, between lines 4 and 5, insert the following:

(b-2) If points are awarded to an application under Subsection (b-1), the department shall increase the points awarded under Section 2306.6710(b)(1)(F) by the amount of points awarded under Subsection (b-1).

Amendment No. 2 was adopted.

Representative Harper-Brown moved to table Amendment No. 1, as amended.

The motion to table was lost by (Record 618): 23 Yeas, 121 Nays, 2 Present, not voting.

Yeas — Anchia; Carter; Crownover; Dutton; Farrar; Gallego; Harper-Brown; Howard, C.; Jackson; King, P.; Laubenberg; Lewis; Madden; Mallory Caraway; Morrison; Naishtat; Peña; Pitts; Rodriguez; Sheets; Smith, W.; Taylor, L.; Taylor, V.

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

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

Absent — Dukes; Geren; McClendon; Paxton.

STATEMENTS OF VOTE

When Record No. 618 was taken, I was in the house but away from my desk. I would have voted yes.

Paxton

I was shown voting no on Record No. 618. I intended to vote yes.

T. Smith

Amendment No. 1, as amended, was adopted.

Amendment No. 3

Representative Darby offered the following amendment to **CSHB 2608**:
Floor Packet Page No. 6

Amend **CSHB 2608** (house committee report) as follows:

(1) Add the following appropriately numbered SECTION to ARTICLE 3 of the bill and renumber subsequent SECTIONS of that ARTICLE accordingly:

SECTION 3. Section 2306.6702(a)(5), Government Code, is amended to read as follows:

(5) "At-risk development" means:

(A) a development that:

(i) ~~(A)~~ has received the benefit of a subsidy in the form of a below-market interest rate loan, interest rate reduction, rental subsidy, Section 8 housing assistance payment, rental supplement payment, rental assistance payment, or equity incentive under the following federal laws, as applicable:

(a) ~~(+)~~ Sections 221(d)(3) and (5), National Housing Act (12 U.S.C. Section 1715l);

(b) ~~(+)~~ Section 236, National Housing Act (12 U.S.C. Section 1715z-1);

(c) ~~(+)~~ Section 202, Housing Act of 1959 (12 U.S.C. Section 1701q);

(d) ~~(+)~~ Section 101, Housing and Urban Development Act of 1965 (12 U.S.C. Section 1701s);

(e) ~~(+)~~ the Section 8 Additional Assistance Program for housing developments with HUD-Insured and HUD-Held Mortgages administered by the United States Department of Housing and Urban Development;

(f) ~~(+)~~ the Section 8 Housing Assistance Program for the Disposition of HUD-Owned Projects administered by the United States Department of Housing and Urban Development;

(g) ~~(+)~~ Sections 514, 515, and 516, Housing Act of 1949 (42 U.S.C. Sections 1484, 1485, and 1486); or

(h) ~~(+)~~ Section 42, Internal Revenue Code of 1986 (26 U.S.C. Section 42); and

(ii) ~~(B)~~ is subject to the following conditions:

(a) ~~(+)~~ the stipulation to maintain affordability in the contract granting the subsidy is nearing expiration; or

(b) ~~(ii)~~ the federally insured mortgage on the development is eligible for prepayment or is nearing the end of its term; or

(B) a development that proposes to rehabilitate or reconstruct housing units that:

(i) are owned by a public housing authority and receive assistance under Section 9 of the National Housing Act (12 U.S.C. Section 1706d); or

(ii) received assistance under Section 9 of the National Housing Act (12 U.S.C. Section 1706d) and:

(a) are proposed to be disposed of or demolished by a public housing authority; or

(b) have been disposed of or demolished by a public housing authority in the two-year period preceding the application for housing tax credits.

(2) Add the following appropriately numbered SECTION to ARTICLE 5 of the bill and renumber subsequent SECTIONS of that ARTICLE accordingly:

SECTION 5. ____. The change in law made by this Act in amending Section 2306.6702(a)(5), Government Code, applies only to an application for low income housing tax credits that is submitted on or after the effective date of this Act. An application for low income housing tax credits that is submitted before the effective date of this Act is governed by the law in effect when the application was submitted, and the former law is continued in effect for that purpose.

Amendment No. 3 was withdrawn.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Licensing and Administrative Procedures:

Driver on motion of Brown.

Geren on motion of Brown.

Gutierrez on motion of Brown.

Hamilton on motion of Brown.

Harless on motion of Brown.

Kuempel on motion of Brown.

Menendez on motion of Brown.

Quintanilla on motion of Brown.

Thompson on motion of Brown.

CSHB 2608 - (consideration continued)

Amendment No. 4

Representative Darby offered the following amendment to **CSHB 2608**:

Floor Packet Page No. 20

Amend the proposed **CSHB 2608** on page ____ by adding a new Section ____ as follows:

SECTION 1. Section 2306.187, Government Code, is amended by adding Subsection (f) (g) (h) and (i) to read as follows:

(f) Information provided directly to consumers under this Section by energy service(s) providers must include a written disclosure regarding whether the energy service provider(s) receives any financial benefit from recommending particular energy efficiency measure(s) specifying which energy efficiency measures from which it receives a financial benefit.

(g) All parties conducting a state or federally funded energy or green facility audit, energy rating, energy code inspection, energy performance testing and other energy efficiency or green analysis and/or evaluations of single and multifamily dwellings under this Section shall be independent third parties with no financial or other interests, other than direct compensation for these services, either direct or indirect in performing, selling, installing, repairing, enhancing or otherwise benefiting from the analysis and recommendations made resulting from these services. These independent third party energy and/or green inspectors, raters, specialists and/or auditors shall have the right to independently inspect, test and analyze building systems and equipment to determine energy efficiency, energy usage, carbon emissions and other factors to determine energy or green conservation measures, improvements or other recommendations/actions.

(h) All parties conducting energy audits and other energy efficiency evaluations of single and multifamily dwellings shall have received relevant training from a federal, state or industry accredited training organization. Accreditation bodies for training organizations providing training or certifications required by programs approved by the commission must have written standards, ethics policy and an industry acceptable quality control policy and process.

(i) The change in law made by this Act does not affect energy audits, ratings, testing or analysis occurring before the effective date of this Act. Those audits, ratings, testing or analysis continue in effect as if this Act had not been enacted.

Amendment No. 4 was adopted.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the Committee on Urban Affairs:

Alvarado on motion of Raymond.

CSHB 2608 - (consideration continued)

Amendment No. 5

On behalf of Representative Garza, Representative Hilderbran offered the following amendment to **CSHB 2608**:

Floor Packet Page No. 9

Amend **CSHB 2608** (house committee report) as follows:

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

ARTICLE __. GENERAL HOUSING MATTERS

SECTION __.01. Section 11.1826, Tax Code, is amended by adding Subsection (g) to read as follows:

(g) For purposes of determining whether an organization has satisfied the requirements of Subsection (b) or (c) of this section in order to qualify for an exemption under Section 11.1825 or 11.182, respectively, an opinion included in an audit of the organization prepared by an independent auditor who is licensed by this state as a certified public accountant or a determination of tax-exempt status under Section 501(c), Internal Revenue Code of 1986, issued by the United States Internal Revenue Service is prima facie evidence of the facts stated in the opinion or determination.

(2) Add the following appropriately numbered SECTION to existing ARTICLE 5 of the bill and renumber subsequent SECTIONS of the ARTICLE accordingly:

SECTION 5. __. Section 11.1826(g), Tax Code, as added by this Act, applies only to ad valorem taxes imposed for a tax year beginning on or after the effective date of this Act.

Amendment No. 5 - Point of Order

Representative Harper-Brown raised a point of order against further consideration of Amendment No. 5 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The chair sustained the point of order.

The ruling precluded further consideration of Amendment No. 5.

CSHB 2608, as amended, was passed to engrossment. (Cain, S. Davis, Flynn, Landtroop, Laubenberg, Lavender, Paxton, Perry, and Zedler recorded voting no.)

(Alvarado, Geren, Hamilton, Kuempel, Menendez, Quintanilla, and Thompson now present)

HR 1694 - ADOPTED

(by Farrar, Coleman, C. Anderson, and McClendon)

Representative Farias moved to suspend all necessary rules to take up and consider at this time **HR 1694**.

The motion prevailed.

The following resolution was laid before the house:

HR 1694, Commending President Barack Obama, intelligence personnel, and members of the armed forces for the successful completion of their operation.

HR 1694 - REMARKS

REPRESENTATIVE FARIAS: As a veteran, I am proud to stand here today and commend the President of the United States, our nation's military personnel, and our intelligence personnel on a mission that has taken 10 years to accomplish.

On September 11th, we all stood together as one nation. On that day, Americans reached out and consoled each other as we all grieved over the loss of life from the cowardly attacks spearheaded by Osama bin Laden. Yesterday, Americans stood together again, this time we took to the streets with relief and pride in our nation's leadership who persevered to ensure justice was done. Members, please join me today in showing appreciation to our nation's military personnel, our intelligence professionals, and our president for a mission that has taken 10 years to accomplish. Members, I just ask that you bear with me as I read the resolution in whole:

WHEREAS, On September 11, 2001, Osama bin Laden, a sworn enemy of the United States of America, coordinated a series of monstrous and cowardly terrorist attacks that resulted in the tragic loss of 2,977 innocent lives, leading to an engagement in a war on terrorism, across many fronts;

WHEREAS, On May 1, 2011, after nearly ten years of Bin Laden's evasion of military and intelligence forces seeking his capture, President Barack Obama declared to the nation and the world that Bin Laden had finally been killed, and that, "Justice has been done."

WHEREAS, The president's patience, leadership, wisdom, and determination have led directly to the demise of the most wanted man in the world, and have hardened this nation's resolve to defeat the forces of malevolent fanaticism, and by destroying the mastermind behind the worst terrorist attack on American soil he has struck a significant and historic blow against Al Qaeda;

WHEREAS, Following the death of the perpetrator of the attacks, the family members and friends of those who lost their lives in the attacks on September 11 are able to achieve a greater sense of closure;

WHEREAS, After months of meetings of the National Security Council, led by President Obama who directed intelligence officials to zero in on Bin Laden's whereabouts, intelligence officials devised and carefully carried out a clandestine operation, which had frequently been rehearsed in an effort to minimize casualties, both civilian and military;

WHEREAS, As Commander-in-Chief of our great nation, he boldly gave the final authorization to commence the operation to brave and highly trained members of our nation's armed services;

WHEREAS, Upon hearing the news of Bin Laden's elimination, in an impressive show of unity and in defiance of the fanatics who still today seek to destroy our free way of life, jubilant citizens expressed pride in our nation and our president by spontaneously celebrating the news in cities across the country, singing "The Star Spangled Banner" and loudly chanting "U-S-A", and former presidents Bill Clinton and George W. Bush have offered him their congratulations;

WHEREAS, Domestically, he has acted with both initiative and organizational acumen toward the precautionary defense of our citizens, and has successfully prevented a terrorist attack on American soil during his service to our nation as president;

WHEREAS, Internationally, he has wisely exercised the use of diplomacy to nurture collaborative relationships with other nations, which has helped improve the freedom, and safety of the world's people; and

WHEREAS, President George W. Bush had the near universal support of the freedom-loving peoples and countries of the world after the attacks on September 11, 2001 when he famously pledged to defend freedom against fear, saying, "We will not tire, we will not falter, and we will not fail," and President Obama had the strength and wherewithal to see that pledge through to fulfillment; and

WHEREAS, Legislators in Texas reaffirm the solemn creed that we are one nation, under God, indivisible, with liberty and justice for all, who stand strongly behind the president with respect to these several issues as he confronts the grave problems of national and international security; now, therefore, be it

RESOLVED, That the 82nd Legislature of the State of Texas hereby congratulate President Obama on his proven and successful policies in the war on terrorism and in homeland security; and, be it further

RESOLVED, That the 82nd Legislature of the State of Texas hereby commends the intelligence personnel who diligently and quietly toiled for years to uncover the whereabouts of Bin Laden, and whose achievement, while historic, may never be fully known to the public;

RESOLVED, That the 82nd Legislature of the State of Texas hereby commends the members of the armed forces who successfully and heroically carried out an incredibly sensitive mission with no military losses and with a minimal loss of civilian lives;

RESOLVED, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, to the governor of Texas, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

Our military personnel—right now, I can't really share with you the emotion that I have been going through since last night. So, I ask for your full support on this resolution, and thank y'all very much for allowing me the opportunity to be here today and to present this resolution to you.

REPRESENTATIVE KEFFER: Thank you very much. Thank you for bringing this resolution. Number one, I hope every state in the union is doing what Texas is proudly doing today, in commending our Commander-in-Chief, if you will remember, George Bush was our Commander-in-Chief when the terrible 9/11 happened, and democrats and republicans stood shoulder to shoulder at that terrible day. And now that we have this victory, let's say, that Osama bin Laden has been found and eliminated, that as Commander-in-Chief, republican and democrat should stand shoulder to shoulder in the celebration and the remembrance on today, also. And I'm hopeful, like I said, that every state will do this. And I'd be proud to add my name to your resolution and I hope that every member, and I won't speak for every member, but I know that some, their politics

under this dome, prevents. But I hope, and I pray, ever member of the house of representatives will add his or her name to this wonderful resolution, and support our country, our Commander-in-Chief, and military as we go forward. Thank you.

HR 1694, as amended, was adopted. (Berman, Beck, Fletcher, Flynn, Hartnett, Huberty, Lavender, Nash, Riddle, and Weber recorded voting no.)

REASONS FOR VOTE

I support our troops, but cannot support a resolution commending Obama's domestic handling of affairs.

Weber

While we agree with the spirit of **HR 1694** in congratulating President Obama for the fine work he and his administration have done in successfully planning the execution of Osama bin Laden, we do take exception with some of the statements which could be interpreted as a blanket endorsement of the president's policies, specifically: "Resolved, That the 82nd Legislature of the State of Texas hereby congratulate President Obama on his proven and successful policies in the war on terrorism and homeland security."

Our intent was to join in honoring the significant achievement of the president and the multi-year effort of our intelligence community and military personnel in bringing Osama bin Laden to justice. We want to clarify that, as supporters of this resolution, we are not endorsing all of the administration's foreign policies.

Aliseda, C. Anderson, Aycock, Beck, Berman, Branch, Brown, Burkett, Button, Cain, Chisum, Christian, Cook, Creighton, Crownover, Darby, Fletcher, Flynn, Frullo, Garza, L. Gonzales, Hancock, Harless, Harper-Brown, C. Howard, Huberty, Hughes, Jackson, P. King, Kolkhorst, Landtroop, Laubenberg, Lavender, Legler, Lyne, S. Miller, D. Miller, Morrison, Orr, Otto, Parker, Paxton, Peña, Perry, Phillips, Ritter, Schwertner, Sheets, T. Smith, W. Smith, Smithee, V. Taylor, Torres, Truitt, White, Workman, Zedler, and Zerwas

On motion of Representative L. Taylor, the names of all the members of the house were added to **HR 1694** as signers thereof.

REMARKS ORDERED PRINTED

Representative Raymond moved to print remarks on **HR 1694**.

The motion prevailed.

MAJOR STATE CALENDAR SENATE BILLS SECOND READING

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

CSSB 655 ON SECOND READING
(Keffer - House Sponsor)

CSSB 655, A bill to be entitled An Act relating to the continuation, functions, and name of the Railroad Commission of Texas.

(Speaker in the chair)

Amendment No. 1

Representative Keffer offered the following amendment to **CSSB 655**:

Floor Packet Page No. 47

Amend **CSSB 655** (house committee printing) in SECTION 7 of the bill, in added Section 81.010046, Natural Resources Code, as follows:

(1) Between "office of commissioner" and "at" (page 4, line 20), insert "or chairman of the commission".

(2) Strike "of commissioner." (page 4, line 23) and substitute "then held by the person.".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Keffer offered the following amendment to **CSSB 655**:

Floor Packet Page No. 48

Amend **CSSB 655** (house committee printing) in SECTION 12 of the bill, in added Section 81.065(d), Natural Resources Code (page 8, line 8), by striking "described by Section 81.058 or filed under Section" and substituting "under Section 81.059 or".

Amendment No. 2 was adopted.

(Driver and Gutierrez now present)

Amendment No. 3

Representative Burnam offered the following amendment to **CSSB 655**:

Floor Packet Page No. 81

Amend **CSSB 655** (house committee printing) as follows:

(1) In SECTION 7 of the bill, strike added Section 81.010045(a), Natural Resources Code (page 3, lines 16-17) and substitute the following:

(a) In this section:

(1) "Election cycle" means the period beginning on January 1 of an odd-numbered year and ending on December 31 of the following even-numbered year.

(2) "Political contribution" and "specific-purpose committee" have the meanings assigned by Section 251.001, Election Code.

(2) In SECTION 7 of the bill, following added Section 81.010045, Natural Resources Code (page 4, between lines 15 and 16), insert the following:

(e) A commissioner or candidate for the office of commissioner may not, except as provided by Subsection (f), knowingly accept political contributions from a person that in the aggregate exceed \$2,500 during an election cycle.

(f) If a candidate for the office of commissioner has an opponent in the primary election, the limits prescribed by Subsection (e) are doubled, except that the candidate may not accept political contributions that in the aggregate exceed \$2,500:

(1) during the period beginning on the first day of the election cycle and ending on the day of the primary election; or

(2) during the period beginning on the day after the day of the primary election and ending on the last day of the election cycle.

(g) A commissioner or candidate for the office of commissioner who receives a political contribution that violates Subsection (e) shall return the contribution to the contributor not later than the later of:

(1) the last day of the reporting period, as prescribed by Chapter 254, Election Code, in which the contribution is received; or

(2) the fifth day after the date the contribution is received.

(h) For purposes of Subsection (e), a political contribution to a specific-purpose committee for the purpose of supporting a candidate for the office of commissioner, opposing the opponent of a candidate for the office of commissioner, or assisting a candidate for the office of commissioner as an officeholder is considered to be a contribution to the candidate.

Amendment No. 4

Representative Burnam offered the following amendment to Amendment No. 3:

Amend Floor Amendment No. 3 (p. 81 of house prefiled amendments to **CSSB 655**) by striking page 2, lines 8 through 13.

Amendment No. 4 was adopted.

(Harless now present)

Representative Keffer moved to table Amendment No. 3, as amended.

The motion to table prevailed by (Record 619): 108 Yeas, 38 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Menendez; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts;

Price; Quintanilla; Raymond; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lucio; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Muñoz; Naishtat; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent — Harper-Brown; Mallory Caraway.

Amendment No. 5

Representative Martinez Fischer offered the following amendment to **CSSB 655**:

Floor Packet Page No. 49

Amend **CSSB 655** (house committee printing) as follows:

(1) In SECTION 5 of the bill, strike added Section 81.010015, Natural Resources Code (page 2, lines 10 through 22), and substitute the following:

Sec. 81.010015. ELECTION AND TERMS OF COMMISSIONERS. (a) The commission is composed of three commissioners elected at the general election for state and county officers.

(b) Commissioners are elected from numbered single-member districts. The boundaries of the districts are described in the Act enacting this section.

(c) Commissioners serve staggered terms of six years, with the term of one commissioner expiring December 31 of each even-numbered year.

(2) In SECTION 6 of the bill, strike amended Section 81.01002, Natural Resources Code (page 2, line 25, through page 3, line 1), and substitute the following:

Sec. 81.01002. CHAIRMAN. The commissioners shall elect one commissioner as the chairman. The chairman shall ensure that the commission executes and implements the commission's administrative duties and responsibilities.

