

# HOUSE JOURNAL

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EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SIXTY-EIGHTH DAY (CONTINUED) — THURSDAY, MAY 5, 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 719).

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

The invocation was offered by Dr. Stephen Trammell, executive pastor, Champion Forest Baptist Church, Houston, as follows:

Heavenly Father, we praise you for giving us a new day to experience your abiding presence and to join you in your activity. We acknowledge our dependency upon you. We appreciate you including us in your master plan and helping us to align our lives with your agenda. In unity we claim your promise in Jeremiah 29:11, "For I know the plans I have for you," declares the Lord, "plans to prosper you and not to harm you, plans to give you hope and a future."

Thank you, Lord, for this historic day as we participate in the 60th annual observance of the National Day of Prayer. We bless you for providing us with this sacred communication with you called prayer. We also thank you for blessing us with the wonderful opportunity and the awesome privilege of being citizens of

the United States of America. Thank you for giving us the freedom to know you personally and to make you known globally. You have blessed us beyond measure so that we can live a life that honors you and benefits others.

Father, we pray blessing and favor over Governor Rick and First Lady Anita Perry as they model servitude and commitment to marriage and family. Give them favor in the eyes of the people of this great state. Surround them with godly men and women who will help them implement the vision you have given them.

I pray especially for each representative here this morning. Would you give them divine strength and supernatural muscle as they serve you and give their lives to adding value to others. Protect their covenant relationship with their spouse and inspire them to make room for marriage and to have special connecting moments with each other and to finish together. Shield their children and their grandchildren from the flaming arrows of the evil one and enable them to reach their God-given potential as they grow and develop and seek to benefit the next generation. Anoint each representative with the oil of your wisdom and splash each one with the living water of your word. Lord, thank you for becoming like us, so that we could become like you. We submit to you our lives, our families, our state, and our nation. Use us for your glory. Now speak, Lord; your servants are listening. And we pray this in Jesus' name. Amen.

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

#### **CAPITOL PHYSICIAN**

The speaker recognized Representative W. Smith who presented Dr. P. J. Mock of La Porte as the "Doctor for the Day."

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

(Murphy in the chair)

#### **MESSAGE FROM THE SENATE**

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

#### **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. 21).

#### **HR 1489 - PREVIOUSLY ADOPTED (by Nash)**

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

**HR 1489**, Commemorating the 50th anniversary of Six Flags Over Texas in Arlington.

On motion of Representative Zedler, the names of all the members of the house were added to **HR 1489** as signers thereof.

### INTRODUCTION OF GUESTS

The chair recognized Representative Nash who introduced representatives of Six Flags Over Texas.

### LEAVES OF ABSENCE GRANTED

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

Castro on motion of Farias.

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

Hopson on motion of J. Davis.

### HR 932 - ADOPTED (by Huberty)

Representative Huberty moved to suspend all necessary rules to take up and consider at this time **HR 932**.

The motion prevailed.

The following resolution was laid before the house:

**HR 932**, Recognizing May 5, 2011, as Helmet Safety Day in honor of Thomas Joseph Stanton II of Kingwood.

**HR 932** was read and was adopted.

On motion of Representatives J. Davis and S. Davis, the names of all the members of the house were added to **HR 932** as signers thereof.

### HR 1173 - ADOPTED (by Isaac)

Representative Isaac moved to suspend all necessary rules to take up and consider at this time **HR 1173**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1173**, In memory of Raymond Oren Whisenant, Sr., of Dripping Springs.

**HR 1173** was read and was unanimously adopted by a rising vote.

On motion of Representative Woolley, the names of all the members of the house were added to **HR 1173** as signers thereof.

(McClendon in the chair)

### CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

**HR 1404** (by C. Anderson), Congratulating Jacklyn Nicole Sims Lackey and Christopher Blake Lackey on their wedding.

**HR 1470** (by Carter), Honoring Officer Jason Voelz of the Garland Police Department for his public service.

**HR 1471** (by Carter), Honoring Lieutenant Colonel Michael D. Hess for his service to Texas and the United States.

**HR 1472** (by Hughes), Honoring Gail Green of Tyler for her service to U.S. Senator Phil Gramm and U.S. Senator John Cornyn.

**HR 1473** (by Hughes), Congratulating Colby Nichols of Quitman on his receipt of the FFA Lone Star Farmer degree.

**HR 1474** (by Hughes), Honoring Cody Olsen of Winnsboro High School on his selection as a 2011 Texas All-State Band member.

**HR 1475** (by Hughes), Honoring Josh Hooks of Winnsboro High School on his selection as a 2011 Texas All-State Band member.

**HR 1476** (by Hughes), Honoring Stephanie Parris of Winnsboro High School on her selection as a 2011 Texas All-State Band member.

**HR 1477** (by Hughes), Congratulating John Callison of Mineola High School on his receipt of the 2010 Teacher of the Year award from the Mineola Chamber of Commerce.

**HR 1478** (by Hughes), Congratulating Gayland Howell on his receipt of the 2010 Man of the Year and B. R. Short Community Spirit awards from the Mineola Chamber of Commerce.