(3) In the recital to SECTION 38 of the bill (page 28, line 15), strike "Section 52.092(c), Election Code, is" and substitute "Sections 52.092(c) and (d), Election Code, are".

(4) In SECTION 38 of the bill, strike amended Section 52.092(c), Election Code (page 28, line 17, through page 29, line 5), and substitute the following:

(c) Statewide offices of the state government shall be listed in the following order:

- (1) governor;
- (2) lieutenant governor;
- (3) attorney general;
- (4) comptroller of public accounts;
- (5) commissioner of the General Land Office;
- (6) commissioner of agriculture;

- (7) ~~railroad commissioner;~~
- ~~(8)~~ chief justice, supreme court;
- (8) ~~(9)~~ justice, supreme court;
- (9) ~~(10)~~ presiding judge, court of criminal appeals;
- (10) ~~(11)~~ judge, court of criminal appeals.

(d) District offices of the state government shall be listed in the following order:

- (1) member, State Board of Education;
- (2) state senator;
- (3) state representative;
- (4) chief justice, court of appeals;
- (5) justice, court of appeals;
- (6) district judge;
- (7) criminal district judge;
- (8) family district judge;
- (9) district attorney;
- (10) criminal district attorney;
- (11) member, Texas Oil and Gas Commission.

(5) In SECTION 44 of the bill, strike Subsections (e) and (f) of the SECTION (page 32, line 27, through page 33, line 5) and substitute the following:

(e) The terms of the members of the Railroad Commission of Texas serving on the effective date of this Act expire December 31, 2012. Three members of the Texas Oil and Gas Commission shall be elected from the single-member districts described by this Act at the general election for state and county officers in 2012. Not later than February 1, 2013, the members elected shall draw lots to determine which member's term expires December 31, 2014, which member's term expires December 31, 2016, and which member's term expires December 31, 2018.

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

SECTION _____. (a) This section establishes the districts from which the commissioners of the Texas Oil and Gas Commission are elected.

(b) In this section, "tract," "block group," and "block" mean the geographic areas identified by those terms on the 2010 Census TIGER/Line Shapefiles, prepared by the federal Bureau of the Census for the Twenty-third Decennial Census of the United States, enumerated as of April 1, 2010.

(c) The districts established by this section are identified as PLAN E124 on the redistricting computer system operated by the Texas Legislative Council.

(d) District 1 is composed of Aransas, Atascosa, Bee, Bexar, Brazoria, Brewster, Brooks, Calhoun, Cameron, Crane, Crockett, Culberson, Dimmit, Duval, El Paso, Fort Bend, Frio, Goliad, Hidalgo, Hudspeth, Jackson, Jeff Davis, Jim Hogg, Jim Wells, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Matagorda, Maverick, Medina, Nueces, Pecos, Presidio, Reagan, Reeves, Refugio, San Patricio, Starr, Terrell, Upton, Uvalde, Val Verde, Victoria, Ward, Webb, Wharton, Willacy, Wilson, Zapata and Zavala Counties; and Harris County tracts 210400, 210500, 210600, 210700, 210800, 210900, 211000, 211100, 211200, 211300, 211400, 211500, 211600, 211700, 211900, 212400,

212500, 220100, 220200, 220300, 220400, 220500, 220600, 220700, 220800,
220900, 221000, 221100, 221200, 221300, 221400, 221500, 221600, 221700,
221800, 221900, 222000, 222100, 222200, 222300, 222401, 222402, 222501,
222502, 222503, 222600, 222700, 222800, 222900, 223001, 223002, 223100,
230100, 230200, 230300, 230400, 230500, 230600, 230700, 230800, 230900,
231000, 231100, 231200, 231300, 231400, 231500, 231600, 231700, 231800,
231900, 232000, 232100, 232200, 232301, 232302, 232401, 232402, 232403,
232500, 232600, 232701, 232702, 232800, 232900, 233001, 233002, 233003,
233101, 233102, 233103, 233200, 233300, 233400, 233500, 233600, 233701,
233702, 233703, 240100, 240400, 240501, 240502, 240600, 240701, 240702,
240801, 240902, 241500, 250100, 250200, 250301, 250302, 250500, 250600,
252200, 252301, 252302, 252400, 252500, 253300, 253400, 254200, 254300,
254400, 254500, 310100, 310200, 310300, 310400, 310500, 310600, 310700,
310800, 310900, 311000, 311100, 311200, 311300, 311400, 311500, 311600,
311700, 311800, 311900, 312000, 312100, 312200, 312300, 312400, 312700,
312800, 312900, 313000, 313200, 313300, 313400, 313500, 313600, 313700,
313800, 313900, 314001, 320100, 320200, 320500, 320601, 320602, 320700,
320800, 320900, 321000, 321100, 321200, 321300, 321401, 321402, 321500,
321600, 321700, 321800, 321900, 322000, 322100, 322200, 322600, 322700,
322800, 322900, 323000, 323100, 323200, 323300, 323400, 323500, 323600,
323801, 323802, 323900, 324100, 324200, 330100, 330200, 330301, 330302,
330303, 330400, 330500, 330600, 330700, 330800, 330900, 331100, 331200,
331300, 331400, 331500, 331601, 331602, 331700, 331800, 331900, 332000,
332100, 332200, 332300, 332400, 332500, 332600, 332700, 332800, 332900,
333000, 333100, 333201, 333202, 333300, 333500, 333600, 333700, 333800,
333901, 333902, 334001, 334002, 334003, 340100, 342200, 342400, 350200,
350300, 350400, 420500, 421101, 421102, 421201, 421202, 421300, 421401,
421402, 421403, 422200, 422301, 422302, 422401, 422402, 422701, 422702,
422800, 422900, 423000, 423100, 423201, 423202, 423301, 423302, 423401,
423402, 423500, 423600, 432002, 432100, 432200, 432300, 432400, 432500,
432600, 432701, 432801, 432802, 432901, 432902, 433001, 433002, 433003,
433100, 433201, 433202, 433300, 433400, 433501, 433502, 433600, 440100,
451700, 451800, 451901, 451902, 452000, 452100, 452201, 452202, 452300,
452400, 452500, 452600, 452700, 452801, 452802, 452900, 453000, 453100,
453200, 453300, 453401, 453402, 453403, 453501, 453502, 453601, 453602,
453700, 453800, 453900, 454000, 454100, 454200, 454301, 454302, 520100,
520300, 520400, 520500, 520601, 520602, 520700, 521100, 521200, 521300,
521400, 521500, 521600, 522100, 522201, 522202, 530300, 530400, 530500,
530600, 530700, 530800, 531400, 531500, 531800, 531900, 532001, 532002,
532100, 532200, 532300, 532400, 532501, 532502, 532600, 532700, 532800,
532900, 533000, 533100, 533200, 533300, 533400, 533500, 533600, 533701,
533702, 533801, 533802, 533901, 533902, 534001, 534002, 534003, 534100,
534201, 534202, 550100, 550200, 550301, 550302, 550401, 550402, 550500,
550601, 550602, 550603, 550700, 550800, 550900, 551000, 551100, 551200,
551300, 551400, 553002, 553100, 553200, 553300, 980000 and 980100; and
that part of Harris County tract 210100 included in blocks 1000, 1001, 1005,

1006 and 1053; and that part of Harris County tract 212300 included in block groups 1, 2, 4 and 5 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3071, 3072, 3073, 3074, 3075, 3083, 3084, 3085, 3086, 3087, 3101, 3125, 3126 and 3127; and that part of Harris County tract 240802 included in block group 2 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136 and 1137; and that part of Harris County tract 240901 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024 and 1025; and that part of Harris County tract 241000 included in blocks 4028 and 4029; and that part of Harris County tract 250401 included in blocks 1038, 1039 and 1040; and that part of Harris County tract 250402 included in blocks 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1049, 1052, 1053, 1054, 1055, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1116, 1117, 1118 and 1119; and that part of Harris County tract 251100 included in blocks 5013, 5014, 5028, 5029, 5030, 5031, 5032, 5035, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5047, 5048 and 5049; and that part of Harris County tract 252600 included in block groups 1, 2 and 4 and blocks 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157, 3158, 3159, 3160, 3161, 3162, 3163, 3164, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175,

3176, 3177, 3178, 3179, 3180, 3181, 3182, 3183, 3184, 3185, 3186, 3187, 3188, 3189, 3190, 3191, 3192, 3193, 3194, 3195, 3196, 3197, 3198, 3199, 3200, 3201, 3202, 3203, 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211, 3212, 3213, 3214, 3215, 3216, 3217, 3218, 3219, 3220, 3221, 3222, 3223, 3224, 3225, 3226, 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3242, 3243, 3244, 3245, 3246, 3247, 3248, 3249, 3250, 3251, 3252, 3253, 3254, 3255, 3256, 3257, 3258, 3259, 3260, 3261, 3262, 3263, 3266, 3267, 3268, 3272, 3273, 3274, 3275, 3276, 3277, 3278, 3279, 3280, 3281, 3282, 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294, 3295, 3296, 3297, 3298, 3299, 3300, 3301, 3302, 3303, 3304, 3305, 3306, 3307, 3308, 3309, 3310, 3311, 3312, 3313, 3314, 3315, 3316, 3317, 3318, 3319, 3320, 3321, 3322, 3323, 3324, 3325, 3326, 3327, 3328, 3329, 3330, 3331, 3332, 3333, 3334, 3335, 3336, 3337, 3338, 3339, 3340, 3341, 3342, 3343, 3344, 3345, 3346, 3347, 3348, 3349, 3350, 3351, 3352, 3353, 3354, 3355, 3356, 3357, 3358, 3359, 3360, 3361, 3362, 3363, 3364, 3365, 3366, 3367, 3368, 3369, 3370, 3371, 3372, 3373, 3374, 3375, 3376, 3377, 3378, 3379, 3380, 3381, 3382, 3383, 3384, 3385, 3386, 3387, 3388, 3389, 3390, 3391, 3392, 3393, 3394, 3395, 3396, 3397, 3398, 3399, 3400, 3401, 3402, 3403, 3404, 3405, 3406, 3407, 3408, 3409, 3410, 3411, 3412, 3413, 3414, 3415, 3416, 3417, 3418, 3419, 3420, 3421, 3422, 3423, 3424, 3425, 3426, 3427, 3428, 3429, 3430, 3431, 3432, 3433, 3434, 3435, 3436, 3437, 3438, 3439, 3440, 3441, 3442, 3443, 3444, 3445, 3446, 3447, 3448, 3449, 3450, 3451, 3452, 3453, 3454, 3455, 3456, 3457, 3458, 3459, 3460, 3461, 3462, 3463, 3464, 3465, 3466, 3467, 3468, 3469, 3470, 3471, 3472, 3473, 3474, 3475, 3476, 3477, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3486, 3487, 3488, 3489, 3490, 3491, 3492, 3493, 3494, 3495, 3496, 3497, 3498, 3499, 3500, 3501, 3502, 3503, 3504, 3505, 3506, 3507, 3511, 3512, 3513, 3514, 3515, 3516, 3517, 3518, 3519, 3520, 3521, 3522, 3523, 3524, 3525, 3526, 3527, 3528, 3529, 3530, 3531, 3532, 3533, 3534, 3535, 3536, 3537, 3541, 3542, 3543, 3544, 3545 and 3546; and that part of Harris County tract 252800 included in blocks 1047, 1048, 1149, 1150, 1173, 1174, 1190, 1191, 1192 and 1193; and that part of Harris County tract 252900 included in blocks 1016, 1017, 2028, 2029, 2033, 2034, 3008, 3009, 3010, 3011, 3012, 3013 and 3057; and that part of Harris County tract 253000 included in blocks 1000, 1001, 1002, 1003, 1004, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1023, 1031, 1032, 1033, 2008, 2009, 2010, 2011, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023 and 2024; and that part of Harris County tract 253200 included in block group 1 and blocks 2047, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2059, 2060, 2061, 2062, 2063, 2064 and 2065; and that part of Harris County tract 253500 included in block groups 2, 3 and 4 and blocks 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019 and 1020; and that part of Harris County tract 253600 included in block group 4 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1010, 1011, 1013, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1034, 1035, 1036, 1037, 1038, 1042, 1043, 1044, 1045, 2007, 2008, 2026 and 2027; and that part of Harris County tract 253700 included in block group 1 and blocks 2027, 2028, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042 and 2044; and that part of Harris County tract 254100 included in block group 4 and

blocks 2024, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 3001, 3003, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025 and 3026; and that part of Harris County tract 254600 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3076, 3077, 3078, 3079, 3080, 3081, 3082 and 3083; and that part of Harris County tract 254700 included in blocks 1033, 1034 and 1036; and that part of Harris County tract 312500 included in blocks 1092, 1100, 1104, 1105, 1106, 2021, 2022, 2023, 2024, 2026, 2067, 2068, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2084, 2085, 2086, 2087 and 2088; and that part of Harris County tract 312600 included in blocks 2019, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 3000, 3001, 3002, 3003, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057 and 3058; and that part of Harris County tract 313100 included in blocks 1045, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078 and 1079; and that part of Harris County tract 314002 included in blocks 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5014 and 5015; and that part of Harris County tract 324000 included in blocks 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120 and 2121; and that part of Harris County tract 334100 included in block groups 1, 3 and 4 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2039, 2054, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2135, 2136, 2137, 2138, 2139, 2141, 2142, 2143, 2144, 2145, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221,

2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2308, 2309, 2310, 2311, 2312, 2313, 2317, 2318, 2319, 2320, 2321, 2322, 2344, 2345, 2348, 2349, 2350, 2351 and 2352; and that part of Harris County tract 340201 included in blocks 1016, 1017, 1036, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1132 and 1133; and that part of Harris County tract 342500 included in blocks 1015, 1022, 3002, 3003, 3004 and 3011; and that part of Harris County tract 343600 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407,

1408, 1409, 1410, 1411, 1412, 1413, 1415, 1416, 1417, 1418, 1431, 1432, 1433, 1434, 1435, 1777, 1778, 1779, 1780, 1781, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808 and 1809; and that part of Harris County tract 350100 included in block group 2 and blocks 1001, 1002, 1003, 1004, 1005, 1008, 1009, 1010, 1011, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1098, 1101, 1102, 1103, 1105, 1106, 1107, 1108, 1109, 1110, 1111 and 1112; and that part of Harris County tract 350500 included in block groups 2 and 4 and blocks 1000, 1003 and 1004; and that part of Harris County tract 421500 included in block groups 1, 2 and 4 and blocks 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023 and 3024; and that part of Harris County tract 421600 included in block groups 1, 2 and 4 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009 and 3010; and that part of Harris County tract 421700 included in blocks 1001, 1002 and 1003; and that part of Harris County tract 422100 included in block groups 2, 3, 4 and 5 and blocks 1010, 1011, 1012, 1013, 1014, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024 and 1025; and that part of Harris County tract 422500 included in block group 1 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016 and 3019; and that part of Harris County tract 422600 included in block groups 1, 2 and 4 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3018 and 3020; and that part of Harris County tract 431900 included in block 1007; and that part of Harris County tract 432001 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2020, 2021, 2022, 2025, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042 and 2043; and that part of Harris County tract 432702 included in block group 2; and that part of Harris County tract 454400 included in blocks 1064, 1066, 1087 and 1093; and that part of Harris County tract 510300 included in blocks 1005, 1006, 1007, 1013, 1014, 1027, 1028, 1029 and 1042; and that part of Harris County tract 511400 included in blocks 1000, 1001, 1004, 1005, 1006, 1011, 1012, 3000, 3001, 3002, 3003, 3004 and 3010; and that part of Harris County tract 511500 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3005, 3006, 3009, 3010, 3011, 3012, 3018, 3020, 3021, 3022, 3023 and 3024; and that part of Harris County tract 511600 included in block groups 2, 3 and 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045 and 1046; and that part of Harris County tract 520200 included in blocks 1004, 1005, 1009, 1011, 1012, 1013, 3000, 3001, 3002, 3003, 3005, 3006 and 3007; and that part of Harris County tract 521000 included in blocks 1000, 1001, 1002, 1003, 1004, 1005,

1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047 and 1048; and that part of Harris County tract 521700 included in block groups 1, 2 and 3 and blocks 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4075, 4076, 4077, 4078, 4079, 4080, 4081, 4082, 4083, 4084, 4085, 4086, 4087, 4088, 4089, 4090, 4091, 4092, 4093, 4094, 4095, 4096, 4097, 4098, 4099, 4100, 4101, 4102, 4103, 4104, 4105, 4106, 4107, 4108, 4109, 4110, 4111, 4112, 4113, 4114, 4115, 4116, 4117, 4118, 4119, 4120, 4121, 4122, 4123, 4124, 4125, 4126, 4127, 4128, 4129, 4130, 4131, 4132, 4133, 4134, 4135, 4136, 4137, 4138, 4139, 4140, 4141, 4142, 4143, 4144, 4145, 4146, 4147, 4148 and 4149; and that part of Harris County tract 521800 included in block group 2 and blocks 1004, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1088, 1089, 1090 and 1091; and that part of Harris County tract 522000 included in blocks 2000, 3004, 3005, 3006 and 3007; and that part of Harris County tract 522301 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2017, 2018, 2019, 2020, 2021, 2022, 2028, 2029, 2030, 2035 and 2036; and that part of Harris County tract 522302 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1018, 1019, 1020, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2035, 2036, 2039, 2040 and 2041; and that part of Harris County tract 522401 included in block groups 1, 2 and 3 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4030, 4031, 4032, 4033, 4034, 4038 and 4039; and that part of Harris County tract 522500 included in blocks 1010, 4003, 4016 and 4017; and that part of Harris County tract 530100 included in block groups 1, 2 and 4 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047 and 3048; and that part of Harris County tract 530900 included in block group 1; and that part of Harris County tract 531000 included in blocks 2000, 2001, 2002, 2006, 2007, 2008, 2009, 2010, 2011, 2014, 2015, 2016, 2017, 2018, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029 and 2030; and that part of Harris County tract 531200 included in blocks 1000, 1001, 1002, 1005,

1006, 1007, 1010, 1011, 1012, 1013, 1014 and 3014; and that part of Harris County tract 531300 included in block groups 2 and 3 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008 and 1009; and that part of Harris County tract 531600 included in blocks 2004, 2005, 2006, 2007, 2008, 2009, 2014, 2015, 2016, 2017, 2018, 2025, 2026, 2032, 2033, 2034 and 2046; and that part of Harris County tract 534203 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1050, 1051, 1052, 1053, 1054, 1059, 1060, 1061, 1062, 1063, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104 and 1105; and that part of Harris County tract 540100 included in blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 3060, 3061, 3062, 3063, 3090, 3091, 3092, 3093, 3094, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3123 and 3124; and that part of Harris County tract 551500 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2114, 2115, 2116, 2117, 2118, 2119, 2124, 2125, 2128, 2129, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157 and 2158; and that part of Harris County tract 551600 included in block group 3; and that part of Harris County tract 551703 included in blocks 1000, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2022, 2023, 2024, 2031, 2032, 3000, 3001, 3002 and 3005; and that part of Harris County tract 551800 included in blocks 2000, 2001, 2002, 2023, 2024, 2025, 3027, 3028, 3029, 3033, 3034, 3035, 3036, 3037, 3038, 3041, 3042 and 3046; and that part of Harris County tract 553001 included in blocks 1002, 1008, 1009, 1010, 1011, 1012, 1013, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2021, 2022, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034 and 2035.

(e) District 2 is composed of Anderson, Angelina, Austin, Bastrop, Bell, Bowie, Brazos, Burleson, Caldwell, Camp, Cass, Chambers, Cherokee, Colorado, Comal, Coryell, Delta, De Witt, Ellis, Falls, Fannin, Fayette, Franklin, Freestone, Galveston, Gonzales, Gregg, Grimes, Guadalupe, Hardin, Harrison, Hays, Henderson, Hill, Hopkins, Houston, Hunt, Jasper, Jefferson, Karnes, Kaufman, Lamar, Lampasas, Lavaca, Lee, Leon, Liberty, Limestone, McLennan,

Madison, Marion, Milam, Montgomery, Morris, Nacogdoches, Navarro, Newton, Orange, Panola, Polk, Rains, Red River, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Titus, Travis, Trinity, Tyler, Upshur, Van Zandt, Walker, Waller, Washington, Williamson and Wood Counties; and Harris County tracts 100000, 241101, 241102, 241103, 241200, 241300, 241400, 250701, 250702, 250800, 250900, 251000, 251200, 251300, 251401, 251402, 251501, 251502, 251503, 251600, 251700, 251800, 251901, 251902, 252000, 252100, 252700, 253100, 253800, 253900, 254000, 314300, 314400, 323701, 323702, 340202, 340203, 340301, 340302, 340400, 340500, 340600, 340700, 340800, 340900, 341000, 341100, 341201, 341202, 341301, 341302, 341400, 341501, 341502, 341600, 341700, 341800, 342001, 342002, 342100, 342300, 342700, 342800, 342900, 343000, 343100, 343200, 343301, 343302, 343700, 350601, 350602, 350700, 350801, 350802, 410100, 410200, 410300, 410401, 410402, 410500, 410600, 410701, 410702, 410800, 410900, 411000, 411100, 411200, 411300, 411400, 411501, 411502, 411600, 411700, 411800, 411900, 412000, 412100, 412200, 412300, 412400, 412500, 412600, 412700, 412800, 412900, 413000, 413100, 413201, 413202, 413300, 420100, 420200, 420300, 420400, 420600, 420700, 420800, 420900, 421000, 421800, 421900, 422000, 430100, 430200, 430300, 430400, 430500, 430600, 430700, 430800, 430900, 431000, 431101, 431102, 431201, 431202, 431301, 431302, 431401, 431402, 431501, 431502, 431600, 431700, 431801, 431802, 450100, 450200, 450300, 450400, 450500, 450600, 450700, 450801, 450802, 450900, 451001, 451002, 451100, 451200, 451300, 451401, 451402, 451403, 451500, 451601, 451602, 454501, 454502, 454600, 454700, 454800, 454900, 455000, 455101, 455102, 455200, 455300, 510100, 510200, 510400, 510500, 510600, 510700, 510800, 510900, 511001, 511002, 511100, 511200, 511301, 511302, 521900, 522402, 530200, 531100, 531700, 540200, 540501, 540502, 540601, 540602, 540700, 540800, 540901, 540902, 541001, 541002, 541003, 541100, 541201, 541202, 541203, 541300, 541400, 541500, 541601, 541602, 541700, 541800, 541900, 542000, 542101, 542102, 542200, 542301, 542302, 542400, 542500, 542600, 542700, 542800, 542900, 543001, 543002, 543003, 543100, 543200, 551701, 551702, 551900, 552001, 552002, 552101, 552102, 552103, 552200, 552301, 552302, 552400, 552500, 552601, 552602, 552700, 552800, 552900, 553401, 553402, 553403, 553500, 553600, 553700, 553801, 553802, 553900, 554001, 554002, 554101, 554102, 554200, 554301, 554302, 554401, 554402, 554403, 554501, 554502, 554600, 554700, 554801, 554802, 554901, 554902, 554903, 555000, 555100, 555200, 555301, 555302, 555303, 555401, 555402, 555501, 555502, 555600, 555701, 555702 and 556000; and that part of Harris County tract 210100 included in blocks 1002, 1003, 1004, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1054 and 1055; and that part of Harris County tract 212300 included in blocks 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3036, 3037, 3038, 3039, 3040, 3065, 3066, 3067, 3068, 3069, 3070, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096,

3097, 3098, 3099, 3100, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123 and 3124; and that part of Harris County tract 240802 included in blocks 1000 and 1138; and that part of Harris County tract 240901 included in block 1026; and that part of Harris County tract 241000 included in block groups 1, 2 and 3 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038 and 4039; and that part of Harris County tract 250401 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069 and 1070; and that part of Harris County tract 250402 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1043, 1044, 1045, 1046, 1047, 1048, 1050, 1051, 1056, 1107 and 1115; and that part of Harris County tract 251100 included in block groups 1, 2, 3 and 4 and blocks 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5033, 5034, 5043, 5044, 5045, 5046 and 5050; and that part of Harris County tract 252600 included in blocks 3000, 3001, 3030, 3086, 3087, 3088, 3264, 3265, 3269, 3270, 3271, 3508, 3509, 3510, 3538, 3539 and 3540; and that part of Harris County tract 252800 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242 and 1243; and that part of Harris County tract 252900 included in block groups 4 and 5 and blocks 1000, 1001, 1002, 1003, 1004,

1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2030, 2031, 2032, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055 and 3056; and that part of Harris County tract 253000 included in block group 3 and blocks 1005, 1006, 1019, 1020, 1021, 1022, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2012 and 2013; and that part of Harris County tract 253200 included in block groups 3, 4 and 5 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2048, 2049, 2058, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113 and 2114; and that part of Harris County tract 253500 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030 and 1031; and that part of Harris County tract 253600 included in block group 3 and blocks 1000, 1008, 1009, 1012, 1014, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1039, 1040, 1041, 1046, 1047, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2028, 2029 and 2030; and that part of Harris County tract 253700 included in block groups 3 and 4 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2029, 2030 and 2043; and that part of Harris County tract 254100 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2025, 2026, 2034, 3000, 3002 and 3004; and that part of Harris County tract 254600 included in blocks 2064 and 3075; and that part of Harris County tract 254700 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1035, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093,

1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124 and 1125; and that part of Harris County tract 312500 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1101, 1102, 1103, 1107, 1108, 1109, 1110, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2025, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2069, 2079, 2080, 2081, 2082, 2083, 2089 and 2090; and that part of Harris County tract 312600 included in block groups 1 and 4 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2020, 2021, 2022, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3028, 3029 and 3039; and that part of Harris County tract 313100 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1046, 1047, 1055 and 1080; and that part of Harris County tract 314002 included in block groups 1, 2, 3 and 4 and blocks 5011, 5012 and 5013; and that part of Harris County tract 324000 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084 and 2094; and that part of Harris County tract 334100 included in blocks 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2134, 2140, 2146, 2147, 2148, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307,

2314, 2315, 2316, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2346 and 2347; and that part of Harris County tract 340201 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1081, 1082, 1128, 1129, 1130 and 1131; and that part of Harris County tract 342500 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1016, 1017, 1018, 1019, 1020, 1021, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 3000, 3001, 3005, 3006, 3007, 3008, 3009, 3010, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049 and 3050; and that part of Harris County tract 343600 included in block groups 2 and 3 and blocks 1202, 1371, 1372, 1373, 1374, 1375, 1376, 1414, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1782, 1783, 1784 and 1785; and that part of Harris County tract 350100 included in blocks 1000, 1006, 1007, 1012, 1035, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1099, 1100 and

1104; and that part of Harris County tract 350500 included in block group 3 and blocks 1001, 1002, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030 and 1031; and that part of Harris County tract 421500 included in blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008 and 3009; and that part of Harris County tract 421600 included in blocks 3011, 3012, 3013, 3014, 3015, 3016, 3017 and 3018; and that part of Harris County tract 421700 included in block groups 2, 3 and 4 and blocks 1000, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012 and 1013; and that part of Harris County tract 422100 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1015 and 1016; and that part of Harris County tract 422500 included in block groups 2 and 4 and blocks 3017 and 3018; and that part of Harris County tract 422600 included in blocks 3006, 3007, 3016, 3017, 3019, 3021, 3022 and 3023; and that part of Harris County tract 431900 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017 and 1018; and that part of Harris County tract 432001 included in blocks 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2023, 2024, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2044, 2045, 2046 and 2047; and that part of Harris County tract 432702 included in block group 1; and that part of Harris County tract 454400 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1065, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1088, 1089, 1090, 1091, 1092 and 1094; and that part of Harris County tract 510300 included in block groups 2, 3, 4 and 5 and blocks 1000, 1001, 1002, 1003, 1004, 1008, 1009, 1010, 1011, 1012, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1043 and 1044; and that part of Harris County tract 511400 included in block group 2 and blocks 1002, 1003, 1007, 1008, 1009, 1010, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 3005, 3006, 3007, 3008, 3009, 3011, 3012, 3013, 3014, 3015, 3016 and 3017; and that part of Harris County tract 511500 included in block groups 4, 5, 6 and 7 and blocks 3003, 3004, 3007, 3008, 3013, 3014, 3015, 3016, 3017 and 3019; and that part of Harris County tract 511600 included in block 1033; and that part of Harris County tract 520200 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1006, 1007, 1008, 1010, 3004, 3008, 3009, 3010, 3011 and 3012; and that part of Harris County tract 521000 included in blocks 1025, 1049, 1050, 1051, 1052 and 1053; and that part of Harris County tract 521700 included in blocks 4000, 4001, 4002, 4003 and 4004; and that part of Harris County tract 521800 included in blocks 1000, 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1084, 1085, 1086 and 1087;

and that part of Harris County tract 522000 included in block group 1 and blocks 2001, 3000, 3001, 3002 and 3003; and that part of Harris County tract 522301 included in blocks 2016, 2023, 2024, 2025, 2026, 2027, 2031, 2032, 2033 and 2034; and that part of Harris County tract 522302 included in blocks 1017, 1021, 2034, 2037 and 2038; and that part of Harris County tract 522401 included in blocks 4025, 4026, 4027, 4028, 4029, 4035, 4036 and 4037; and that part of Harris County tract 522500 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1014, 1015, 1016, 4000, 4001, 4002, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026 and 4027; and that part of Harris County tract 530100 included in blocks 3014, 3015 and 3016; and that part of Harris County tract 530900 included in block groups 2 and 3; and that part of Harris County tract 531000 included in block group 1 and blocks 2003, 2004, 2005, 2012, 2013, 2019 and 2020; and that part of Harris County tract 531200 included in block group 2 and blocks 1003, 1004, 1008, 1009, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012 and 3013; and that part of Harris County tract 531300 included in blocks 1000 and 1010; and that part of Harris County tract 531600 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2010, 2011, 2012, 2013, 2019, 2020, 2021, 2022, 2023, 2024, 2027, 2028, 2029, 2030, 2031, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045 and 2047; and that part of Harris County tract 534203 included in blocks 1049, 1055, 1056, 1057, 1058 and 1064; and that part of Harris County tract 540100 included in block group 1 and blocks 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2052, 2053, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3095, 3096, 3097, 3098, 3111, 3122, 3125 and 3126; and that part of Harris County tract 551500 included in blocks 2108, 2109, 2110, 2111, 2112, 2113, 2120, 2121, 2122, 2123, 2126, 2127 and 2130; and that part of Harris County tract 551600 included in block groups 1 and 2; and that part of Harris County tract 551703 included in blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 2020, 2021, 2025, 2026, 2027, 2028, 2029, 2030, 3003, 3004, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019 and 3020; and that part of Harris County tract 551800 included in block group 1 and blocks 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3030, 3031, 3032, 3039, 3040, 3043,

3044 and 3045; and that part of Harris County tract 553001 included in block group 3 and blocks 1000, 1001, 1003, 1004, 1005, 1006, 1007, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 2011, 2019, 2020, 2023, 2024, 2025 and 2026.

(f) District 3 is composed of Andrews, Archer, Armstrong, Bailey, Bandera, Baylor, Blanco, Borden, Bosque, Briscoe, Brown, Burnet, Callahan, Carson, Castro, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Comanche, Concho, Cooke, Cottle, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Denton, Dickens, Donley, Eastland, Ector, Edwards, Erath, Fisher, Floyd, Ford, Gaines, Garza, Gillespie, Glasscock, Gray, Grayson, Hale, Hall, Hamilton, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Hood, Howard, Hutchinson, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lamb, Lipscomb, Llano, Loving, Lubbock, Lynn, McCulloch, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Moore, Motley, Nolan, Ochiltree, Oldham, Palo Pinto, Parker, Parmer, Potter, Randall, Real, Roberts, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Somervell, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Wheeler, Wichita, Wilbarger, Winkler, Wise, Yoakum and Young Counties.

(7) Renumber the SECTIONS of the bill accordingly.

Amendment No. 6

Representative Martinez Fischer offered the following amendment to Amendment No. 5:

Amend Amendment No. 6 by Martinez Fischer to **CSSB 655** (page 49 of the prefiled amendment packet) as follows:

(1) In Item (2) of the amendment, strike amended Section 81.01002, Natural Resources Code (page 1, lines 17 through 20), and substitute the following:

Sec. 81.01002. CHAIRMAN. One commissioner serves [The commissioners shall elect one commissioner] as the chairman. The chairman of the commission serves a two-year term expiring December 31 of each even-numbered year. The position of chairman rotates among the commissioners in numerical order in accordance with the number of the single-member district represented by the commissioner. The chairman shall ensure that the commission executes and implements the commission's administrative duties and responsibilities.

(2) In Item (5) of the amendment, at the end of amended SECTION 44(e) of the bill (page 3, line 5), add the following:

The member elected from District 1 serves the initial term as chairman of the commission following the election.

Amendment No. 6 was adopted.

Representative Keffer moved to table Amendment No. 5, as amended.

The motion to table prevailed by (Record 620): 98 Yeas, 49 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent — Miller, S.

STATEMENT OF VOTE

When Record No. 620 was taken, my vote failed to register. I would have voted yes.

S. Miller

Amendment No. 7

Representative Gallego offered the following amendment to **CSSB 655**:
Floor Packet Page No. 83

Amend **CSSB 655** (house committee printing) as follows:

(1) In SECTION 7 of the bill, in added Section 81.010045(a), Natural Resources Code (page 3, lines 16 and 17), strike "political contribution" has the meaning and substitute "political committee" and "political contribution" have the meanings.

(2) In SECTION 7 of the bill, in added Section 81.010045, Natural Resources Code (page 4, between lines 15 and 16), insert the following:

(e) A commissioner may not knowingly accept a political contribution given or offered with the intention that it be used in connection with a campaign for the office of commissioner from:

(1) a person who in the 45-day period preceding the date the contribution was offered or given had business before the commissioners; or

(2) a political committee affiliated with a person described by Subdivision (1).

(Geren in the chair)

Amendment No. 8

Representative P. King offered the following amendment to Amendment No. 7:

Amend Floor Amendment No. 7 by Gallego to **CSSB 655** on page 1 by striking lines 10-17 and substituting the following:

In SECTION 7 of the bill, at the end of added Section 81.010045, Natural Resources Code (page 4, between lines 15 and 16), insert the following:

(e) A commissioner may not knowingly accept a political contribution from a party, or a political committee affiliated with the party, in a contested case before the commission during the period from the date notice of the hearing in the contested case is given until the thirtieth day after the date the decision in the contested case is rendered.

Amendment No. 8 was adopted.

Amendment No. 7, as amended, was adopted.

Amendment No. 9

Representative Flynn offered the following amendment to **CSSB 655**:
Floor Packet Page No. 85

Amend **CSSB 655** (house committee printing), as follows:

- (1) On page 3, line 26, strike "general" and insert "primary".
- (2) On page 4, line 8, strike "general" and insert "primary".

Amendment No. 9 was adopted.

Amendment No. 10

Representative Burnam offered the following amendment to **CSSB 655**:
Floor Packet Page No. 88

Amend **CSSB 655** (house committee printing) in SECTION 10 of the bill, in amended Section 81.0531(d), Natural Resources Code, by striking Subdivisions (5) and (6) of the subsection (page 6, lines 19-22) and substituting the following:

- (5) the demonstrated good faith of the person charged; [~~and~~]
- (6) the economic benefit gained through the violation; and
- (7) any other factor the commission considers relevant.

Amendment No. 11

Representative Burnam offered the following amendment to Amendment No. 10:

Amend Floor Amendment No. 10 (p. 88 of house prefiled amendments to **CSSB 655**) as follows:

On line 7, strike "the" and substitute "a willful".

Amendment No. 11 was adopted.

Amendment No. 10, as amended, was adopted.

Amendment No. 12

Representative Veasey offered the following amendment to **CSSB 655**:

Floor Packet Page No. 89

Amend **CSSB 655** (house committee printing) as follows:

(1) In SECTION 12 of the bill, following added Section 81.067(c)(21), Natural Resources Code (page 10, line 25), strike "and".

(2) In SECTION 12 of the bill, in added Section 81.067(c)(22), Natural Resources Code, between "81.071" and the underlined period (page 10, line 26), insert the following:

; and

(23) fees collected under Section 85.067

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

SECTION _____. Subchapter C, Chapter 85, Natural Resources Code, is amended by adding Section 85.067 to read as follows:

Sec. 85.067. HEARINGS ON EXCEPTION FOR CERTAIN GAS WELLS FROM COMMISSION WELL SPACING REQUIREMENTS. (a) This section applies only to a gas well located in a county that is located wholly or partly above a hydrocarbon-producing geological formation that underlies all or part of two counties:

(1) that are adjacent to one another; and

(2) each of which has a population of more than 1.8 million.

(b) The commission shall hold hearings on a quarterly basis in a county described by Subsection (a) on applications relating to wells described by that subsection for exceptions to a well spacing requirement provided by commission rule.

(c) The commission shall impose an annual fee on each operator of a gas well located in a county described by Subsection (a) in an amount sufficient to cover the cost of conducting the hearings described by Subsection (b). A fee collected under this subsection shall be deposited to the credit of the oil and gas regulation and cleanup fund.

Amendment No. 12 was withdrawn.

Amendment No. 13

Representative Farrar offered the following amendment to **CSSB 655**:

Floor Packet Page No. 91

Amend **CSSB 655** (house committee printing) as follows:

(1) On page 14, line 12, strike "10" and substitute "12".

(2) On page 14, strike line 22.

(3) On page 15, insert the following between lines 4 and 5:

(7) the executive officer, or a person designated by the executive officer, of a statewide public health organization selected by the governor; and

(8) the executive officer, or a person designated by the executive officer, of a statewide conservation organization selected by the governor.

Representative Crownover moved to table Amendment No. 13.

The motion to table prevailed by (Record 621): 100 Yeas, 45 Nays, 3 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Raymond; Reynolds; Rodriguez; Strama; Thompson; Veasey; Villarreal; Vo; Walle.

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

Absent — Eiland; Turner.

Amendment No. 14

Representative Burnam offered the following amendment to **CSSB 655**:

Floor Packet Page No. 92

Amend **CSSB 655** (house committee printing) as follows:

(1) In SECTION 40 of the bill, amend amended Section 121.201(a)(6), Utilities Code (page 30, line 9), by striking "and" and substituting "~~and~~".