**HR 1479** (by Hughes), Congratulating Ann Alotto on her receipt of the 2010 Woman of the Year and Humanitarian of the Year awards from the Mineola Chamber of Commerce.

**HR 1480** (by Hughes), Congratulating Ronnie and Vicki Buchanan of Hallsville on their 50th wedding anniversary.

**HR 1481** (by Hughes), Congratulating Deputy Sam Threadgill on being named the 2010 Officer of the Year for Wood County.

**HR 1482** (by Hughes), Congratulating Gay Smith Hill of Golden on being named Mrs. Wood County International of 2011.

**HR 1489** was previously adopted.

**HR 1491** (by Flynn), Congratulating Amanda Rucker of Grand Saline High School on her selection as MVP of the 8th Annual Azalea Orthopedics All-Stars Basketball Game.

**HR 1492** (by Flynn), Congratulating Leetta Goolsby of Hawk Cove on the city park being named in her honor.

**HR 1493** (by Zedler), Honoring Lou Spiegel on her retirement as associate superintendent for business and governmental relations of the Mansfield Independent School District.

**HR 1494** (by Zedler), Honoring Gale Moericke for his service on the Mansfield Independent School District Board of Trustees.

**HR 1495** (by Zedler), Honoring Scott Snow for his service on the Mansfield Independent School District Board of Trustees.

**HR 1500** (by Gallego), Commemorating the 110th anniversary of Sacred Heart Catholic School in Del Rio.

**HR 1509** (by Woolley), Congratulating Jerry Johnston Andrew of Houston on the honor she received from The Institute for Rehabilitation and Research Foundation and TIRR Family.

**HR 1511** (by L. Taylor), Commemorating the inaugural session of the American Baptist Southeast District Association at Greater New Hope Missionary Baptist Church of League City.

**HR 1512** was previously adopted.

**HR 1513** (by Martinez), Commemorating the Second Annual Cinco de Mayo BBQ Cook-Off and Fiesta in San Juan.

**HR 1514** (by Farrar), Commemorating the 2011 Cinco de Mayo celebration at Eugene Field Elementary School in Houston.

**HR 1517** (by C. Anderson), Congratulating Lyndsi Fallin Massie Sykora and Dustin Ray Sykora on their wedding.

**HR 1518** (by C. Anderson), Congratulating the members of the Heart of Texas Volleyball Institute 12-and-under team on winning the Austin Sports Center No. 3 Tournament.

**HR 1519** (by C. Anderson), Congratulating Shannon Marie Sutton Goss and Christopher Steven Goss of Waco on their wedding.

**HR 1521** was previously adopted.

**HR 1522** (by V. Gonzales), Congratulating Jose Ramirez Castilleja of McAllen on his 73rd birthday.

**HR 1523** (by V. Gonzales), Honoring Dr. Carl Seale on the occasion of the Valley Symphony Orchestra and Chorale Red Bow Concerto Gala on April 30, 2011.

**HR 1524** (by V. Gonzales), Congratulating Patty Fallek on being named a Shining Star of Hidalgo County by the Zonta Club for her contributions to the community.

**HR 1525** (by V. Gonzales), Congratulating Edna Posada on being named a Shining Star of Hidalgo County by the Zonta Club for her professional contributions to the community.

**HR 1526** (by V. Gonzales), Congratulating Jose Ramirez Castilleja of McAllen on his 73rd birthday.

**HR 1527** (by V. Gonzales), Congratulating Mariella Gorena on being named a Shining Star of Hidalgo County by the Zonta Club for her contributions to youth and education.

**HR 1528** (by V. Gonzales), Recognizing Dylan Killelea for his accomplishments in the sport of motocross.

**HR 1529** (by V. Gonzales), Congratulating ERO Architects of McAllen, along with chief executive officer Eli Ochoa and chief designer Manuel Hinojosa, on the receipt of awards during 2010 and 2011.

**HR 1530** (by Aliseda), Commemorating the 125th anniversary of the United States Post Office in Poteet.

**HR 1540** (by C. Anderson), Congratulating U.S. Army Private Larry Mathis, Jr., on graduating from the advanced individual training course for his specialty in field artillery automated tactical data systems.

**HR 1541** (by C. Anderson), Congratulating Meghan Mullens on her election as president of the Greater Waco Aggie Club.

**HR 1542** (by C. Anderson), Congratulating U.S. Army Private William L. Kerley of Waco on graduating from the advanced individual training course for his specialty in automated tactical data systems for field artillery.

**HR 1543** (by C. Anderson), Congratulating Army National Guard Specialist Stefan M. Bernard on graduating from the Infantryman One Station Unit Training at Fort Benning.

**HR 1544** (by C. Anderson), Congratulating Hunter Fritscher of Crawford High School for his achievements at the Texas High School Powerlifting Association regional and state championship powerlifting meets.

**HR 1545** (by C. Anderson), Congratulating Midway High School students Taylor Mattson, Emily Neubert, and Suzanne Stricker on winning the local Voice of Democracy contest sponsored by the Veterans of Foreign Wars.