(2) In SECTION 40 of the bill, amend amended Section 121.201(a)(7), Utilities Code (page 30, line 12), between "law" and the period, by inserting the following:

; and

(8) by rule establish conditions for mapping or taking an inventory of pipelines and related appurtenances

(3) Add the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS accordingly:

SECTION ____ . Section 121.202, Utilities Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(b) Except as provided by Subsection (a) and by Section 121.2025, this subchapter does not reduce, limit, or impair:

(1) a power vested by law in:

(A) a county in relation to a county road; or

(B) a municipality; or

(2) the ability of a municipality to establish conditions for mapping or taking an inventory of pipelines and related appurtenances, including pumps, compressors, separators, dehydration units, and tank batteries, located in an area in the municipality's extraterritorial jurisdiction.

(c) A municipality may[+:

~~[(A)]~~ adopt an ordinance that establishes conditions for mapping, inventorying, locating, or relocating pipelines and related appurtenances, including pumps, compressors, separators, dehydration units, and tank batteries, located within ~~[over, under, along, or across a public street or alley or private residential area in]~~ the boundaries of the municipality;~~or~~

~~[(B)]~~ establish conditions for mapping or taking an inventory in an area in a municipality's extraterritorial jurisdiction].

(d) The railroad commission by rule may establish conditions for mapping or taking an inventory of pipelines and related appurtenances.

Representative Keffer moved to table Amendment No. 14.

The motion to table prevailed by (Record 622): 96 Yeas, 48 Nays, 4 Present, not voting.

Yeas — Aliseda; Anderson, C.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Creighton; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Otto; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Anderson, R.; Burnam; Castro; Coleman; Crownover; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Oliveira; Orr; Parker; Pickett; Raymond; Reynolds; Rodriguez; Strama; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker; Burkett; Chisum; Geren(C).

Absent — Allen; Eiland.

STATEMENT OF VOTE

I was shown voting yes on Record No. 622. I intended to vote no.

Zedler

COMMITTEE GRANTED PERMISSION TO MEET

Representative L. Taylor requested permission for the Committee on Elections to meet while the house is in session, at 4:30 p.m. today, in 1W.14, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Elections, 4:30 p.m. today, 1W.14, for a formal meeting, to consider pending business.

CSSB 655 - (consideration continued)**Amendment No. 15**

Representative Gallego offered the following amendment to **CSSB 655**:
Floor Packet Page No. 95

Amend **CSSB 655** by adding the following appropriately numbered section to read as follows:

(1) SECTION _____. Section 81.0593. ELECTRONIC POSTING OF TAX EXEMPTION, TAX RATE REDUCTION OR TAX CREDIT. The commission shall post in a prominent place on the agency's website each certification letter issued by the commission that may be used for the purpose of qualifying or applying for a tax exemption, tax rate reduction, or tax credit with the Comptroller of Public Accounts. The commission shall post the certification letters issued prior to the effective date of this Act on the commission's website not later than August 31, 2012.

Amendment No. 15 was withdrawn.

Amendment No. 16

Representative Veasey offered the following amendment to **CSSB 655**:
Floor Packet Page No. 99

Amend **CSSB 655** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 85, Natural Resources Code, is amended by adding Section 85.066 to read as follows:

Sec. 85.066. PROTEST OF APPLICATION FOR EXCEPTION FROM WELL SPACING REQUIREMENT. (a) A person who may be affected by the commission granting an exception to a well spacing requirement provided by commission rule may protest the application for the exception by filing a notice of protest with the commission.

(b) If a notice of protest is filed with the commission under this section, the commission may not grant the exception unless the applicant demonstrates that the exception is necessary to prevent waste or to prevent the confiscation of property.

SECTION ____ . Section 85.066, Natural Resources Code, as added by this Act, applies only to an application for an exception to a well spacing requirement adopted by the Railroad Commission of Texas or the Texas Oil and Gas Commission by rule that is filed with the Railroad Commission of Texas or the Texas Oil and Gas Commission on or after the effective date of this Act. An application filed with the Railroad Commission of Texas before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 16 was withdrawn.

Amendment No. 17

Representative Gallego offered the following amendment to **CSSB 655**:
Floor Packet Page No. 95

Amend **CSSB 655** by adding the following appropriately numbered section to read as follows:

(1) SECTION ____ . Section 81.0593. ELECTRONIC POSTING OF TAX EXEMPTION, TAX RATE REDUCTION OR TAX CREDIT. The commission shall post in a prominent place on the agency's website each certification letter issued by the commission that may be used for the purpose of qualifying or applying for a tax exemption, tax rate reduction, or tax credit with the Comptroller of Public Accounts. The commission shall post the certification letters issued prior to the effective date of this Act on the commission's website not later than August 31, 2012.

Amendment No. 18

Representative Gallego offered the following amendment to Amendment No. 17:

Amend Amendment No. 17 by Gallego to **CSSB 655** (house committee printing) by striking the text of the amendment and substituting the following:

Amend **CSSB 655** (house committee printing) as follows:

(1) In the recital to SECTION 12 of the bill (page 7, line 10), strike "and 81.071" and substitute "81.071, and 81.072".

(2) In SECTION 12 of the bill, following added Section 81.071, Natural Resources Code (page 17, between lines 18 and 19), insert the following:

Sec. 81.072. ELECTRONIC POSTING OF CERTIFICATES REGARDING SEVERANCE TAX EXEMPTIONS, RATE REDUCTIONS, OR CREDITS. The commission shall post in a prominent place on any publicly accessible Internet website maintained by the commission each certificate issued by the commission that may be used for the purpose of qualifying, or applying to the comptroller, for a severance tax exemption, rate reduction, or credit.

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

SECTION _____. Not later than August 31, 2012, the Railroad Commission of Texas or the Texas Oil and Gas Commission shall post in the manner required by Section 81.072, Natural Resources Code, as added by this Act, the certificates described by that section that were issued by the Railroad Commission of Texas before the effective date of this Act.

Amendment No. 18 was adopted.

Amendment No. 17, as amended, was adopted.

Amendment No. 19

Representative Burnam offered the following amendment to **CSSB 655**:
Floor Packet Page No. 100

Amend **CSSB 655** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 91, Natural Resources Code, is amended by adding Section 91.020 to read as follows:

Sec. 91.020. PROHIBITION ON PERMIT FOR CERTAIN WELLS TO BE LOCATED NEAR PUBLIC SCHOOL. The commission may not issue a drilling permit for an oil or gas well that is proposed to be located less than 1,200 feet from the property line of a public school, unless:

- (1) if electricity is reasonably available at the well location, the well:
 - (A) is drilled with an electric drilling rig; and
 - (B) uses electric motors for any necessary onsite compression;
- (2) if the well is hydraulically fractured, the engine used for the hydraulic fracturing operation meets federal Tier 3 or 4 emissions standards;
- (3) if the well is completed, the well is completed using reduced emissions completion techniques and methods;
- (4) the well is located on a well pad that:
 - (A) exclusively uses low-bleed or no-bleed pneumatic devices; and
 - (B) has total emissions, including emissions from all equipment on the well pad that:
 - (i) are authorized under a permit from the Texas Commission on Environmental Quality that includes certified emissions limitations that are 90 percent lower than uncontrolled levels for:
 - (a) benzene;
 - (b) carbon disulfide;
 - (c) hydrogen sulfide;
 - (d) nitrogen oxides;
 - (e) sulfur dioxide; and
 - (f) formaldehyde; or
 - (ii) result in air contaminant maximum predicted concentrations at the property line of the tract on which the well pad is located that are equal to or less than 10 percent of the appropriate effects screening level, or 100 percent of the significant impact level for state and federal ambient air

quality standards, based on an impacts evaluation for each pollutant described by Subparagraph (i) of this paragraph, conducted under 30 T.A.C. Section 106.352, as that section existed on February 18, 2011; and

(5) the well is located at a site at which the operator employs a noise abatement plan, the implementation of which ensures that noise at the closest point of the school property line resulting from routine and nonroutine operations at the site does not exceed the ambient noise level at that point.

SECTION _____. Section 91.020, Natural Resources Code, as added by this Act, applies only to a drilling permit the application for which is filed with the Railroad Commission of Texas or the Texas Oil and Gas Commission on or after the effective date of this Act. A drilling permit the application for which is filed with the Railroad Commission of Texas before the effective date of this Act is subject to the law in effect on the date the application is filed, and that law is continued in effect for that purpose.

Representative Hardcastle moved to table Amendment No. 19.

AMENDMENT NO. 19 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE GUTIERREZ: Mr. Burnam, you and I have had this discussion before and I have no doubt that this amendment will probably go down like the last one, 101-49, but you and I have had a discussion about a documentary that recently aired called, "Gasland," is that correct?

REPRESENTATIVE BURNAM: Yes, and I know a number of members here have had an opportunity to view that film.

GUTIERREZ: Well, it's my hope that—as you're correct, not enough of them have had the opportunity to review it, because you think that all of those folks just north of Dallas and into Oklahoma, you think that they would now rather want those gas wells to be further from their homes than they already are?

BURNAM: I know scores of people in the Barnett Shale whose families have developed significant health problems because of the proximity to their homes. All this amendment does is to try to provide a regulatory balance such that they're not located within 1,200 feet of a school, which is the standard in the Fort Worth ISD right now that is way too often given exemptions. I'm trying to establish a regulatory framework with a half-dozen exemptions—if these bad players would just become decent, honorable players, they could reduce the pollution, the carcinogens, and the problems that we are having healthwise, but they won't without regulation.

GUTIERREZ: To exemplify what goes on, just as a pretty rudimentary example, you saw in that documentary house after house in the Dallas area and beyond in these areas, you saw how when these folks turned the water faucet on and put a match to it, it would ignite. You saw that, did you not?

BURNAM: Well, that is a problem in some areas, and I don't know that anybody's water out of their kitchen faucet has caught on fire in the Barnett Shale yet, but the fact—

GUTIERREZ: I'll submit to you that it has.

BURNAM: Well, there's a possibility that it has, but there's no question—it's not about possibility—there's no question that we can reduce the emissions by 90 percent at all of these facilities if we just would. And, in fact, if we were to provide the regulatory framework to encourage that, these companies would then start recovering these emissions and probably, it is estimated, making—recovering the expense of their investment within months of the original investment.

GUTIERREZ: You'll recall from that documentary that the oil and gas solution is to provide reverse osmosis water filtration systems for each one of those landlords—landholders, but at the end of the day, that's really not enough, is it? We need further regulation.

BURNAM: That's right. And it's just like everything else we do—we can do it now, or we can do it later after we find out just how much it's cost us to—

GUTIERREZ: To be clear, this isn't affecting my neighbors down in Bexar County, but it sure is affecting everybody in North Texas.

BURNAM: And it will be affecting people in southern Bexar County, because you have a shale yourself, and so you guys in Bexar County better get ready and be looking at what needs to be done to protect the health and safety of your children.

GUTIERREZ: We certainly need more regulation in this area.

REMARKS ORDERED PRINTED

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

The motion prevailed.

The motion to table prevailed by (Record 623): 101 Yeas, 43 Nays, 3 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson;

Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent — Bohac; Eiland; Lozano.

HB 3863 - PERMISSION TO INTRODUCE

Representative Garza requested permission to introduce and have placed on first reading **HB 3863**.

Permission to introduce was granted by (Record 624): 147 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; 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; 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.

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

Absent — Isaac.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 20).

MAJOR STATE CALENDAR (consideration continued)

CSSB 655 - (consideration continued)

Amendment No. 20

Representative P. King offered the following amendment to **CSSB 655**:

Floor Packet Page No. 102

Amend **CSSB 655** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Subchapter D, Chapter 91, Natural Resources Code, is amended by adding Section 91.118 to read as follows:

Sec. 91.118. PERMITS REQUIRED FOR LAND APPLICATION OF CERTAIN WASTE. (a) The commission by rule shall regulate through the issuance of permits the use of land application for the treatment and disposal of oil field fluids or oil and gas wastes.

(b) Rules adopted under this section:

(1) must consider the amount of land available to the applicant for the land application of fluids or wastes and any applicable federal or state law if the rules limit the number of permits that may be issued to an applicant;

(2) may not prohibit the issuance of a permit to an applicant for the land application of fluids or wastes on a tract based on its proximity to another tract for which a permit authorizing the land application of fluids or wastes has been issued if the surface ownership of the tracts is different; and

(3) must permit the land application of fluids or wastes at the same location annually if:

(A) the fluids or wastes are generated by only one operator and are derived from:

(i) the same lease, if the fluids or wastes are derived from one or more oil wells; or

(ii) the same general area or field, if the fluids or wastes are derived from one or more gas wells; and

(B) the water base drilling fluid and cuttings are:

(i) from not more than five wells, if the volume of the water base drilling fluid and cuttings does not exceed 30,000 barrels; or

(ii) from one well, if the volume of the water base drilling fluid and cuttings exceeds 30,000 barrels.

(b) Not later than December 1, 2011, the Railroad Commission of Texas shall adopt rules as required by Section 91.118, Natural Resources Code, as added by this section.

(c) This section takes effect September 1, 2011.

Amendment No. 20 was adopted.

Amendment No. 21

Representative Farrar offered the following amendment to **CSSB 655**:

Floor Packet Page No. 104

Amend **CSSB 655** by adding the following appropriately numbered section and renumbering subsequent sections accordingly:

SECTION _____. Subchapter E, Chapter 91, Natural Resources Code, is amended by adding Section 91.1421 to read as follows:

Sec. 91.1421. ANNUAL REPORT OF GROUNDWATER USE.

(a) In this section, "groundwater" has the meaning assigned by Section 36.001, Water Code.

(b) The Commission shall collect information on the annual use of groundwater used in the exploration and development of oil and gas resources on a regional and statewide basis.

(c) In collecting the information, the Commission shall allow for estimates or ranges of use to ease the collection of information where actual water use information is not available.

(d) The Commission may collect information from any source to aid in its collection including actual industries or groundwater conservation districts.

(e) The Commission shall share this information with the Texas Water Development Board for use in the statewide water planning process.

Amendment No. 22

Representative Ritter offered the following amendment to Amendment No. 21:

Amend Floor Amendment No. 21 by Farrar (page 104 of the prefilled amendment packet) to **CSSB 655**, on page 1 of the amendment by striking lines 10-21, and substituting the following:

(b) The commission shall require an applicant for a permit for a well for oil or gas exploration or development to include an estimated total amount of groundwater to be used to operate the well annually.

(c) Upon the approval of a permit for a well for oil or gas exploration or development, the commission shall notify the Texas Water Development Board and the groundwater conservation district in which the well is located, if the well is located in a groundwater conservation district. The notice must include:

(1) the location of the well; and

(2) the estimated amount of water to be used by the well.

(d) The commission shall adopt rules to implement this section.

Amendment No. 22 was adopted.

Amendment No. 21, as amended, was adopted.

Amendment No. 23

Representative Anchia offered the following amendment to **CSSB 655**:

Floor Packet Page No. 96

Amend **CSSB 655** (house committee report) by adding the following appropriately numbered SECTION and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION ____ . Subchapter C, Chapter 85, Natural Resources Code, is amended by adding Section 85.066 to read as follows:

Sec. 85.066. PROCEDURE FOR OBTAINING EXCEPTION FOR CERTAIN GAS WELLS FROM COMMISSION WELL SPACING REQUIREMENTS. (a) This section applies only to a gas well located in a county that is located wholly or partly above a hydrocarbon-producing geological formation that underlies all or part of two counties:

(1) that are adjacent to one another; and

(2) each of which has a population of more than 1.8 million.

(b) This section shall be construed broadly to accomplish its purposes.

(c) An applicant for an exception to a well spacing requirement adopted by the commission by rule must provide a notice in plain language to each person who would be affected by the exception to the rule that:

(1) identifies by means of a drawing prepared by a surveyor the path of the proposed well bore and explains the method that will be used to produce gas from the area surrounding the well bore, including the area adjacent to the property on which the well is located, if applicable;

(2) explains that the person receiving the notice has the right to object to the application and request a hearing on the application and outlines the procedure for the hearing, including the burden of proof and the standard for granting the exception; and

(3) explains that not objecting to the applicant's request may result in:

(A) the depletion of gas from the property of the person receiving the notice;

(B) a loss of compensation for the person's gas; and

(C) the transfer of the person's gas to the operator of the well or other mineral owners.

(d) The commission must hold a hearing on the application before granting the exception. The hearing must be held in a county described by Subsection (a).

(e) The applicant must present in the hearing evidence:

(1) that the exception is necessary to most efficiently produce the gas and is not merely for the convenience of the operator of the well;

(2) of the absence of feasible alternatives to the exception;

(3) that every effort was made to notify each person affected by the exception; and

(4) of the amount of gas that would be depleted from property owned by persons affected by the exception if the exception were granted, the amount of compensation those persons would likely receive if their interests in the gas were pooled, and the persons to whom the gas would be transferred if the exception were granted.

(f) the applicant has the burden of proof on each issue in the hearing.

SECTION _____. The change in law made by this Act applies only to the application for an exception to a well spacing requirement adopted by the Railroad Commission of Texas by rule that is filed with the commission on or after the effective date of this Act. An application filed with the commission before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 24

Representative Anchia offered the following amendment to Amendment No. 23:

Amend Amendment No. 23 by Anchia to **CSSB 655** (page 96, prefiled amendment packet) by striking added Sections 85.066(d), (e), and (f), Natural Resources Code, and substituting the following:

(d) Any hearing on the application held by the commission before granting the exemption must be held in a county described by Subsection (a).

Amendment No. 24 was adopted.

Amendment No. 23, as amended, was adopted.

Amendment No. 25

Representative Anchia offered the following amendment to **CSSB 655**:

Floor Packet Page No. 94

Amend **CSSB 655** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 81.051(a), Natural Resources Code, is amended to read as follows:

(a) The commission has jurisdiction over all:

(1) common carrier pipelines defined in Section 111.002 of this code in Texas;

(2) saltwater pipelines in Texas;

(3) oil and gas wells in Texas;

(4) [~~(3)~~] persons owning or operating pipelines in Texas, including saltwater pipelines; and

(5) [~~(4)~~] persons owning or engaged in drilling or operating oil or gas wells in Texas.

Amendment No. 26

Representative Anchia offered the following amendment to Amendment No. 25:

Amend Floor Amendment No. 25 by Anchia to **CSSB 655** (page 94 of the prefiled amendments packet) by striking lines 6-14 and substituting:

(a) The commission has jurisdiction over all:

(1) common carrier pipelines defined in Section 111.002 of this code in Texas;

(2) pipelines used to transport saltwater oil and gas waste, as defined by Section 91.1011, in Texas;

(3) oil and gas wells in Texas;

(4) [~~(3)~~] persons owning or operating pipelines in Texas, including pipelines used to transport saltwater oil and gas waste, as defined by Section 91.1011; and

(5) [~~(4)~~] persons owning or engaged in drilling or operating oil or gas wells in Texas.

Amendment No. 26 was adopted.

Amendment No. 27

Representative Anchia offered the following amendment to Amendment No. 25:

Amend Floor Amendment No. 25 by Anchia to **CSSB 655** (page 94 of the prefiled amendments packet) by striking lines 6-14 and substituting:

(a) The commission has jurisdiction over all:

(1) common carrier pipelines defined in Section 111.002 of this code in Texas;

(2) pipelines used to transport saltwater oil and gas waste, as defined by Section 91.1011, in Texas;

(3) oil and gas wells in Texas;

(4) ~~(3)~~ persons owning or operating pipelines in Texas, including pipelines used to transport saltwater oil and gas waste, as defined by Section 91.1011; and

(5) ~~(4)~~ persons owning or engaged in drilling or operating oil or gas wells in Texas.

Amendment No. 27 was adopted.

Amendment No. 25, as amended, was adopted.