**HR 1547** (by C. Anderson), Congratulating Kenneth and Geneva Bolen of Waco on their 50th wedding anniversary.

**HR 1549** (by C. Anderson), Congratulating Jennifer Alyssa Naylor and Matthew Aaron Biles on their engagement.

**HR 1551** (by C. Anderson), Congratulating Brandon and Lyndsey Terry of Lorena on their marriage.

**HR 1552** (by C. Anderson), Congratulating Melissa Jade Bennett and Stephen Kyle Jones on their impending nuptials.

**HR 1554** (by C. Anderson), Congratulating Randall Dossey, Carolyn Meyer, and Judy Padgett on their receipt of the Extra Mile Award from Midway Independent School District in McLennan County.

**HR 1556** (by C. Anderson), Honoring Letha Avery of Waco on her 100th birthday.

**HR 1558** (by Branch), Honoring 101-year-old Texas Christian University alumna Margie Nance Frost of Dallas.

**HR 1559** (by Creighton), Congratulating John and Suebeth Burge of Conroe on their 53rd wedding anniversary and honoring them for their contributions to the community.

**HR 1560** (by Creighton), Commending members of Citizens Residents Oppose Wells for their efforts to protect the groundwater supply in Montgomery County.

**HR 1562** (by Kleinschmidt), Honoring Monsignor Harry Mazurkiewicz of La Grange on the 60th anniversary of his ordination.

**HR 1563** (by Phillips), Honoring Texas Department of Transportation executive director Amadeo Saenz, Jr., for his service.

**HR 1564** (by Phillips), Honoring Steven E. Simmons, deputy executive director of the Texas Department of Transportation, for his service.

**HR 1565** (by Guillen), Congratulating Pat Campos on her retirement from the Webb County Juvenile Department.

**HR 1566** (by Kolkhorst), Commemorating the 121st annual Brenham Maifest and honoring the celebration's junior and senior royalty.

**HR 1567** (by Lozano), Congratulating Special Ranger Thomas R. "Hap" Roberts on his retirement from the Texas and Southwestern Cattle Raisers Association.

**HR 1568** (by Lozano), Honoring Alex G. Leal on his retirement from a long and accomplished career as a high school football coach in the Rio Grande Valley.

**HR 1569** (by Lozano), Honoring Cindy Gonzales for her service as a member of the Kenedy County Commissioners Court.

**HR 1572** (by Hilderbran), Congratulating Clarabelle Snodgrass of Kerrville on earning the 2010 Governor's Award for Historic Preservation from the Texas Historical Commission.

**HR 1573** (by Flynn), Recognizing the city of Edgewood as a wedding destination.

**HR 1575** (by Schwertner), Congratulating Crawford L. Shield of Georgetown on attaining the rank of Eagle Scout.

**HR 1576** (by Schwertner), Congratulating Michael Thomas Volling, Jr., of Georgetown on attaining the rank of Eagle Scout.

**HR 1577** (by Schwertner), Congratulating Jack and Kay Huffman on their 50th wedding anniversary.

**HR 1581** (by Hughes), Congratulating Dr. Mark Neeley of the First Baptist Church of Mineola on his receipt of the Lou Mallory Historical Preservation Award.

**HR 1582** (by Sheets), Honoring the Lake Highlands Military Moms for its work in behalf of area men and women serving in the U.S. military and for its support of Lake Highlands military families.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

**HR 809** (by Gutierrez), In memory of U.S. Army Sergeant First Class Calvin B. Harrison of Coldspring.

**HR 958** (by Hunter), In memory of Diana Maria Kirby of Rockport.

**HR 1468** (by Margo, et al.), In memory of Roy Franklin Lewis of El Paso.

**HR 1469** (by Margo), In memory of Igor Kaleri of El Paso.

**HR 1484** (by Veasey), In memory of former Fort Worth Independent School District assistant athletic director Gerald Beal.

**HR 1487** was previously adopted.

**HR 1488** (by Nash), In memory of Lawrence Alvin Allen, Sr., of Houston.

**HR 1496** (by Gallego), In memory of Jose De Jesus Sanchez of Presidio.

**HR 1497** (by Gallego), In memory of Willard Lowell Hendershott of Alpine.

**HR 1498** (by Gallego), In memory of Debra Ann Sontag of Del Rio.

**HR 1499** (by Gallego), In memory of Robert Paul McFarland of Alpine.

**HR 1501** (by Gallego), In memory of Fred Shely.

**HR 1502** (by Gallego), In memory of Olivia Vallejo Calderon.

**HR 1503** (by Gallego), In memory of Francisco "Pancho" Romero Leyva of Alpine.

**HR 1504** (by Gallego), In memory of Virginia Loraine Baker of Alpine.

**HR 1505** (by Gallego), In memory of Alberto E. Brito of Presidio.

**HR 1510** (by Miles), In memory of Glenda Purham-Brown of Houston.

**HR 1515** (by Martinez), In memory of William Summers of Weslaco.

**HR 1531** (by C. Anderson), In memory of Thomas Emmett Davenport.

**HR 1532** (by C. Anderson), In memory of Anthony Dane Schaefer of Waco.

**HR 1533** (by C. Anderson), In memory of Carie Jean Dodson Buck of Waco.

**HR 1534** (by C. Anderson), In memory of Jessie Faye Johnson of Waco.

**HR 1535** (by C. Anderson), In memory of Donna Ann Shelton.

**HR 1536** (by C. Anderson), In memory of Mark Scot Lansdown of West.

**HR 1537** (by C. Anderson), In memory of Frances Louise Reinke of Waco.

**HR 1538** (by C. Anderson), In memory of John Edwin Horn of Lorena.



**HR 1539** (by C. Anderson), In memory of Willie Lee Whitlow of Beverly Hills, Texas.

**HR 1546** (by C. Anderson), In memory of Miriam Simmons of Waco.

**HR 1548** (by C. Anderson), In memory of Alice Marie Hamilton of Waco.

**HR 1550** (by C. Anderson), In memory of Dorothy Hightower of Waco.

**HR 1553** (by C. Anderson), In memory of Delton Ferrell Steed of Waco.

**HR 1555** (by C. Anderson), In memory of Patricia E. Barkley of Robinson.

**HR 1557** (by C. Anderson), In memory of Maureen Pruitt of Woodway.

**HR 1561** was withdrawn.

**HR 1570** (by Margo), In memory of Dorr M. Miller of El Paso.

The resolutions were unanimously adopted by a rising vote.

#### **HR 809 - NAMES ADDED**

On motion of Representative Sheets, the names of all the members of the house were added to **HR 809** as signers thereof.

#### **HR 1670 - ADOPTED**

**(by Bonnen, et al.)**

Representative Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 1670**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1670**, Urging the government of Turkey to uphold and safeguard religious and human rights of all its citizens without compromise, to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, and the right to train clergy of all nationalities, and to respect the property rights and human rights of the Ecumenical Patriarchate and all religious and faith traditions.

**HR 1670** was adopted. (D. Howard and Strama recorded voting no.)

#### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Cook requested permission for the Committee on State Affairs to meet while the house is in session, at 11:15 a.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

State Affairs, 11:15 a.m. today, 3W.15, for a formal meeting, to consider pending business.

**HR 80 - PREVIOUSLY ADOPTED****(by Alonzo)**

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

**HR 80**, Commemorating Cinco de Mayo 2011.

On motion of Representative Marquez, the names of all the members of the house were added to **HR 80** as signers thereof.

**LEAVE OF ABSENCE GRANTED**

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

C. Anderson on motion of Kleinschmidt.

(Rodriguez in the chair)

**HR 1758 - ADOPTED****(by Hilderbran, Flynn, Berman, P. King, and Zedler)**

Representative Hilderbran moved to suspend all necessary rules to take up and consider at this time **HR 1758**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1758**, Commemorating the Kerr County "God Bless America" rally and honoring members of the U.S. military and CIA and others responsible for bringing Osama bin Laden to justice.

**HR 1758** was adopted.

On motion of Representative Hilderbran, the names of all the members of the house were added to **HR 1758** as signers thereof.

(Speaker pro tempore in the chair)

**LOCAL, CONSENT, AND RESOLUTIONS CALENDAR  
SECOND READING**

The following bills were laid before the house, read second time, and passed to third reading, and the following resolutions were laid before the house on committee report and adopted (members registering votes are shown following the caption):

**CSHB 753** (by Raymond), A bill to be entitled An Act relating to the recruitment and retention of certain caseworkers employed by the Department of Family and Protective Services. (Aycock, Frullo, Legler, Madden, Sheffield, and Shelton recorded voting no.)

**HB 783** (by Y. Davis), A bill to be entitled An Act relating to certain offenses that involve impersonating a peace officer or other public servant and misrepresenting the nature of certain property.

**HB 807** (by Parker), A bill to be entitled An Act relating to the notice provided to a foster parent before a change in a child's foster care placement.

**CSHB 1080** (by Gallego), A bill to be entitled An Act relating to an exemption for active duty personnel and certain veterans from the requirement to complete the live firing portion of a hunter education program.

**CSHB 1111** (by Hartnett, et al.), A bill to be entitled An Act relating to a tenant's failure to pay rent during an appeal of an eviction for nonpayment of rent after filing a pauper's affidavit.

**CSHB 1619** (by Orr, Kleinschmidt, et al.), A bill to be entitled An Act relating to emergency services districts. (Chisum and Phillips recorded voting no.)

**CSHB 1749** (by Kuempel), A bill to be entitled An Act relating to county roads mistakenly established and maintained by an adjoining county.

**HB 1931** (by Hartnett), A bill to be entitled An Act relating to a person who may serve as a special judge in certain civil and family law matters.

**HB 1988** (by Gallego), A bill to be entitled An Act relating to the right of one immediate family member of certain deceased peace officers to make an oral statement regarding the terms of a plea bargain agreement.

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

Representative Carter offered the following amendment to **HB 1988**:

Amend **HB 1988** (house committee printing) as follows:

(1) On page 1, line 16, following "family.", insert "The court shall consider the statement before sentencing the defendant."

(2) Strike page 1, line 23, through page 2, line 7, and substitute the following:

(c) The defendant or the defendant's counsel:

(1) may not cross-examine the person making the oral statement; and

(2) may introduce testimony or other information alleging a factual inaccuracy in the oral statement.