(Speaker in the chair)

Amendment No. 28

Representative Strama offered the following amendment to **CSSB 655**:
Floor Packet Page No. 105

Amend **CSSB 655** (house committee report) by adding the following appropriately numbered SECTIONS and renumbering the subsequent SECTIONS of the bill accordingly:

Section ____ Chapter 91, Natural Resources Code, is amended by adding Subchapter S to read as follows:

SUBCHAPTER S. SALTWATER PIPELINES

Sec. 91.901. DEFINITIONS. In this subchapter:

(1) "Saltwater pipeline facility" means a pipeline facility that conducts water containing salt and other substances produced during drilling or operating natural gas and other types of wells to a disposal or recycling facility.

(2) "Saltwater pipeline operator" means a person who owns, installs, manages, operates, leases, or controls a saltwater pipeline facility.

Sec. 91.902 AUTHORITY TO LAY AND MAINTAIN SALTWATER PIPELINES ON PUBLIC ROAD. A saltwater pipeline operator may install, maintain, and operate a saltwater pipeline facility through, under, along, across, or over a public road only if:

(1) the saltwater pipeline facility complies with applicable:

(A) saltwater safety regulations adopted by the commission relating to saltwater pipeline facilities;

(B) federal regulations relating to saltwater pipeline facilities; and

(C) rules adopted by the commission and the Texas Transportation Commission relating to the horizontal or vertical placement of the pipeline facility; and

(2) the saltwater pipeline operator ensures that the public road and associated facilities are promptly restored to their former condition of usefulness after the installation or maintenance of the pipeline facility is complete.

Sec. 91.903. RELOCATION OF SALTWATER PIPELINE FACILITY FOR CERTAIN PURPOSES. (a) The Texas Transportation Commission may require a saltwater pipeline operator to relocate a saltwater pipeline facility at a cost of the saltwater pipeline operator to accommodate construction or expansion of a public road unless the saltwater pipeline operator has a property interest in the land occupied by the saltwater pipeline facility to be relocated.

(b) Upon entering into any construction contract requiring the relocation of a saltwater pipeline facility, the Texas Transportation Commission shall give to the saltwater pipeline operator 30 days' written notice of the requirement. The saltwater pipeline operator shall not be required to move the saltwater pipeline facility prior to the expiration of the 30 day period. The notice must identify the saltwater pipeline facility to be relocated and indicate the approximate location on the new right-of-way where the saltwater pipeline operator may place the saltwater pipeline facility.

Sec. 91.904. CONSTRUCTION OF SUBCHAPTER. This subchapter shall not be construed to:

(1) limit the authority of a saltwater pipeline facility to use a public right-of-way under any other law; or

(2) require a saltwater pipeline operator to utilize a public right-of-way in lieu of an alternative route selected by the operator; or

(3) affect the authority of a municipality to:

(A) regulate the use of a public right-of-way by a saltwater pipeline operator under any other law;

(B) require payment of any applicable charge under Subsection 182.025 and 182.036, Tax Code.

Sec. 91.906. RULES. The commission shall adopt rules to implement this subchapter.

Amendment No. 28 was adopted.

Amendment No. 29

Representative Martinez Fischer offered the following amendment to **CSSB 655**:

Floor Packet Page No. 108

Amend **CSSB 655** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Subtitle B, Title 3, Natural Resources Code, is amended by adding Chapter 93 to read as follows:

CHAPTER 93. REGULATION OF HYDRAULIC FRACTURINGSUBCHAPTER A. GENERAL PROVISIONS

Sec. 93.001. DEFINITIONS. In this chapter, unless the context otherwise requires:

(1) "Additive" means any substance or combination of substances found in a hydraulic fracturing fluid, including a proppant, that is added to a base fluid in the context of a hydraulic fracturing treatment.

(2) "Base fluid" means the base fluid type, such as water or nitrogen foam, used in a particular hydraulic fracturing treatment.

(3) "Chemical Abstracts Service" or "CAS" means the chemical registry that is the authoritative collection of disclosed chemical substance information.

(4) "Chemical constituent" means a discrete chemical with its own specific name or identity, such as a CAS number, that is contained in an additive.

(5) "Commission" means the Texas Oil and Gas Commission.

(6) "Hydraulic fracturing fluid" means the fluid used to perform a particular hydraulic fracturing treatment and includes the applicable base fluid and all additives.

(7) "Hydraulic fracturing treatment" means the stimulation of a well by the forceful application of hydraulic fracturing fluid into the relevant geological formation for the purpose of creating fractures in the formation in order to facilitate production of hydrocarbons.

(8) "Operator" means the person authorized to conduct operations on a well.

(9) "Proppant" means sand or another natural or man-made inert material that is used in a hydraulic fracturing treatment to prevent artificially created or enhanced fractures from closing once the treatment is completed.

(10) "Trade secret" means any confidential formula, pattern, process, device, information, or compilation of information that is used in a person's business and that gives the person an opportunity to obtain an advantage over competitors that do not know or use it.

(11) "Well" means a hydrocarbon production well.

(12) "Well completion report" means the report an operator is required to file with the commission following the completion or recompletion of a well, if applicable.

Sec. 93.002. RULES. The commission shall adopt any rules necessary to carry out its powers and duties under this chapter.

Sec. 93.003. REPORT. Not later than January 1 of each year, the commission shall submit to the legislature a report concerning the effects of hydraulic fracturing treatments on environmental quality, including water quality. The report must address:

(1) the effects of hydraulic fracturing treatments on the quality of the water in aquifers;

(2) the total amount and types of chemicals used in hydraulic fracturing treatments;

(3) the geographic location of the wells on which hydraulic fracturing treatments are performed;

(4) the rates of asthma, including childhood asthma, in areas in which wells on which hydraulic fracturing treatments are performed and wastewater disposal sites associated with those wells are located;

(5) the routes used to transport to an injection site wastewater associated with wells on which hydraulic fracturing treatments are performed and the amount of any wastewater spilled along those routes; and

(6) the presence of any radioactivity or radioactive elements in wastewater associated with wells on which hydraulic fracturing treatments are performed.

[Sections 93.004-93.050 reserved for expansion]

SUBCHAPTER B. DISCLOSURE OF COMPOSITION OF HYDRAULIC
FRACTURING FLUIDS

Sec. 93.051. INFORMATION SUBMITTED CONSIDERED PUBLIC INFORMATION; POSTING ON INTERNET WEBSITE. Notwithstanding any other law, unless the information is entitled to be withheld as a trade secret under Section 93.052(b) or (c)(4) or 93.053(c), information submitted to the commission under Section 93.052 or 93.053 is public information, and the commission shall post the information on a publicly accessible Internet website.

Sec. 93.052. SERVICE COMPANY DISCLOSURES. (a) A person performing hydraulic fracturing treatments in this state shall disclose to the commission and maintain an updated master list of:

(1) all base fluids to be used by the person during any hydraulic fracturing treatment in this state;

(2) all additives to be used by the person during any hydraulic fracturing treatment in this state; and

(3) all chemical constituents to be used by the person in any hydraulic fracturing treatment in this state and their associated CAS numbers.

(b) Notwithstanding Subsection (a)(3), if the specific identity of any chemical constituent to be used in any hydraulic fracturing treatment in this state is entitled to be withheld as a trade secret pursuant to the criteria provided by 42 U.S.C. Section 11042(a)(2) and Section 93.055 of this chapter, the commission shall protect and hold confidential the identity of the chemical constituent and its associated CAS number. To qualify for trade secret protection, the person performing the hydraulic fracturing treatment must submit to the commission on an approved form a formal claim of entitlement to that protection in the manner required by Section 93.055.

(c) A person performing hydraulic fracturing treatments in this state shall provide to the operator of each well for which the person performs a hydraulic fracturing treatment:

(1) the maximum pump pressure measured at the surface and the type and volume of base fluid used in each stage of the hydraulic fracturing treatment;

(2) a list of all additives used in the hydraulic fracturing fluid, specified by general type, such as acid, biocide, breaker, corrosion inhibitor, crosslinker, demulsifier, friction reducer, gel, iron control, oxygen scavenger, pH adjusting agent, proppant, scale inhibitor, and surfactant;

(3) for each additive type listed under Subdivision (2), the specific name of the additive used and the actual rate or concentration of each additive, expressed as pounds per thousand gallons or gallons per thousand gallons and expressed as a percentage by volume of the total hydraulic fracturing fluid used;

(4) a list of all the chemical constituents used in the hydraulic fracturing fluid and their associated CAS numbers, except to the extent that the specific identity of any chemical constituent is entitled to be withheld as a trade secret as provided by Subsection (b); and

(5) for each chemical constituent identified under Subdivision (4), the actual rate or concentration of each chemical, expressed as pounds per thousand gallons or gallons per thousand gallons and expressed as a percentage by volume of the total hydraulic fracturing fluid used.

(d) Subsections (b) and (c)(4) do not authorize a person to withhold information that federal or state law, including this section, requires to be provided to any health care professional who needs the information for diagnostic or treatment purposes. A person performing a hydraulic fracturing treatment shall provide directly to a health care professional, immediately on request, all information required by the health care professional, including the percent by volume of the chemical constituents of the hydraulic fracturing fluid and their associated CAS numbers. In a case that is not a medical emergency, the health care professional must provide the person performing the hydraulic fracturing treatment a written statement of need for the information before the person is entitled to receive the information. In a medical emergency, the health care professional must provide the person performing the hydraulic fracturing treatment a written statement of need for the information as soon as circumstances permit.

(e) A health care professional to whom information is disclosed under Subsection (d) shall hold the information confidential, except that the health care professional may, for diagnostic or treatment purposes, disclose information provided under that subsection to another health care professional, a laboratory, or a third-party testing firm. A health care professional, laboratory, or third-party testing firm to which information is disclosed by another health care professional under this subsection shall hold the information confidential.

Sec. 93.053. OPERATOR DISCLOSURES. (a) Following the completion of a hydraulic fracturing treatment on a well, the operator shall include in the well completion report, on a form approved by the commission:

(1) the maximum pump pressure measured at the surface and the type and volume of base fluid used in each stage of the hydraulic fracturing treatment;

(2) a list of all additives used in the hydraulic fracturing treatment, specified by general type, such as acid, biocide, breaker, corrosion inhibitor, crosslinker, demulsifier, friction reducer, gel, iron control, oxygen scavenger, pH adjusting agent, proppant, scale inhibitor, and surfactant;

(3) for each additive type listed under Subdivision (2), the specific name of the additive used and the actual rate or concentration of each additive, expressed as pounds per thousand gallons or gallons per thousand gallons and expressed as a percentage by volume of the total hydraulic fracturing fluid used;

(4) the information provided under Sections 93.052(c)(4) and (5) to the operator by the person who performed the hydraulic fracturing treatment; and

(5) if the operator caused any additives to be used during the hydraulic fracturing treatment that are not required to be disclosed under Section 93.052(c) to the operator by the person who performed the hydraulic fracturing treatment:

(A) a list of the additives used; and

(B) for each additive listed, the chemical constituents of the additive and their associated CAS numbers and the actual rate or concentration of each additive or chemical, expressed in the manner provided by Section 93.052(c).

(b) The operator may supply field service company tickets, excluding pricing information, and reports regarding the hydraulic fracturing treatment, as used in the normal course of business, to satisfy some or all of the requirements of Subsection (a).

(c) Notwithstanding Subsection (a)(5), if the specific identity of a chemical constituent contained in an additive is entitled to be withheld as a trade secret pursuant to the criteria provided by 42 U.S.C. Section 11042(a)(2) and Section 93.055 of this chapter, the commission shall protect and hold confidential the identity of the chemical constituent and its associated CAS number. To qualify for trade secret protection, the operator must submit to the commission on an approved form a formal claim of entitlement to that protection in the manner required by Section 93.055.

(d) Subsection (c) does not authorize an operator to withhold information that federal or state law, including this section, requires to be provided to any health care professional who needs the information for diagnostic or treatment purposes. An operator shall provide directly to a health care professional, immediately on request, all information required by the health care professional, including the percent by volume of the chemical constituents of the hydraulic fracturing fluid and their associated CAS numbers. In a case that is not a medical emergency, the health care professional must provide the operator a written statement of need for the information before the person is entitled to receive the information. In a medical emergency, the health care professional must provide the operator a written statement of need for the information as soon as circumstances permit.

(e) A health care professional to whom information is disclosed under Subsection (d) shall hold the information confidential, except that the health care professional may, for diagnostic or treatment purposes, disclose information provided under that subsection to another health care professional, a laboratory, or a third-party testing firm. A health care professional, laboratory, or third-party testing firm to which information is disclosed by another health care professional under this subsection shall hold the information confidential.

Sec. 93.054. USE OF SERVICES OF NONCOMPLYING SERVICE COMPANY PROHIBITED. An operator may not use the services of another person in performing a hydraulic fracturing treatment in this state unless the other person is in compliance with the requirements of Section 93.052.

Sec. 93.055. TRADE SECRET PROTECTION. (a) A claim of entitlement to trade secret protection made under Section 93.052(b) or (c)(4) or 93.053(c) must include substantiating facts in the form of the information required by 40 C.F.R. Section 350.7(a). If requested by the trade secret claimant, the commission shall treat any such substantiating facts as confidential and may not disclose them to any third party or the public for any purpose. Until a final determination that the information is not entitled to trade secret protection is made under this section, the commission shall treat the information implicated by the claim of trade secret entitlement as a confidential trade secret, and the information is not subject to disclosure under Chapter 552, Government Code.

(b) The commission shall determine a claim of entitlement to trade secret protection made under Section 93.052(b) or (c)(4) or 93.053(c) to be sufficient if the information set forth in the claim supports all the conclusions set forth in 40 C.F.R. Section 350.13(a) and the supporting information is true. In making a determination as to a claim, the commission may require the trade secret claimant to submit additional supplemental information if the information is necessary for the commission to make its determination under this section. If requested by the trade secret claimant, the commission shall treat any supplemental information provided as confidential and may not disclose the information to any third party or the public for any purpose.

(c) If the commission determines a claim of entitlement to trade secret protection to be insufficient, the commission shall notify the trade secret claimant in writing of the determination by certified mail. Not later than the 15th day after the date the trade secret claimant receives notice of the determination, the claimant may request another review of the claim. The trade secret claimant must show good cause for the additional review. What constitutes good cause for purposes of this subsection is solely within the reasonable discretion of the commission and may include the availability of new supporting information or a good faith error or omission on the part of the trade secret claimant in the original claim. Not later than the 30th day after the date the commission receives the request, the commission shall provide written notice to the trade secret claimant of the commission's acceptance or rejection of the request. If a trade secret claimant makes a request for review under this subsection, the commission shall treat the information implicated by the claim of trade secret entitlement as a confidential trade secret until the commission makes a determination with regard to the review request. If the commission rejects the review request, the commission shall continue to treat the information as a confidential trade secret until the earlier of the 30th day after the date the trade secret claimant receives notice that the commission has rejected the review request or the date the claimant withdraws the disclosure under Subsection (c).

(d) Not later than the 30th day after the date the trade secret claimant receives notice from the commission that the commission has rejected the claim of entitlement to trade secret protection, the claimant may appeal the determination by filing a petition in a district court of Travis County. If a trade secret claimant files an appeal under this subsection, the commission shall treat the information implicated by the claim of trade secret entitlement as a confidential trade secret until the appeal is resolved. If the resolution of the appeal affirms the commission's determination of the insufficiency of the claim, the commission shall continue to treat the information as a confidential trade secret until the earlier of the 30th day after the date the trade secret claimant receives notice that the appeal has been resolved or the date the claimant withdraws the disclosure under Subsection (e).

(e) Not later than the 30th day after the date the trade secret claimant receives notification under Subsection (c) that the commission has rejected the claim of entitlement to trade secret protection or the date a final judgment affirming the commission's determination of the insufficiency of the claim is entered under Subsection (d), as applicable, and only to the extent that the relevant chemical constituent has not been used by or for the trade secret claimant in any hydraulic fracturing treatment in this state, the trade secret claimant may formally withdraw the disclosure of a chemical constituent by notifying the commission of its intent to withdraw the disclosure. If the trade secret claimant withdraws the disclosure of a chemical constituent, the commission shall protect and hold confidential the identity of the chemical constituent and any corresponding CAS number, and the information is not subject to disclosure under Chapter 552, Government Code. After the withdrawal, the chemical constituent may not be used by or for the trade secret claimant in any hydraulic fracturing treatment in this state unless the trade secret claimant satisfies the requirements of this chapter relating to the disclosure of information regarding the chemical constituent.

(f) Notwithstanding any other provision of this section, the commission may:

(1) disclose information otherwise subject to trade secret protection under this section to a third-party testing firm in connection with the investigation of a claim of contamination of surface water or groundwater if the firm agrees in writing to keep the information confidential; and

(2) use the results of a test conducted by a third-party testing firm in connection with an investigation described by Subdivision (1) in any manner the commission considers necessary to protect public health and the environment.

[Sections 93.056-93.100 reserved for expansion]

SUBCHAPTER C. USE OF TRACER SUBSTANCES IN HYDRAULIC FRACTURING TREATMENTS

Sec. 93.101. HYDRAULIC FRACTURING FLUID TRACER. (a) The commission shall adopt rules requiring a person who performs a hydraulic fracturing treatment on a well to include a tracer substance in the base stimulation fluid used to perform the treatment.

(b) Rules adopted under this section may specify the type of tracer substance a person is required to use in performing a hydraulic fracturing treatment, such as an isotope tracer or a color tracer, provided that:

(1) the tracer substance is traceable to a specific person after the tracer substance is used in a hydraulic fracturing treatment; and

(2) the commission has determined that the use of the tracer substance in a hydraulic fracturing treatment will not endanger the public health.

[Sections 93.102-93.150 reserved for expansion]

SUBCHAPTER D. PROTECTION OF GROUNDWATER AND SURFACE WATER

Sec. 93.151. RULES. The commission shall adopt rules concerning hydraulic fracturing treatments that ensure the protection of groundwater and surface water.

SECTION ____. Chapter 93, Natural Resources Code, as added by this Act, applies only to a hydraulic fracturing treatment performed on a well for which an initial drilling permit is issued on or after the effective date of this Act. A hydraulic fracturing treatment performed on a well for which an initial drilling permit is issued before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION ____. The Texas Oil and Gas Commission shall adopt rules under Chapter 93, Natural Resources Code, as added by this Act, not later than February 1, 2012.

Amendment No. 30

Representative Martinez Fischer offered the following amendment to Amendment No. 29:

Amend Amendment No. 29 by Martinez Fischer (page 108 of the prefiled amendments packet) to **CSSB 655** (house committee report) as follows:

(1) Strike added Section 93.001 and 93.002, Natural Resources Code (page 1, line 8, through page 2, line 20).

(2) In the heading to added Section 93.003, Natural Resources Code (page 2, line 21), strike "93.003" and substitute "93.001".

(3) Strike added Subchapter B, Chapter 93, Natural Resources Code (page 3, lines 12-31, pages 4-10, and page 11, lines 1-11).

(4) Strike the heading to added Subchapter C, Chapter 93, Natural Resources Code (page 11, lines 12-13) and substitute "SUBCHAPTER B. STUDIES ON HYDRAULIC FRACTURING REGULATION".

(5) In the heading to added Section 93.101, Natural Resources Code (page 11, line 14), strike "93.101" and substitute "93.051".

(6) In added Section 93.101(a), Natural Resources Code (page 11, line 15), strike "adopt rules" and substitute "conduct a study on the costs and benefits and feasibility of".