Amendment No. 1 was adopted.

**HB 2052** (by Peña, Aliseda, Torres, L. Gonzales, and Garza), A bill to be entitled An Act relating to the reporting of certain information to county voter registrars by the secretary of state.

**HB 2061** (by Peña, Aliseda, Torres, L. Gonzales, and Garza), A bill to be entitled An Act relating to the reporting of certain information to the director of the bureau of vital statistics.

#### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Branch requested permission for the Committee on Higher Education to meet while the house is in session, at 11:45 a.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

## COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Higher Education, 11:45 a.m. today, 3W.9, for a formal meeting, to consider pending business.

### LOCAL, CONSENT, AND RESOLUTIONS CALENDAR (consideration continued)

**CSHB 2109** (by Truitt), A bill to be entitled An Act relating to agency action concerning assisted living facilities, including regulation of inappropriate placement of residents at facilities.

**CSHB 2136** (by Guillen), A bill to be entitled An Act relating to regional contracted brokers and subcontractors of regional contracted brokers providing Medicaid nonemergency medical transportation services. (Aycock and Legler recorded voting no.)

**CSHB 2160** (by Coleman), A bill to be entitled An Act relating to the governing bodies of certain local planning organizations. (Aycock and Legler recorded voting no.)

#### Amendment No. 1

Representative Coleman offered the following amendment to **CSHB 2160**:

Amend **CSHB 2160** (house committee printing) as follows:

- (1) On page 1, line 14, strike "a full membership or".
- (2) On page 1, strike lines 17-23.
- (3) On page 1, line 24, strike "3" and substitute "2".

Amendment No. 1 was adopted.

**HB 2195** (by Hartnett), A bill to be entitled An Act relating to requirements for certain arrangements or agreements of certain regional transportation authorities. (Isaac, Perry, and Simpson recorded voting no.)

**HB 2205** (by Oliveira), A bill to be entitled An Act relating to the eligibility of persons to participate in the public sale of certain real property and the purchase of that property; providing a penalty. (Perry and Simpson recorded voting no.)

**CSHB 2284** (by Hardcastle), A bill to be entitled An Act relating to the practice of architecture and engineering. (Berman and Flynn recorded voting no.)

### CSHB 2284 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE W. SMITH: Representative Hardcastle, it's your understanding that this bill is not intended to change, that the following items are within the practice of engineering unless they are excepted by Chapter 1001, Occupations Code, as it existed on April 1, 2011: plans for a structural, mechanical, electrical, electronic, or geotechnical systems in a building; sizing and specifications of a building's structural elements and connections; foundation design; hydrologic management calculations and design of surface water control and detention necessary for compliance with ordinances and

regulations; design of building drain and waste system plumbing, fresh water plumbing, grey water systems and mechanical aspects of moving water in and out of a structure; evaluation of structural framing members prior to the addition of roof-mounted equipment or heavier roof covering; design of changes in roof pitch by the addition of structural framing members; evaluation and repair of damaged roof structural framing; electrical power and signal systems; shop drawings by manufacturers or fabricators of materials and products to be used in the building components designed by the engineer; and specifications listing the nature and quality of materials and products for construction of elements of the building designed by an engineer?

Representative Hardcastle, is it also your understanding that there is still some work to be done on this compromise but we are willing to work on that in the senate?

REPRESENTATIVE HARDCASTLE: This in no way will change the ability of an architect and how they can practice. And, yes, there are several things that need to be worked on in the senate, and we'll have it back.

#### REMARKS ORDERED PRINTED

Representative W. Smith moved to print remarks between Representative Hardcastle and Representative W. Smith.

The motion prevailed.

**HB 2367** (by Parker and Hochberg), A bill to be entitled An Act relating to the creation of an advisory panel to study certain parental rights relating to possession of or access to the parent's child. (Chisum and Phillips recorded voting no.)

#### Amendment No. 1

Representative Parker offered the following amendment to **HB 2367**:

Amend **HB 2367** (house committee printing) on page 2 of the bill, by striking lines 1 through 6 and substituting the following:

(3) implementing measures that allow for the establishment of orders of possession of or access to a child while protecting the rights and safety of victims of family violence and the families of the victims;

Amendment No. 1 was adopted.

**CSHB 2396** (by McClendon), A bill to be entitled An Act relating to the pledge of advanced transportation district sales and use taxes to certain bonds. (Aycock, Bohac, Burkett, Cain, Carter, Chisum, Craddick, Darby, Flynn, Frullo, Isaac, Kleinschmidt, Landtroop, Laubenberg, Parker, Paxton, Perry, Phillips, Sheets, Shelton, Simpson, and Weber recorded voting no.)

**CSHB 2576** (by Truitt), A bill to be entitled An Act relating to a disclosure statement on the out-of-pocket costs incurred for health care services and supplies provided to consumers receiving outpatient care at a hospital outpatient clinic.

**CSHB 2604** (by L. Taylor), A bill to be entitled An Act relating to unencumbered assets held by title agents. (Chisum and Phillips recorded voting no.)

**HB 2655** (by Sheets), A bill to be entitled An Act relating to notice of coverage reduction on renewal of a property/casualty insurance policy.

**Amendment No. 1**

Representative Sheets offered the following amendment to **HB 2655**:

Amend **HB 2655** (house committee printing) as follows:

(1) On page 1, line 10, between "Subchapter B," and "Chapter 2301", insert "or Subchapter B,".

(2) On page 1, line 15, strike "changes" and substitute "change".

(3) On page 1, lines 16-17, strike ". effective date of the change" and substitute "[effective date of the change]."

Amendment No. 1 was adopted.

**HB 2872** (by Orr), A bill to be entitled An Act relating to restrictions on the sale of certain motor vehicles at vehicle shows or exhibitions.

**HB 2947** (by Coleman), A bill to be entitled An Act relating to the exception of an audit working paper of a hospital district from required disclosure under the public information law. (Burkett, Isaac, Legler, and Sheffield recorded voting no.)

**CSHB 2972** (by T. Smith), A bill to be entitled An Act relating to the municipal sales and use tax for street maintenance. (Burkett, Isaac, Perry, Simpson, and Weber recorded voting no.)

**HB 3077** was deferred until the end of today's local, consent, and resolutions calendar.

**HB 3078** (by Gallego), A bill to be entitled An Act relating to the residency requirement for certain elective offices of certain political subdivisions.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Eissler requested permission for the Committee on Public Education to meet while the house is in session, at 12 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

**LOCAL, CONSENT, AND RESOLUTIONS CALENDAR**  
(consideration continued)

**CSHB 3090** (by Creighton), A bill to be entitled An Act relating to the frequency of water audits by certain retail public utilities. (Chisum and Phillips recorded voting no.)

**HB 3117** (by Vo), A bill to be entitled An Act relating to the reporting of information to claims databases by insurers. (Aycock, Cain, Carter, Craddick, Darby, Flynn, Frullo, Kleinschmidt, Landtroop, Parker, Shelton, and Truitt recorded voting no.)

**CSHB 3134** (by Crownover), A bill to be entitled An Act relating to the plugging of inactive oil and gas wells. (Isaac recorded voting no.)

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Education, 12 p.m. today, 3W.9, for a formal meeting, to consider pending business.

### LOCAL, CONSENT, AND RESOLUTIONS CALENDAR (consideration continued)

**HB 3161** (by Hancock), A bill to be entitled An Act relating to limited purpose subsidiary life insurance companies.

**CSHB 3197** (by Coleman), A bill to be entitled An Act relating to creating a pilot program to implement the culture change model of care at certain state supported living centers. (Aycock, Bohac, Cain, Chisum, Darby, Flynn, Kolkhorst, Laubenberg, Landtroop, Madden, Parker, Paxton, Perry, Phillips, and Sheets recorded voting no.)

**CSHB 3269** (by Callegari), A bill to be entitled An Act relating to certain grants awarded under the new technology research and development program.

**CSHB 3582** (by Harless), A bill to be entitled An Act relating to the allocation to certain school districts of the expenses of a joint election.

**SB 265** (Carter - House Sponsor), in lieu of **HB 3670**, A bill to be entitled An Act relating to training for employees and operators of certain child-care facilities. (Chisum and Phillips recorded voting no.)

Representative Carter moved to lay **HB 3670** on the table subject to call, and the motion prevailed.

**HB 3722** (by Guillen), A bill to be entitled An Act relating to the boater education program at the parks and wildlife department. (Bohac, Cain, Carter, Chisum, Craddick, Darby, Flynn, Frullo, Landtroop, Laubenberg, Parker, Paxton, Perry, Phillips, Sheets, Shelton, and Weber recorded voting no.)

**HB 3724** (by Guillen), A bill to be entitled An Act relating to the Chronic Kidney Disease Task Force. (Aycock, Chisum, Flynn, Frullo, Laubenberg, Paxton, Phillips, and Sheets recorded voting no.)

**HB 3771** (by Harper-Brown), A bill to be entitled An Act relating to the authority of the Texas Department of Transportation to approve safety standards for high-speed rail; authorizing a fee. (R. Anderson, Cain, Carter, Craddick, Flynn, Frullo, Kleinschmidt, Landtroop, Laubenberg, Madden, Paxton, Perry, Sheets, Sheffield, and Weber recorded voting no.)

**CSHB 3796** (by Gallego), A bill to be entitled An Act relating to the composition of certain judicial districts.

**HB 3811** (by Gallego), A bill to be entitled An Act relating to the annual audit of the books and records of the Big Bend Regional Hospital District.

**CSHB 3846** (by Laubenberg), A bill to be entitled An Act relating to the creation of the Mustang Ranch Municipal Management District No. 1; providing authority to levy an assessment and issue bonds.

**HCR 46** was withdrawn and, pursuant to Rule 6, Section 24 of the House Rules, was returned to the Committee on Calendars.

**HCR 86 - ADOPTED**  
**(by Chisum, Landtroop, and Gallego)**

The following resolution was laid before the house:

**HCR 86**, Designating the Texas State Bison Herd at Caprock Canyons State Park as the official State Bison Herd of Texas.