(7) In added Section 93.101(b), Natural Resources Code (page 11, lines 19-22), strike all before the colon and substitute the following:

(b) The study shall include a review of types of tracer substances a person could be required to use in performing a hydraulic fracturing treatment, such as isotope tracers or color tracers. The commission shall only include a tracer substance in the review if

(8) Strike the expansion clause on page 11, line 29.

(9) Strike added Subchapter D, Chapter 93, Natural Resources Code, (page 11, lines 30-31 and page 12, lines 1-2) and substitute the following:

Sec. 93.052. HYDRAULIC FRACTURING REGULATION FEASIBILITY STUDY. The commission shall conduct a study on the costs, benefits, and feasibility of regulating hydraulic fracturing treatment in this state. The study must include considerations of:

(1) the feasibility of requiring disclosure of information related to hydraulic fracturing treatment, such as the base fluids, additives, and chemical constituents used by a person in a hydraulic fracturing treatment; and

(2) the protection of groundwater and surface water in this state.

[Sections 93.052-93.100 reserved for expansion]

(10) Strike the remainder of the amendment (page 13, lines 3-13).

Amendment No. 30 was adopted.

Amendment No. 29, as amended, was adopted.

Amendment No. 31

Representative Crownover offered the following amendment to **CSSB 655**:

Floor Packet Page No. 120

Amend **CSSB 655** (house committee printing) by adding the following appropriately numbered SECTION and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION ____ Subtitle D, Title 3, Natural Resources Code, is amended by adding Chapter 122 to read as follows:

CHAPTER 122. ALTERNATIVE FUELS

Sec. 122.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Railroad Commission of Texas.

(2) "Fund" means the alternative fuels fund.

Sec. 122.002. ALTERNATIVE FUELS FUND. (a) The alternative fuels fund is created in the state treasury.

(b) The fund consists of money from:

(1) gifts, grants, or other assistance received by the commission from any source for the purposes of this chapter; and

(2) interest earned on amounts in the fund.

(c) Money in the fund may be appropriated only to the commission to be used to pay the costs of:

(1) researching, developing, and implementing marketing, advertising, and informational programs relating to alternative fuels;

(2) implementing consumer rebate programs established under Section 122.004;

(3) other functions the commission determines are necessary to add a program established by the commission for the purpose of promoting the use of environmentally beneficial alternative fuels; and

(4) the administrative costs incurred by the commission under this chapter.

(d) The fund is exempt from the application of Section 403.095, Government Code.

Sec. 122.003. GIFTS, GRANTS, AND OTHER ASSISTANCE. The commission may apply for, request, solicit, contract for, receive, and accept gifts, grants, and other assistance from any source for the purposes of this chapter.

Sec. 122.004. CONSUMER REBATE PROGRAMS. (a) The commission may establish consumer rebate programs for purchasers or lessees of vehicles, appliances, and equipment fueled by environmentally beneficial alternative fuels.

(b) The commission may adopt rules necessary to establish a consumer rebate program under this section.

Amendment No. 31 was adopted.

Amendment No. 32

Representative Sheffield offered the following amendment to **CSSB 655**:

Floor Packet Page No. 124

Amend **CSSB 655** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. The heading to Section 121.211, Utilities Code, is amended to read as follows:

Sec. 121.211. PIPELINE SAFETY AND REGULATORY FEES.

SECTION _____. Sections 121.211(a), (b), (c), (d), (e), and (h), Utilities Code, are amended to read as follows:

(a) The railroad commission by rule may adopt a ~~[an inspection]~~ fee to be assessed annually against operators of natural gas distribution pipelines and their pipeline facilities and natural gas master metered pipelines and their pipeline facilities subject to this title ~~[chapter]~~.

(b) The railroad commission by rule shall establish the method by which the fee will be calculated and assessed. In adopting a fee structure, the railroad commission may consider any factors necessary to provide for the equitable allocation among operators of the costs of administering the railroad commission's pipeline safety and regulatory program under this title ~~[chapter]~~.

(c) The total amount of fees estimated to be collected under rules adopted by the railroad commission under this section may not exceed the amount estimated by the railroad commission to be necessary to recover the costs of administering the railroad commission's pipeline safety and regulatory program under this title ~~[chapter]~~, excluding costs that are fully funded by federal sources.

(d) The commission may assess each operator of a natural gas distribution system subject to this title ~~[chapter]~~ an annual ~~[inspection]~~ fee not to exceed one dollar for each service line reported by the system on the Distribution Annual Report, Form RSPA F7100.1-1, due on March 15 of each year. The fee is due March 15 of each year.

(e) The railroad commission may assess each operator of a natural gas master metered system subject to this title ~~[chapter]~~ an annual ~~[inspection]~~ fee not to exceed \$100 for each master metered system. The fee is due June 30 of each year.

(h) A fee collected under this section shall be deposited to the credit of the general revenue fund to be used for the pipeline safety and regulatory program.

Amendment No. 32 was adopted.

Amendment No. 33

Representative Workman offered the following amendment to **CSSB 655**:
Floor Packet Page No. 126

Amend **CSSB 655** (house committee printing) by adding the following appropriately numbered article to the bill and renumbering subsequent articles and sections of the bill accordingly:

ARTICLE ____ PROPANE GAS DISTRIBUTION RETAILERS

SECTION ____.01. Title 3, Utilities Code, is amended by adding Subtitle C to read as follows:

SUBTITLE C. PROPANE GAS DISTRIBUTION SYSTEMS

CHAPTER 141. STANDARDS FOR DISTRIBUTION SYSTEM RETAILERS

Sec. 141.001. DEFINITIONS. In this chapter:

(1) "Distribution system retailer":

(A) means a retail propane dealer that owns or operates for compensation in this state equipment and facilities connected to a contiguous piping system through which propane gas is supplied to at least 10 residential end users and:

(i) has a Class E license issued by the Gas Services Division of the License and Permit Section of the railroad commission, or is an active company representative or operations supervisor on file with the Section;

(ii) operates or manages a retail business, including a branch outlet, delivering odorized propane to consumers;

(iii) has completed and submitted the form prescribed by the commission for dealer participation in the commission's propane consumer rebate program; and

(iv) is a regular supplier or a potential regular supplier of propane to a consumer; and

(B) does not include a person that furnishes propane gas only to the person, to the person's employees, or to the person's tenants as an incident of employment or tenancy, if the service is not resold to commercial customers or other end users.

(2) "Railroad commission" means the Railroad Commission of Texas or the successor agency to that commission.

Sec. 141.002. APPLICABILITY. This chapter applies only to a distribution system retailer.

Sec. 141.003. MAXIMUM RATE AND ALLOWABLE FEES FOR SERVICE. (a) A distribution system retailer may charge a customer a recurring monthly fee to maintain an active gas service account with the distribution system retailer. The distribution system retailer may assess the fee without regard to a customer's actual gas usage. The recurring monthly fee may not exceed \$16 per month.

(b) A distribution system retailer may not charge a customer during any given calendar quarter a rate for gas that exceeds 105 percent of the actual average price charged, excluding price specials, for propane gas delivered to company-owned, individual propane tanks by traditional retail liquefied petroleum gas companies that provide service in the service area. The actual average price must be determined using independent objective market surveys taken on the second Tuesday of each calendar month from not fewer than five traditional liquefied petroleum gas companies. Each distribution system retailer each quarter shall supply the market surveys and report the gas rates the distribution system retailer charges to the commission.

(c) A distribution system retailer may charge reasonable fees for additional services the distribution system retailer renders.

Sec. 141.004. DISCONNECTION OF PROPANE GAS SERVICE. (a) A distribution system retailer may not disconnect propane gas service to a residential customer on a weekend day unless personnel of the distribution system retailer are available on that day to take payments and reconnect service.

(b) A distribution system retailer may not disconnect propane gas service to a residential customer during an extreme weather emergency, as defined by Section 104.258. The distribution system retailer shall defer collection of the full payment of bills that are due during an extreme weather emergency, as defined by Section 104.258, until after the emergency is over and shall offer non-disconnected customers a pay schedule for deferred bills.

Sec. 141.005. CONTINUITY OF SERVICE. (a) A distribution system retailer shall make all reasonable efforts to prevent interruptions of service. When an interruption occurs, the distribution system retailer shall reestablish service within the shortest possible time consistent with prudent operating principles so that the smallest number of customers are affected.

(b) Excluding service interruptions for nonpayment, a distribution system retailer shall keep complete records of all emergency and scheduled service interruptions lasting greater than four hours in duration and affecting more than two customers. The records must describe the cause of each interruption, the date, length, location, approximate number of customers affected by the interruption, and, in the case of an emergency interruption, the remedy and steps taken to prevent a recurrence, if applicable. The distribution system retailer shall submit copies of the records to the commission at least quarterly.

(c) The distribution system retailer shall notify the commission in writing not later than 48 hours after an interruption in service that affects the entire system and lasts more than four hours caused by a Grade I leak that represents an existing or probable hazard to persons or property and requires immediate repair or continuous action until the conditions are no longer hazardous. The notice shall include the distribution system retailer's assessment of the cause of the interruption. A written report of a service interruption in another form, including a part of a safety report, is sufficient to comply with this subsection.

(d) The commission shall establish a toll-free number to enable a customer of a distribution system retailer to notify the commission of a service interruption. The commission shall immediately investigate the cause of the service interruption.

(e) To restore and maintain service, the commission may assume temporary receivership of a system that experiences a service interruption:

- (1) exceeding 48 hours in duration;
- (2) more than three times in one month;
- (3) that is the result of the distribution system retailer's failure or refusal to replenish the primary propane tank; or
- (4) that demonstrates a distribution system retailer's repeated and wilful disregard of its customers.

(f) The commission may draw down all or part of the letter of credit posted under Section 141.009, as required, to restore and maintain service under Subsection (e).

(g) If the commission assumes temporary receivership of a system under Subsection (e), it shall notify the distribution system retailer and provide the distribution system retailer 72 hours to prepare and submit a plan to avoid receivership in the future.

(h) If a distribution system retailer's inability to fulfill its financial obligations is the cause of a service interruption described by Subsection (e), the commission may delegate the operation of the system to a homeowners' association or municipal utility district until another distribution system retailer can assume control over the system or until a court in bankruptcy proceedings instructs otherwise.

Sec. 141.006. GROUNDS FOR REFUSAL TO SERVE. (a) A distribution system retailer may refuse service to an applicant if:

- (1) an applicant fails to pay fees, advances, contributions, or deposits required for service under the distribution system retailer's policies;
- (2) an applicant fails to furnish a service or meter location specified for service by the distribution system retailer;
- (3) the existence or repeated creation of an unsafe condition, such as impaired meter access or a leak in the applicant's piping system, may endanger life or property in the distribution system retailer's opinion;
- (4) an applicant or service location owner is delinquent in payment for services provided by a distribution system retailer service location owner; or
- (5) another current resident of the premises to receive service is delinquent in payment for services.

(b) The right to refuse service ends when the cause for the refusal to serve is corrected.

Sec. 141.007. REASONABLE TIME TO BEGIN SERVICE. A distribution system retailer may delay providing service following an application or execution of an agreement for service for a reasonable amount of time considering required approvals or permits, the extent of the facilities to be built, and the distribution system retailer's workload at the time.

Sec. 141.008. CUSTOMER COMPLAINTS. (a) A distribution system retailer that receives a written complaint promptly and suitably shall investigate the complaint and advise the complainant of the results of the investigation. A distribution system retailer shall keep for at least four years after the final disposition of each complaint a record that includes each complainant's name and address, the date and nature of the complaint, and the adjustment or disposition of the complaint. A distribution system retailer is not required to keep a record of a complaint that does not require the distribution system retailer to take further action. A distribution system retailer shall notify each complainant of the right to file a complaint with the commission if the complainant is not satisfied by the distribution system retailer.

(b) On receipt of a complaint from the commission on behalf of a customer, a distribution system retailer promptly and suitably shall investigate and notify the commission and complainant of the results of the investigation. An initial response must be made not later than the third business day after the date the distribution system retailer receives the complaint. A distribution system retailer shall send a final and complete response to the commission and complainant not later than the 15th day after the date the complaint was received, unless the commission grants additional time before the expiration of the 15-day period.

(c) The commission may impose sanctions on a distribution system retailer if, after an investigation, the commission determines that the distribution system retailer has violated Section 141.003. Sanctions may include:

(1) ordering a distribution system retailer to refund the amounts of any overcharges to the distribution system retailer's customers;

(2) drawing all or a portion of the letter of credit for the purpose of refunding the amounts of any overcharges to the distribution system retailer's customers; or

(3) ordering a distribution system retailer to divest itself of the system, if the violation is particularly egregious.

Sec. 141.009. PERFORMANCE GUARANTEE. A distribution system retailer shall post, in favor of the commission, a separate letter of credit for each system the distribution system retailer operates in an amount equal to \$3 multiplied by the number of gallons in a distribution system retailer's primary propane tank. The issuer of the letter of credit shall honor the letter of credit if the issuer receives from the commission notice that the letter of credit is due and payable. The commission may draw all or a portion of the letter of credit.

Sec. 141.010. RULES. (a) The commission shall adopt rules to implement this chapter, including procedures for:

(1) conducting market surveys;

- (2) collecting data included in market surveys;
- (3) calculating price ceilings;
- (4) reporting market surveys and gas rates to the commission;
- (5) addressing an unresolved complaint from a customer of a distribution system retailer; and
- (6) establishing rates to apply to a retailer whose rates:
 - (A) exceed the applicable price ceiling; or
 - (B) are based on flawed market surveys.
- (b) The commission may institute financial and nonfinancial resolutions.

SECTION ____ .02. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2011.

Amendment No. 33 was withdrawn.

Amendment No. 34

Representative Villarreal offered the following amendment to **CSSB 655**:
Floor Packet Page No. 140

Amend **CSSB 655** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 201.057, Tax Code, is amended by adding Subsection (k) to read as follows:

(k) The commission shall periodically meet to review and revise rules adopted under this section to ensure that the tax reduction under this section is efficient and meets the goals of this section.

Amendment No. 35

Representative Villarreal offered the following amendment to Amendment No. 34:

Amend Amendment No. 34 by Villarreal to **CSSB 655** by adding the following appropriately numbered SECTION to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION ____ . (a) Section 201.057, Tax Code, is amended by adding Subsection (e-2) to read as follows:

(e-2) Notwithstanding any other provision of this section, the commission may not certify that gas is high-cost gas for purposes of this section during any state fiscal year in which the total amount appropriated for the Foundation School Program per Average Daily Attendance is less than the total amount appropriated for that program per Average Daily Attendance for the state fiscal year ending August 31, 2011.

(b) Section 201.057(e-2), Tax Code, as added by this section, applies to an application for certification that a well produces or will produce high-cost gas that is pending on or after September 1, 2011.

Amendment No. 35 was adopted. (Phillips recorded voting no.)

Amendment No. 36

Representative Villarreal offered the following amendment to Amendment No. 34:

Amend Amendment No. 34 by Villarreal to **CSSB 655** (prefiled amendment packet at page 140) by adding the following appropriately numbered SECTION to the amendment:

SECTION _____. (a) Section 201.057, Tax Code, is amended by adding Subsection (e-1) to read as follows:

(e-1) Each month, the commission shall certify the average closing price of gas during the previous three months based on various price indices available to producers. The commission shall publish certifications under this subsection in the Texas Register. Notwithstanding any other provision of this section, the commission may not certify that gas is high-cost gas for purposes of this section during any month that the average closing price of gas certified by the commission for the previous three-month period is more than \$6 per mcf. If the price is later \$6 per mcf or less, any drilling and completion costs incurred during a month when the price exceeds \$6 per mcf are excluded from the calculation of the cumulative value of the exemption under Subsection (c).

(b) The Railroad Commission of Texas shall publish the initial certification required by Section 201.057(e-1), Tax Code, as added by this section, not later than September 30, 2011.

(Bohac in the chair)

Amendment No. 36 was adopted. (Phillips recorded voting no.)

Representative Otto moved to table Amendment No. 34, as amended.

The motion to table prevailed by (Record 625): 104 Yeas, 40 Nays, 3 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Mallory Caraway;

Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent — Anchia; Gonzalez; Strama.

STATEMENTS OF VOTE

When Record No. 625 was taken, my vote failed to register. I would have voted no.

Anchia

I was shown voting yes on Record No. 625. I intended to vote no.

Lucio

When Record No. 625 was taken, I was in the house but away from my desk. I would have voted no.

Strama

COMMITTEE GRANTED PERMISSION TO MEET

Representative Gallego requested permission for the Committee on Criminal Jurisprudence to meet while the house is in session, at 5:30 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, 5:30 p.m. today, 3W.9, for a formal meeting, to consider pending business.

MESSAGE FROM THE SENATE

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

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the Committee on Criminal Jurisprudence:

Gallego on motion of Martinez.

CSSB 655 - (consideration continued)

Amendment No. 37

Representative P. King offered the following amendment to **CSSB 655**:

Floor Packet Page No. 141

Amend **CSSB 655** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 551, Government Code, is amended by adding Section 551.091 to read as follows:

Sec. 551.091. TEXAS OIL AND GAS COMMISSION: DELIBERATION REGARDING FINAL DECISION IN A CONTESTED CASE; CLOSED MEETING. The Texas Oil and Gas Commission may conduct a closed meeting to deliberate a final decision in a contested case.

Amendment No. 37 was adopted. (Allen, Branch, Y. Davis, Deshotel, Dukes, Giddings, Johnson, Mallory Caraway, McClendon, Miles, Reynolds, Solomons, Thompson, and Turner recorded voting no.)

Amendment No. 38

Representative Veasey offered the following amendment to **CSSB 655**:
Floor Packet Page No. 142

Amend **CSSB 655** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 1101.002, Occupations Code, is amended by adding Subdivision (3-a) to read as follows:

(3-a) "Landman" means a person who, in the course and scope of the person's business:

(A) acquires or manages petroleum, natural gas, or mineral interests;

(B) performs title or contract functions related to the exploration, exploitation, or disposition of petroleum, natural gas, or mineral interests;

(C) negotiates for the acquisition or divestiture of petroleum, natural gas, or mineral rights, including the acquisition or divestiture of land or petroleum, natural gas, or mineral rights for a pipeline; or

(D) negotiates business agreements that provide for the exploration for or development of petroleum, natural gas, or minerals.

SECTION _____. Section 1101.005, Occupations Code, is amended to read as follows:

Sec. 1101.005. **APPLICABILITY OF CHAPTER.** This chapter does not apply to:

- (1) an attorney licensed in any state;
- (2) an attorney-in-fact authorized under a power of attorney to conduct a real estate transaction;
- (3) a public official while engaged in official duties;
- (4) an auctioneer licensed under Chapter 1802 while conducting the sale of real estate by auction if the auctioneer does not perform another act of a broker or salesperson;
- (5) a person conducting a real estate transaction under a court order or the authority of a will or written trust instrument;
- (6) a person employed by an owner in the sale of structures and land on which structures are located if the structures are erected by the owner in the course of the owner's business;
- (7) an on-site manager of an apartment complex;

(8) an owner or the owner's employee who leases the owner's improved or unimproved real estate;

(9) a partnership or limited liability partnership acting as a broker or salesperson through a partner who is a licensed broker; or

(10) a transaction involving:

(A) the sale, lease, or transfer of a mineral or mining interest in real property subject to Section 1101.3515;

(B) the sale, lease, or transfer of a cemetery lot;

(C) the lease or management of a hotel or motel; or

(D) the sale of real property under a power of sale conferred by a deed of trust or other contract lien.