**HCR 86** was adopted by (Record 720): 142 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Anderson, C.; Castro; Hopson.

Absent — Brown; Eiland; Hartnett; Patrick.

**HCR 98** (by Hunter), Requesting the lieutenant governor and the speaker to create a joint interim committee to study the safe and effective use of high-powered air rifles. (Chisum, Phillips, and Simpson recorded voting no.)

**HCR 127** (by Naishtat), Designating the year 2012 as the Lady Bird Johnson Centennial Year.



**HCR 133** (by Bonnen), Designating the red drum as the official State Saltwater Fish of Texas.

**CSHB 577** (by McClendon), A bill to be entitled An Act relating to emergency prehospital care provided by emergency services personnel. (Burkett and Weber recorded voting no.)

**HB 762** (by Lozano), A bill to be entitled An Act relating to establishing a pill splitting program to reduce health plan costs for certain public employees. (Flynn recorded voting no.)

**HB 826** (by Farias), A bill to be entitled An Act relating to facilitating the enrollment in or transfer to a public school district of a student in the conservatorship of the state. (Chisum, Garza, and Phillips recorded voting no.)

**CSHB 872** (by Y. Davis), A bill to be entitled An Act relating to the right of a person exempt from registration as a property tax consultant who files a protest with the appraisal review board on behalf of a property owner to receive notices from the board regarding the property subject to the protest. (Craddick and Shelton recorded voting no.)

**CSHB 970** (by L. Gonzales and Schwertner), A bill to be entitled An Act relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade coliseums and multiuse facilities in certain municipalities. (Madden and Sheffield recorded voting no.)

**HB 971** (by P. King, Geren, and Hilderbran), A bill to be entitled An Act relating to removal of the requirement that an electric utility designate a preferred route for a transmission line in an application for a certificate of convenience and necessity.

**CSHB 1033** (by Craddick), A bill to be entitled An Act relating to the authority of certain counties to impose a county hotel occupancy tax. (Madden, Sheffield, and Weber recorded voting no.)

**CSHB 1090** (by Gonzalez, Hughes, Villarreal, Oliveira, Margo, et al.), A bill to be entitled An Act relating to the calculation of interest on certain ad valorem tax refunds.

**HB 1178** (by Flynn), A bill to be entitled An Act relating to employment protection for members of the state military forces.

**SB 820** (Thompson - House Sponsor), in lieu of **HB 1262**, A bill to be entitled An Act relating to a court order for the possession of or access to a child under three years of age. (Chisum and Phillips recorded voting no.)

Representative Thompson moved to lay **HB 1262** on the table subject to call, and the motion prevailed.

**CSHB 1315** (by Aliseda), A bill to be entitled An Act relating to the use of municipal hotel occupancy tax revenue in certain municipalities.

**Amendment No. 1**

Representative Aliseda offered the following amendment to **CSHB 1315**:

Amend **CSHB 1315** (house committee printing), on page 1, by striking lines 7-18 and substituting the following:

**Sec. 351.1066. ALLOCATION OF REVENUE: CERTAIN MUNICIPALITIES.** (a) This section applies only to:

(1) a municipality with a population of at least 3,500 but less than 5,500 that is the county seat of a county with a population of less than 50,000 that borders a county with a population of more than 1.6 million; and

(2) a municipality with a population of at least 2,900 but less than 3,500 that is the county seat of a county with a population of less than 22,000 that is bordered by the Trinity River and includes a state park and a portion of a wildlife management area.

(b) Notwithstanding any other provision of this chapter, a municipality to which this section applies may use all or any portion of the revenue derived from the municipal hotel occupancy tax for:

(1) a business recruitment project to substantially enhance hotel activity and encourage tourism; and

(2) if requested and approved by a majority of the hotel owners or managers in the municipality, the construction, enlarging, equipping, improvement, maintenance, repairing and operation of a recreational facility to substantially enhance hotel activity and encourage tourism.

Amendment No. 1 was adopted.

**SB 528** (Coleman - House Sponsor), in lieu of **HB 1318**, A bill to be entitled An Act relating to meetings of the University of Houston System Board of Regents.

Representative Coleman moved to lay **HB 1318** on the table subject to call, and the motion prevailed.

**CSHB 1335** (by Allen and Reynolds), A bill to be entitled An Act relating to certain resources available to teachers of a public school student with a disability under the statewide plan for delivery of services to public school students with disabilities. (Chisum, Garza, and Phillips recorded voting no.)

**SB 1272** (Lavender - House Sponsor), in lieu of **HB 1407**, A bill to be entitled An Act relating to tuition rates and formula funding for certain nonresident students enrolled at Texas A&M University-Texarkana.

Representative Lavender moved to lay **HB 1407** on the table subject to call, and the motion prevailed.

**HB 1489** was withdrawn.

**HB 1500** was deferred until the end of today's local, consent, and resolutions calendar.

**HB 1517** (by Isaac), A bill to be entitled An Act relating to the disposition of fines for traffic violations collected by certain municipalities. (Flynn, Landtroop, Perry, and Sheffield recorded voting no.)