SECTION ____ Subchapter H, Chapter 1101, Occupations Code, is amended by adding Section 1101.3515 to read as follows:

Sec. 1101.3515. LANDMAN LICENSE REQUIRED. (a) A person may not act as or represent that the person is a landman in this state unless the person holds a landman license under this chapter.

(b) An applicant for a landman license shall submit an application to the commission on the form prescribed by the commission, pay the fee established by commission rule, and comply with any other requirements established by commission rule, including eligibility and examination requirements. An applicant for a landman license may not act as a landman until the person receives a license issued by the commission.

(c) To protect the public, the commission by rule shall:

(1) establish the eligibility requirements for a landman license holder, including education, experience, and examination requirements as appropriate;

(2) establish the moral character requirements, including honesty, trustworthiness, and integrity, an applicant or license holder must satisfy to hold a landman license;

(3) establish the form and procedures for applying for a landman license;

(4) set the application and license fees;

(5) establish the term of the license and renewal procedures and fees;

(6) establish continuing education requirements;

(7) determine the scope of practice by a landman license holder; and

(8) require a landman license holder to comply with the standards of conduct and ethics established by the commission for a person licensed under this chapter.

(d) A landman license is valid for the term established by commission rule. A landman may renew a landman license by submitting a renewal application to the commission on the form prescribed by the commission, paying the required renewal fee, and complying with any other requirements established by commission rule, including continuing education requirements.

(e) A licensed landman or person required to be licensed as a landman who violates this chapter or rules adopted under this chapter is subject to disciplinary action under this chapter.

SECTION _____. (a) The Texas Real Estate Commission shall work cooperatively with the Railroad Commission of Texas to adopt the rules necessary to implement Section 1101.3515, Occupations Code, as added by this Act. The Texas Real Estate Commission shall adopt the rules not later than January 1, 2012.

(b) Notwithstanding Section 1101.3515, Occupations Code, as added by this Act, a person is not required to hold a landman license to act as a landman in this state until March 1, 2012.

Amendment No. 39

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

Amend Amendment No. 38 by Veasey to **CSSB 655** (page 142 of the prefiled amendments packet) as follows:

(1) Strike page 2, line 27, through page 4, line 1, and substitute the following:

Sec. 1101.3515. LANDMAN LICENSE REQUIRED. (a) This section applies only to a person acting as or representing that the person is a landman in a county that is located wholly or partly above a hydrocarbon-producing geological formation that underlies all or part of two counties:

(1) that are adjacent to one another; and

(2) each of which has a population of more than 1.8 million.

(b) A person described by Subsection (a) may not act as or represent that the person is a landman unless the person holds a landman license under this chapter.

(c) An applicant for a landman license shall submit an application to the commission on the form prescribed by the commission, pay the fee established by commission rule, and comply with any other requirements established by commission rule, including eligibility and examination requirements. An applicant for a landman license may not act as a landman until the person receives a license issued by the commission.

(d) To protect the public, the commission by rule shall:

(1) establish the eligibility requirements for a landman license holder, including education, experience, and examination requirements as appropriate;

(2) establish the moral character requirements, including honesty, trustworthiness, and integrity, an applicant or license holder must satisfy to hold a landman license;

(3) establish the form and procedures for applying for a landman license;

(4) set the application and license fees;

(5) establish the term of the license and renewal procedures and fees;

(6) establish continuing education requirements;

(7) determine the scope of practice by a landman license holder; and

(8) require a landman license holder to comply with the standards of conduct and ethics established by the commission for a person licensed under this chapter.

(e) A landman license is valid for the term established by commission rule. A landman may renew a landman license by submitting a renewal application to the commission on the form prescribed by the commission, paying the required renewal fee, and complying with any other requirements established by commission rule, including continuing education requirements.

(f) A licensed landman or person required to be licensed as a landman who violates this chapter or rules adopted under this chapter is subject to disciplinary action under this chapter.

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

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

SECTION _____. The Texas Real Estate Commission shall work cooperatively with the Railroad Commission of Texas to adopt the rules necessary to implement Section 1101.3515, Occupations Code, as added by this Act. The Texas Real Estate Commission shall adopt the rules not later than January 1, 2012.

Amendment No. 39 was adopted.

(Speaker in the chair)

Representative Geren moved to table Amendment No. 38, as amended.

The motion to table prevailed by (Record 626): 101 Yeas, 43 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused, Committee Meeting — Gallego.

Absent — King, T.; Naishtat; Torres.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Pitts requested permission for the Committee on Appropriations to meet while the house is in session, at 6:15 p.m. today, in 1W.14, to consider **SB 1811**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Appropriations, 6:15 p.m. today, 1W.14, for a formal meeting, to consider **SB 1811**.

CSSB 655 - (consideration continued)

Amendment No. 40

Representative Turner offered the following amendment to **CSSB 655**:
Floor Packet Page No. 146

Amend **CSSB 655** by adding the following section, numbered appropriately, and by renumbering any subsequent sections accordingly:

SECTION _____. (a) The Texas Oil and Gas Commission shall conduct a study of the treatment of tax expenses for the purposes of computing gas utility rates under Subchapter B, Chapter 104, Utilities Code, so the commission can develop methods to avoid the inclusion of hypothetical or non-actual tax expenses in a gas utility's allowable costs of service.

(b) The Texas Oil and Gas Commission in conducting the study shall examine the extent to which federal tax law allows for the commission and other regulatory authorities to consider, in computing gas utility rates under Subchapter B, Chapter 104, Utilities Code, the utility's actual federal income tax liability for a federal tax year, including any deductions, credits, or other benefits that may reduce the federal income taxes owed by the utility.

(c) The Texas Oil and Gas Commission in conducting the study shall undertake to develop methods to allow a reasonable fair share of any savings a gas utility accrues from filing for federal income tax purposes a consolidated or joint return to be considered by the commission or another regulatory authority in computing gas utility rates under Subchapter B, Chapter 104, Utilities Code.

(d) The Texas Oil and Gas Commission shall report the results of the study conducted under this section to the governor, the lieutenant governor, the Public Utility Commission of Texas, and the speaker of the house of representatives not later than December 1, 2012. The report must include any methods developed as a result of the study and recommendations for any legislative authorization necessary or helpful to implement the methods.

(e) This section expires September 1, 2013.

Amendment No. 40 was adopted.

Amendment No. 41

Representative Burnam offered the following amendment to **CSSB 655**:
 Floor Packet Page No. 147

Amend **CSSB 655** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) In this section, "commission" means the Texas Oil and Gas Commission.

(b) The commission shall conduct a study regarding the odorization of natural gas transported in gathering and transmission lines located in populated areas. At a minimum, the study must include an examination of:

(1) the costs and benefits associated with odorizing natural gas under those circumstances, including any specific circumstances under which the benefits exceed the costs;

(2) the chemical malodorants and odorization techniques that are available;

(3) any specific circumstances under which odorization is an effective method for leak detection;

(4) any product markets that are incompatible with the use of malodorants;

(5) state and federal odorization requirements, including exemptions from those requirements; and

(6) alternative leak detection methods.

(c) At the commission's request, a state agency or local government shall provide information and assistance in conducting the study under this section.

(d) Not later than December 1, 2012, the commission shall report the results of the study conducted under this section to the lieutenant governor, the speaker of the house of representatives, the presiding officer of the standing committee of the senate with primary jurisdiction over matters affecting natural resources, and the presiding officer of the standing committee of the house of representatives with primary jurisdiction over matters affecting energy resources.

(e) This section expires January 1, 2013.

Amendment No. 41 was adopted.

CSSB 655, as amended, was passed to third reading.

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

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

**HJR 122 ON SECOND READING
 (by Legler)**

HJR 122, A joint resolution proposing a constitutional amendment authorizing garnishment of wages for the recovery of fraudulently obtained unemployment benefits.

HJR 122 - POINT OF ORDER

Representative Alonzo raised a point of order against further consideration of **HJR 122** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Legler moved to postpone consideration of **HJR 122** until 9 a.m. tomorrow.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the Committee on Appropriations:

Johnson on motion of Miles.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 6:20 p.m. today, in 3W.9, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 6:20 p.m. today, 3W.9, for a formal meeting, to set a calendar.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Calendars:

Cook on motion of Brown.

Geren on motion of Brown.

Hunter on motion of Brown.

Keffer on motion of Brown.

T. King on motion of Brown.

Kolkhorst on motion of Brown.

Lucio on motion of Brown.

Rodriguez on motion of Brown.

Solomons on motion of Brown.

Truitt on motion of Brown.

Zerwas on motion of Brown.

The following members were granted leaves of absence for the remainder of today to attend a meeting of the Committee on Calendars:

Bonnen on motion of Brown.

Coleman on motion of Brown.

HJR 130 ON SECOND READING
(by Branch)

HJR 130, A joint resolution meeting requirements of the United States Department of Education concerning federal student aid by naming private institutions of higher education in the State of Texas that are authorized to operate educational programs beyond secondary education, including programs leading to a degree or certificate.

Representative Branch moved to postpone consideration of **HJR 130** until 9 a.m. tomorrow.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the Committee on Calendars:

Branch on motion of Brown.

CSHJR 137 ON SECOND READING
(by Ritter)

CSHJR 137, A joint resolution proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board.

Representative Ritter moved to postpone consideration of **CSHJR 137** until 9 a.m. Thursday, May 5.

The motion prevailed.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the Committee on Calendars:

Ritter on motion of Brown.

The following member was granted leave of absence temporarily for today to attend a meeting of the Committee on Appropriations:

Martinez on motion of Legler.

GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING

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

CSHB 8 ON SECOND READING**(by Darby, Geren, R. Anderson, Pitts, Menendez, et al.)**

CSHB 8, A bill to be entitled An Act relating to prohibiting certain private transfer fees and the preservation of private real property rights; providing penalties.

Amendment No. 1

Representative Darby offered the following amendment to **CSHB 8**:

Amend **CSHB 8** as follows:

(1) On page 4, lines 14-15, strike "certificate issued under Section 209.004" and substitute "resale certificate issued under Section 207.003".

(2) On page 4, line 20, after "law," insert "unless".

(3) On page 4, line 23, between "221.002" and ";", insert "or the person or entity managing the association as provided by Section 82.116(a)(5) or 221.032(b)(11), as applicable".

(4) On page 4, line 25, between "209.002" and ";", insert "or the person or entity described by Section 209.004(a)(6)".

(5) On page 5, line 1, between "association" and ";", insert "or the person or entity described by Section 209.004(a)(6)".

(6) On page 5, line 4, strike "or".

(7) On page 5, line 18, between "property" and the period, insert the following:
; or

(10) a fee payable to or imposed by the Veterans' Land Board for consent to an assumption or transfer of a contract of sale and purchase.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Darby offered the following amendment to **CSHB 8**:

Amend **CSHB 8** (house committee printing) as follows:

(1) On page 5, line 17, strike "benefit only" and substitute "directly benefit".

(2) Strike page 5, line 25, through page 6, line 5, and substitute the following:

(d) Notwithstanding Subsection (c), an organization may provide a direct benefit under Subsection (b)(9) if:

(1) the organization provides to the general public activities or infrastructure described by Subsection (b)(9)(C);

(2) the provision of activities or infrastructure substantially benefits the encumbered property; and

(3) the governing body of the organization:

(A) is controlled by owners of the encumbered property; and

(B) approves payments for activities or infrastructure at least annually.

(e) An organization may provide activities and infrastructure described by Subsection (b)(9)(C) to another organization exempt from federal taxation under Section 501(c)(3) or 501(c)(4), Internal Revenue Code of 1986, at no charge for de minimis usage without violating the requirements of this section.

(3) On page 9, between lines 26 and 27, insert the following:

Sec. 5.210. PROPERTY OWNERS' ASSOCIATION COVENANTS RELATING TO PRIVATE TRANSFER FEE OBLIGATIONS. (a) In this section:

(1) "Dedictory instrument," "property owners' association," and "restrictive covenant" have the meanings assigned by Section 202.001.

(2) "Development period" means a period stated in a dedictory instrument during which a declarant reserves a right to:

(A) facilitate the development, construction, and marketing of a subdivision; and

(B) direct the size, shape, and composition of the subdivision.

(b) A restrictive covenant requiring a private transfer fee obligation is void, unless the covenant is amended in accordance with Subsections (c) and (d), if the covenant does not comply with a rule or regulation regarding qualification of subdivision property for an insured or guaranteed mortgage loan that is adopted by the United States Department of Housing and Urban Development, Consumer Financial Protection Bureau, Federal Housing Finance Agency, United States Department of Veterans Affairs, Texas Veterans' Land Board, or other federal or state agency, as applicable.

(c) A restrictive covenant requiring a private transfer fee obligation may be amended to comply with a rule or regulation described by Subsection (b) by:

(1) a developer or builder during the development period; or

(2) the governing body of a property owners' association.

(d) An amendment under Subsection (c) must:

(1) specifically reference this section;

(2) indicate that the amendment is adopted under authority of this section; and

(3) be filed in the real property records of the county in which the property is located.

Amendment No. 2 was adopted.

(Gallego now present)

Amendment No. 3

Representative Darby offered the following amendment to **CSHB 8**:

Amend **CSHB 8** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 5.205, Property Code, as added by this Act, applies only to a contract for the sale of real property entered into on or after January 1, 2012. A contract for the sale of real property entered into before January 1, 2012, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Raymond offered the following amendment to **CSHB 8**:

Amend **CSHB 8** (house committee printing) on page 2, line 24, between "obligation" and "is not binding", by inserting "created on or after the effective date of this subchapter".

Amendment No. 4 was adopted.

Amendment No. 5

Representative Raymond offered the following amendment to **CSHB 8**:

Amend **CSHB 8** (house committee printing) as follows:

(1) On page 7, strike lines 8-10 and substitute the following:

(1) refile the notice described by this section not earlier than the 30th day before the third anniversary of the original filing date described by Subsection (a) and within a similar 30-day period every third year thereafter; and

(2) On page 8, line 6, strike "made" and substitute "tendered to the payee".

(3) On page 8, line 9, strike "purchaser" and substitute "remitter".

Amendment No. 5 was adopted.

CSHB 8 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE DUKES: After this amendment by Representative Raymond, which purports to make this bill prospective, I wanted to ask you a couple of questions.

REPRESENTATIVE DARBY: Sure.

DUKES: As amended, is it correct that **HB 8** would not prohibit the Mueller Foundation, which is located here in Austin, from continuing to use the foundation's funds to benefit education and low-income housing within a three-mile radius of its location in East Austin?

DARBY: Yes, to answer your question. This bill does not affect the existing agreement that you have in place right now.

DUKES: And is it also correct that funds collected through transfer, under the terms of covenants existing prior to the effective date, as established by the Raymond amendment of this bill, are not impacted by the restrictions created in **HB 8**, as amended?

DARBY: Yes.

DUKES: Do the notice requirement provisions—or are there any notice requirement provisions—in your bill, as amended, apply to covenants existing prior to the effective date of **CSHB 8**, as amended?

DARBY: Well, no. No is the answer to your question. But, there are notice requirements that those covenants must be disclosed in a real estate contract, but that wouldn't take effect until January 1, 2012.

DUKES: Does the composition of the Mueller Foundation Board have any bearing on the foundation's ability to spend funds collected under the terms of existing covenants?

DARBY: No. Under existing covenant, that foundation could continue.

REMARKS ORDERED PRINTED

Representative Dukes moved to print remarks between Representative Darby and Representative Dukes.

The motion prevailed.

(Cook, Geren, Hunter, Keffer, T. King, Kolkhorst, Lucio, Ritter, Rodriguez, Truitt, and Zerwas now present)

CSHB 8 - POINT OF ORDER

Representative V. Taylor raised a point of order against further consideration of **CSHB 8** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Darby moved to postpone consideration of **CSHB 8** until 9 a.m. tomorrow.

The motion prevailed.

CSHB 90 ON SECOND READING

(by Cook)

CSHB 90, A bill to be entitled An Act relating to the minimum age and education requirements necessary to obtain a hardship license.

Amendment No. 1

Representative Cook offered the following amendment to **CSHB 90**:

Amend **CSHB 90** (house committee report) by striking page 1, lines 10-13, and substituting the following:

(1) have passed a driver education course approved by the department, which may be a course approved under Section 521.205; and

(Johnson now present)

Amendment No. 1 was adopted.

Amendment No. 2

Representative Kleinschmidt offered the following amendment to **CSHB 90**:

Amend **CSHB 90** (house committee report) as follows:

(1) Strike page 1, lines 6-7, and substitute the following:

SECTION 2. Section 521.223, Transportation Code, is amended by amending Subsections (b), (c), and (f), and adding Subsections (b-1) and (c-1) to read as follows:

(2) On page 1, line 10, between "(1)" and "have passed", insert "except as provided by Subsection (b-1)".

(3) On page 1, between lines 14 and 15, insert the following:

(b-1) An applicant for a license to operate a farm vehicle under Subsection (a) must have passed a driver education course approved by the department, which may be a course approved under Section 521.205.

(4) On page 1, line 15, strike "To be eligible" and substitute "Except as provided by Subsection (c-1), to [To] be eligible".

(5) On page 1, line 16, between "course" and the comma, insert "under Subsection (b)(1)".

(6) On page 1, between lines 16 and 17, insert the following:

(c-1) To be eligible to take the driver training course to obtain a license to operate a farm vehicle, the person must be at least 14 years of age.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Gallego offered the following amendment to **CSHB 90**:

Amend **CSHB 90** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 521.201, Transportation Code, is amended to read as follows:

Sec. 521.201. LICENSE INELIGIBILITY IN GENERAL. (a) The department may not issue any license to a person who:

- (1) is under 15 years of age;
- (2) is under 18 years of age unless the person complies with the requirements imposed by Section 521.204;
- (3) is shown to be addicted to the use of alcohol, a controlled substance, or another drug that renders a person incapable of driving;
- (4) holds a driver's license issued by this state or another state or country that is revoked, canceled, or under suspension;
- (5) has been determined by a judgment of a court to be totally incapacitated or incapacitated to act as the operator of a motor vehicle unless the person has, by the date of the license application, been:
 - (A) restored to capacity by judicial decree; or
 - (B) released from a hospital for the mentally incapacitated on a certificate by the superintendent or administrator of the hospital that the person has regained capacity;
- (6) the department determines to be afflicted with a mental or physical disability or disease that prevents the person from exercising reasonable and ordinary control over a motor vehicle while operating the vehicle on a highway, except that a person may not be refused a license because of a physical defect if common experience shows that the defect does not incapacitate a person from safely operating a motor vehicle;

(7) has been reported by a court under Section 521.3452 for failure to appear unless the court has filed an additional report on final disposition of the case; [or]

(8) has been reported by a court for failure to appear or default in payment of a fine for a misdemeanor that is not covered under Subdivision (7) and that is punishable by a fine only, including a misdemeanor under a municipal ordinance, committed by a person who was under 17 years of age at the time of the alleged offense, unless the court has filed an additional report on final disposition of the case; or

(9) except as provided by Section 521.207, is younger than 24 years of age and:

(A) has not obtained a high school diploma or its equivalent; or

(B) is a student:

(i) enrolled in a public school or private school, including a home school, who attended school for at least 80 days in the fall or spring semester preceding the date of the driver's license application; or

(ii) who has been enrolled for at least 45 days, and is enrolled as of the date of the application, in a program to prepare persons to pass the high school equivalency exam.

(b) Subsection (a)(9) does not apply to the renewal of a license issued before January 1, 2012.

SECTION _____. Subchapter J, Chapter 521, Transportation Code, is amended by adding Section 521.207 to read as follows:

Sec. 521.207. RESTRICTIONS ON CERTAIN PERSONS WITHOUT HIGH SCHOOL DIPLOMA OR EQUIVALENT. (a) The department may issue a restricted license to an applicant who is younger than 24 years of age and who has not obtained a high school diploma or its equivalent that allows the holder to travel between the holder's residence and another place for the purpose of:

(1) school;

(2) work;

(3) any school-sponsored educational or athletic activity;

(4) any non-school-sponsored community service or volunteer activity;

(5) religious services;

(6) essential household duties, including obtaining child care; and

(7) obtaining emergency medical care.

(b) The department shall adopt rules to implement this section, including:

(1) defining types of acceptable documentation of obtaining a high school diploma or its equivalent, including documentation from the applicant's parent or a person standing in parental relation; and

(2) designing a license with a marking to indicate the restricted status described by this section.

Amendment No. 3 was adopted.

(Martinez now present)

CSHB 90, as amended, was passed to engrossment. (Landtroop, Orr, Otto, and Perry recorded voting no.)

HB 123 ON SECOND READING**(by Veasey and Alonzo)**

HB 123, A bill to be entitled An Act relating to an adult diabetes education program in certain county hospital systems and hospital districts.

HB 123 was passed to engrossment. (Landtroop, Perry, and Weber recorded voting no.)

SB 341 - RECOMMITTED

Representative Menendez moved to recommit **SB 341** to the Committee on Natural Resources.

The motion prevailed.

(Branch and Solomons now present)

**HB 1510 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1510, A bill to be entitled An Act relating to the regulation of manufactured housing.

Representative Hamilton moved to concur in the senate amendments to **HB 1510**.

The motion to concur in the senate amendments to **HB 1510** prevailed by (Record 627): 137 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; 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; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; 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; Woolley; Workman; Zerwas.

Nays — Berman; Garza; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused, Committee Meeting — Bonnen; Coleman.

Absent — Aliseda; Hancock; Hughes; King, P.; King, S.; Morrison; Zedler.

STATEMENTS OF VOTE

When Record No. 627 was taken, I was in the house but away from my desk. I would have voted yes.

P. King

When Record No. 627 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

I was shown voting no on Record No. 627. I intended to vote yes.

White

Senate Committee Substitute

CSHB 1510, A bill to be entitled An act relating to the regulation of manufactured housing.

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

SECTION 1. Sections 1201.2055(d), (e), and (g), Occupations Code, are amended to read as follows:

(d) If an owner elects to treat a manufactured home as real property, the department shall issue to the owner a certified copy of the statement of ownership and location that on its face reflects that the owner has elected to treat the manufactured home as real property at the location listed on the statement. Not later than the 60th day after the date the department issues a certified copy of the statement of ownership and location to the owner, the owner must:

(1) file the certified copy in the real property records of the county in which the home is located; and

(2) notify the department and the chief appraiser of the applicable appraisal district ~~[tax assessor collector]~~ that the certified copy has been filed.

(e) A real property election for a manufactured home is not considered to be perfected ~~[real property]~~ until a certified copy of the statement of ownership and location has been filed and the department and the chief appraiser of the applicable appraisal district ~~[tax assessor collector]~~ have been notified of the filing as provided by Subsection (d).

(g) After a real property election is perfected under Subsection (e):

(1) the home is considered to be real property for all purposes; and

(2) no additional issuance of a statement of ownership and location is required with respect to the manufactured home, unless:

(A) the home is moved from the location specified on the statement of ownership and location;

(B) the real property election is changed; or

(C) the use of the property is changed as described by Section 1201.216 ~~[After the department and the tax assessor collector note in their records that a real property election has been perfected, the home is considered to be real property for all purposes].~~

SECTION 2. Section 1201.207(c), Occupations Code, is amended to read as follows:

(c) Except with respect to any change in use, servicing of a loan on a manufactured home, release of a lien on a manufactured home by an authorized lienholder, or change in ownership of a lien on a manufactured home, but subject to Section 1201.2075, if the department has issued a statement of ownership and location for a manufactured home, the department may issue a subsequent statement of ownership and location for the home only if all parties reflected in the department's records as having an interest in the manufactured home give their written consent or release their interest, either in writing or by operation of law, or the department has followed the procedures provided by Section 1201.206(k) to document ownership and lien status. Once the department issues a statement of ownership and location, the department shall not alter the record of the ownership or lien status, other than to change the record to accurately reflect the proper owner's or lienholder's identity or to release a lien if an authorized lienholder files with the department a request for that release, of a manufactured home for any activity occurring before the issuance of the statement of ownership and location without either the written permission of the owner of record for the manufactured home, their legal representative, or a court order.

SECTION 3. Section 1201.2076(a), Occupations Code, is amended to read as follows:

(a) The department may not issue a statement of ownership and location for a manufactured home that is being converted from real property to personal property until the department has inspected the home and determined that it is habitable and ~~[has notified the appropriate tax assessor collector of the conversion and]~~:

(1) each lien, including a tax lien, on the home is released by the lienholder; or

(2) each lienholder, including a taxing unit, gives written consent, to be placed on file with the department.

SECTION 4. Section 1201.217(a), Occupations Code, is amended to read as follows:

(a) The owner of real property on which a manufactured home owned by another is located may declare the home abandoned as provided by this section if:

(1) the home has been continuously unoccupied for at least four months; and

(2) any indebtedness secured by the ~~[manufactured]~~ home or related to a lease agreement between the owner of the real property and the owner of the home is considered ~~[also]~~ delinquent.

SECTION 5. Section 1201.219, Occupations Code, is amended by adding Subsection (b-1) and amending Subsections (c) and (d) to read as follows:

(b-1) Notwithstanding any other law, a lien perfected with the department may be released only by filing a request for the release with the department on the form provided by the department or by following the department's procedures for electronic lien release on the department's Internet website. This subsection does not apply to the release of a tax lien perfected with the department.

(c) Notwithstanding any other provision of this section or any other law, the filing of a lien security agreement on the inventory of a retailer does not prevent a buyer in the ordinary course of business, as defined by Section 1.201, Business & Commerce Code, from acquiring good and marketable title free of that lien, and the department may not consider that lien for the purpose of title issuance.

(d) ~~A [Except as provided by Subsection (a), a]~~ tax lien on a manufactured home not held in a retailer's inventory is perfected only by filing with the department the notice of the tax lien on a form provided by the department in accordance with the requirements of Chapter 32, Tax Code. The form must require the disclosure of the original dollar amount of the tax lien and the name and address of the person in whose name the manufactured home is listed on the tax roll. The department shall disclose on its Internet website the date of each tax lien filing, the original amount of the tax lien claimed by each filing, and the fact that the amount shown does not include additional sums, including interest, penalties, and attorney's fees. The statement required by Section 1201.205(7) is notice to all persons that the tax lien exists. A tax lien recorded with the department has priority over another lien or claim against the manufactured home. Tax liens shall be filed by the tax collector for any taxing unit having the power to tax the manufactured home. A single filing by a tax collector is a filing for all the taxing units for which the tax collector is empowered to collect. A tax lien perfected with the department may be released only by filing with the department a tax certificate or tax paid receipt in accordance with Section 32.015, Tax Code, by filing a request for the release with the department on the form provided by the department, or by following the department's procedures for electronic tax lien release on the department's Internet website.

SECTION 6. Section 1201.220, Occupations Code, is amended to read as follows:

Sec. 1201.220. REPORT TO CHIEF APPRAISER ~~[COUNTY TAX ASSESSOR-COLLECTOR]~~. ~~[(a)]~~ The department shall make available in electronic format, or in hard-copy format on request, ~~[provide]~~ to each chief appraiser of an appraisal district ~~[county tax assessor-collector]~~ in this state a monthly report that, for each manufactured home reported as having been installed during the preceding month in the county for which the district was established ~~[during the preceding month]~~ and for each manufactured home previously installed in the county for which a transfer of ownership was recorded by the issuance of a statement of ownership and location during the preceding month, lists:

- (1) the name of the owner of the home;
 - (2) the name of the manufacturer of the home, if available;
 - (3) the model designation of the home, if available;
 - (4) the identification number of each section or module of the home;
 - (5) the address or location where the home was reported as installed;
- and
- (6) the reported date of the installation of the home.

~~[(b) The director shall provide a copy of the report to the chief appraiser of the appraisal district established for the county in which the home is reported as installed.]~~

SECTION 7. Section 1201.452(b), Occupations Code, is amended to read as follows:

(b) If the home does not have the appropriate seal or label, the person must:

(1) apply to the department for a seal; and

(2) pay the fee~~[-and~~

~~[(3) submit to the department a copy of any written disclosure required under Section 1201.455(a)].~~

SECTION 8. The following sections of the Occupations Code are repealed:

(1) Section 1201.2055(f); and

(2) Section 1201.206(d).

SECTION 9. This Act takes effect September 1, 2011.

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 3861** and **HB 3862** at 8 a.m. tomorrow 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 **HCR 83** and **SB 258** at 2 p.m. or upon final adjournment/recess Wednesday, May 4 in E1.026.

The motion prevailed.

Representative Oliveira moved to suspend the five-day posting rule to allow the Committee on Land and Resource Management to consider **HB 3860** and **SB 402** upon final recess today in E2.012.

The motion prevailed.

Representative V. Gonzales moved to suspend the five-day posting rule to allow the Committee on Border and Intergovernmental Affairs to consider **HR 1483** and pending business during bill referral today in E1.010.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative V. Gonzales requested permission for the Committee on Border and Intergovernmental Affairs to meet while the house is in session, during bill referral today, in E1.010, to consider **HR 1483** and pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Culture, Recreation, and Tourism, 2 p.m. or upon final adjournment/recess Wednesday, May 4, E1.026, for a public hearing, to consider **HCR 83**, **SB 258**, and the previously posted agenda.

Natural Resources, 8 a.m. tomorrow, E2.010, for a public hearing, to consider **HB 3861**, **HB 3862**, and previously posted business.

Border and Intergovernmental Affairs, during bill referral today, E1.010, for a public hearing, to consider **HR 1483** and pending business.

Land and Resource Management, upon final recess today, E2.012, for a public hearing, to consider **HB 3860**, **SB 402**, and the previously posted agenda.

FIVE-DAY POSTING RULE SUSPENDED

Representative Raymond moved to suspend the five-day posting rule to allow the Committee on Human Services to consider **SB 265** and **SB 434** at 2 p.m. or upon final adjournment/recess tomorrow in E2.030.

The motion prevailed.

Representative Truitt moved to suspend the five-day posting rule to allow the Committee on Pensions, Investments, and Financial Services to consider **SB 17** and **SB 1612** at 8 a.m. tomorrow in E2.014.

The motion prevailed.

Representative Murphy moved to suspend the five-day posting rule to allow the Committee on Economic and Small Business Development to consider **SB 1047** at 9 a.m. Thursday, May 5 in E2.014.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Human Services, 2 p.m. or upon final adjournment/recess tomorrow, E2.030, for a public hearing, to consider **SB 265**, **SB 434**, and posted items.

Economic and Small Business Development, 9 a.m. Thursday, May 5, E2.014, for a public hearing, to consider **SB 1047** and the previously posted agenda.

Pensions, Investments, and Financial Services, 8 a.m. tomorrow, E2.014, for a public hearing, to consider **SB 17** and **SB 1612**.

PROVIDING FOR RECESS

Representative Gallego moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 10 a.m. tomorrow.

The motion prevailed.

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 2.)

(Villarreal in the chair)

RECESS

In accordance with a previous motion, the house, at 7:03 p.m., recessed until 10 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

SB 1811 to Appropriations.

List No. 2

HB 3863 (By Garza), Relating to the authority of certain volunteer firefighter and emergency services organizations to hold tax-free sales or auctions.

To Ways and Means.

SB 4 to Public Education.

SB 23 to Appropriations.

SB 35 to Public Education.

SB 47 to Public Health.

SB 100 to Defense and Veterans' Affairs.

SB 142 to Business and Industry.

SB 145 to Higher Education.

SB 152 to Criminal Jurisprudence.

SB 205 to Public Education.

- SB 224 to Public Education.
- SB 506 to Public Health.
- SB 518 to Public Education.
- SB 530 to Homeland Security and Public Safety.
- SB 533 to Judiciary and Civil Jurisprudence.
- SB 568 to Higher Education.
- SB 615 to Environmental Regulation.
- SB 637 to Natural Resources.
- SB 681 to Human Services.
- SB 710 to Business and Industry.
- SB 738 to Public Education.
- SB 767 to Business and Industry.
- SB 811 to Agriculture and Livestock.
- SB 841 to Criminal Jurisprudence.
- SB 969 to Public Health.
- SB 981 to State Affairs.
- SB 1066 to Criminal Jurisprudence.
- SB 1081 to Public Health.
- SB 1104 to Transportation.
- SB 1107 to Public Health.
- SB 1125 to Energy Resources.
- SB 1200 to Criminal Jurisprudence.
- SB 1294 to Energy Resources.
- SB 1296 to Energy Resources.
- SB 1383 to Public Education.
- SB 1414 to Higher Education.
- SB 1421 to Public Health.
- SB 1443 to Elections.
- SB 1450 to Licensing and Administrative Procedures.
- SB 1472 to Economic and Small Business Development.
- SB 1489 to Corrections.
- SB 1505 to Ways and Means.
- SB 1511 to Public Education.
- SB 1518 to Culture, Recreation, and Tourism.

- SB 1522** to Criminal Jurisprudence.
SB 1534 to Economic and Small Business Development.
SB 1560 to Judiciary and Civil Jurisprudence.
SB 1580 to Appropriations.
SB 1582 to Appropriations.
SB 1608 to Transportation.
SB 1619 to Public Education.
SB 1620 to Public Education.
SB 1656 to Insurance.
SB 1667 to Pensions, Investments, and Financial Services.
SB 1681 to Criminal Jurisprudence.
SB 1682 to Criminal Jurisprudence.
SB 1686 to Insurance.
SB 1687 to County Affairs.
SB 1726 to Higher Education.
SB 1730 to Higher Education.
SB 1755 to Defense and Veterans' Affairs.
SB 1796 to Defense and Veterans' Affairs.
SB 1798 to Ways and Means.
SB 1799 to Higher Education.
SB 1812 to Licensing and Administrative Procedures.
SB 1872 to Public Education.
SCR 25 to House Administration.
SCR 36 to State Affairs.
SCR 37 to Culture, Recreation, and Tourism.
SCR 45 to Rules and Resolutions.
SCR 46 to Rules and Resolutions.
SJR 4 to Natural Resources.
SJR 5 to Appropriations.
SJR 13 to Transportation.
SJR 50 to Higher Education.

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

- SB 1504** to State Affairs.

SB 1605 to State Affairs.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 19

HB 314, HB 367, HB 861, HB 1409, HCR 140

Senate List No. 20

SB 423, SB 693

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, May 2, 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:

HB 600 Solomons SPONSOR: Seliger
Relating to the composition of the districts for the election of members of the State Board of Education.
(Committee Substitute)

HCR 73 Hughes SPONSOR: Eltife
In memory of Jean Glaze of Gilmer.

SB 35 Zaffirini
Relating to transition and employment services for public school students enrolled in special education programs.

SB 152 Huffman
Relating to the admissibility of evidence of other similar offenses in the prosecution of certain sexual offenses.

SB 615 Rodriguez
Relating to requiring a retail seller of motor vehicle tires to render certain tires unusable and to the regulation of scrap tires; providing civil penalties.

SB 710 Van de Putte

Relating to the disclosure of a hazardous drain in a swimming pool or spa by a seller of residential real property.

SB 841 Patrick

Relating to the prosecution of and punishment for the offense of breach of computer security.

SB 1107 Davis

Relating to the vaccination against bacterial meningitis of entering students at public and private or independent institutions of higher education.

SB 1200 Patrick

Relating to the venue for prosecution of misdemeanor cases in justice of the peace courts located in certain counties.

SB 1414 Duncan

Relating to sexual abuse and child molestation training and examination for employees of certain programs for minors held on campuses of institutions of higher education; providing penalties.

SB 1450 Zaffirini

Relating to the regulation of crafted precious metal dealers and dealerships; providing a criminal penalty.

SB 1472 Shapiro

Relating to the coordinated dissemination of online information regarding the operation and performance of certain for-profit educational entities.

SB 1534 Shapiro

Relating to the operation and certification of career schools or colleges.

SB 1580 Ogden

Relating to state fiscal matters related to health and human services and state agencies administering health and human services programs.

SB 1582 Ogden

Relating to state fiscal matters related to the judiciary.

SB 1667 Duncan

Relating to the administration of and benefits payable by the Teacher Retirement System of Texas and to certain domestic relations orders.

SB 1681 Ellis

Relating to the appointment of counsel and the rights of an accused and other requirements for the purposes of appellate proceedings or community supervision revocation proceedings.

SB 1798 West

Relating to retailers engaged in business in this state for purposes of sales and use taxes.

SB 1811 Duncan

Relating to state fiscal matters; providing penalties.

Respectfully,
Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Monday, May 2, 2011 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 1555 Thompson SPONSOR: Ellis
Relating to the first day of instruction in certain school districts that provide additional days of instruction financed with local funds.
(Committee Substitute)

SB 462 West
Relating to the expunction of records and files relating to a person's arrest.

SB 1206 Deuell
Relating to medical care and public health services provided by a health care professional in a licensed freestanding emergency medical care facility.

SB 1864 Davis
Relating to the awarding of contracts by the Texas Department of Transportation to private sector providers.

SCR 50 Watson
Congratulating Bobby R. Inman for receiving the Joe M. Kilgore Award for Public Service.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 539 (31 Yeas, 0 Nays)

SB 646 (31 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 29

Agriculture and Livestock - **SB 1086**

Appropriations - **HB 2646**

Business and Industry - **SB 748**

Corrections - **HB 1552, HB 2649**

County Affairs - **SB 311, SB 398, SB 410, SB 412, SB 490, SB 494, SB 558, SB 559, SB 601, SB 628, SB 847, SB 894, SB 1019, SB 1251, SB 1352**

Criminal Jurisprudence - **HB 99, HB 219, HB 778, HB 3477**

Culture, Recreation, and Tourism - **HB 924, HB 1408, HCR 46, HCR 55, HCR 86, HCR 98, HCR 117, HCR 127, HCR 133**

Economic and Small Business Development - **SB 711, SB 1176, SB 1744**

Energy Resources - **HB 1629, HB 2077, HB 2510, HB 3110, HB 3134**

Environmental Regulation - **HB 3163, HB 3268**

Higher Education - **HB 706**

Homeland Security and Public Safety - **HB 31**

Human Services - **HB 753, SB 41**

Natural Resources - **HB 1547, SB 833, SB 1147, SB 1492**

Pensions, Investments, and Financial Services - **HB 246, HB 3353, HB 3355**

Public Education - **HB 1311, HB 1326**

Public Health - **HB 2703**

State Affairs - **HCR 88**

Transportation - **HB 1749, HB 2802, HJR 84**

Ways and Means - **HB 2203, HB 2810**

ENGROSSED

April 29 - HB 397, HB 2495

ENROLLED

April 29 - HB 314, HB 367, HB 1409

May 1 - HB 861, HCR 140

SENT TO THE GOVERNOR

April 29 - HB 74, HCR 32, HCR 109, HCR 137