**SB 918** (Thompson - House Sponsor), in lieu of **HB 1554**, A bill to be entitled An Act relating to immunity for reporting insurance fraud.

Representative Thompson moved to lay **HB 1554** on the table subject to call, and the motion prevailed.

**CSHB 1678** (by Burkett, et al.), A bill to be entitled An Act relating to the employment of an elections administrator.

**CSHB 1839** (by Phillips), A bill to be entitled An Act relating to excluding a provider of recreational classes that do not lead to an educational credential from regulation as a career school or college.

**HB 1930** (by Zedler), A bill to be entitled An Act relating to the membership and duties of the Human Trafficking Prevention Task Force.

**SB 1195** (Quintanilla - House Sponsor), in lieu of **HB 2009**, A bill to be entitled An Act relating to postponement of jury service in certain counties.

Representative Quintanilla moved to lay **HB 2009** on the table subject to call, and the motion prevailed.

**CSHB 2172** (by Torres), A bill to be entitled An Act relating to the eligibility of certain children under group life insurance policies.

**CSHB 2220** (by Y. Davis), A bill to be entitled An Act relating to the requirement to prepay ad valorem taxes as a prerequisite to determining certain motions or protests and the authority of an appraisal review board to determine compliance with the requirement. (Chisum, Landtroop, Perry, and Phillips recorded voting no.)

**CSHB 2285** (by Nash), A bill to be entitled An Act relating to reimbursement of costs incurred for the collection of certain blood specimens as a condition of community supervision.

**HB 2295** (by Frullo), A bill to be entitled An Act relating to the administration of the universal service fund.

**CSSB 893** (Hardcastle - House Sponsor), in lieu of **HB 2335**, A bill to be entitled An Act relating to motor fuel quality and testing.

Representative Hardcastle moved to lay **HB 2335** on the table subject to call, and the motion prevailed.

**HB 2380** was withdrawn.

**HB 2549** (by Crownover), A bill to be entitled An Act relating to the authority of a state employee to authorize a deduction from the employee's salary or wage payment for a charitable contribution to certain entities.

**HB 2577** (by S. Miller), A bill to be entitled An Act relating to the unlawful use of a criminal instrument or mechanical security device; providing a penalty.

**HB 2584** (by R. Anderson), A bill to be entitled An Act relating to authorizing certain municipalities to donate surplus real property of negligible or negative value to certain private persons.

**CSHB 2651** (by Allen, McClendon, Giddings, Y. Davis, and Bonnen), A bill to be entitled An Act relating to the eligibility of visitors to use certain public transportation services for people with disabilities.

**SB 1303** (T. King - House Sponsor), in lieu of **HB 2657**, A bill to be entitled An Act relating to nonsubstantive additions to and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 81st Legislature to other Acts of that legislature.

Representative T. King moved to lay **HB 2657** on the table subject to call, and the motion prevailed.

**CSHB 2699** (by Eiland), A bill to be entitled An Act relating to the requirements for an insurance adjuster license. (Chisum and Phillips recorded voting no.)

**Amendment No. 1**

Representative Eiland offered the following amendment to **CSHB 2699**:

Amend **CSHB 2699** (house committee printing) as follows:

(1) On page 2, line 22, strike "4101.002(a)" and substitute "4101.002".  
 (2) On page 2, line 22, after "amended", insert "by amending Subsection (a) and adding Subsection (d)".

(3) On page 4, strike lines 13-19 and substitute the following:

(B) is employed by a licensed independent adjuster or its affiliate under circumstances in which no more than 25 individuals performing duties described by Paragraph (A) are supervised by a single licensed independent adjuster or a single licensed agent.

(d) A licensed agent acting as a supervisor under Subsection (a)(10) is not required to be licensed as an adjuster.

Amendment No. 1 was adopted.

**CSHB 2703** (by Truitt), A bill to be entitled An Act relating to the regulation of orthotists and prosthetists.

**CSHB 2723** (by Walle), A bill to be entitled An Act relating to notice of premium increase for certain health benefit plans.

**CSHB 2784** (by Alonzo), A bill to be entitled An Act relating to the refund policy for courses and programs at career schools and colleges.

**SB 378** (Hunter - House Sponsor), in lieu of **HB 2791**, A bill to be entitled An Act relating to the date by which a pest management zone or cotton grower may request an extension of the cotton stalk destruction deadline.

Representative Scott moved to lay **HB 2791** on the table subject to call, and the motion prevailed.

**CSHB 2810** (by S. Miller), A bill to be entitled An Act relating to an exemption from the sales and use tax for tangible personal property incorporated into or attached to certain agricultural structures.

**CSHB 2899** (by Hartnett), A bill to be entitled An Act relating to decedents' estates.

**Amendment No. 1**

On behalf of Representative Thompson, Representative Hartnett offered the following amendment to **CSHB 2899**:

Amend **CSHB 2899** (house committee printing) as follows:

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

SECTION 1.\_\_\_\_. Sections 53C(a) and (b), Texas Probate Code, are amended to read as follows:

(a) This section applies in a proceeding to declare heirship of a decedent only with respect to an individual who:

~~[(1) petitions the court for a determination of right of inheritance as authorized by Section 42(b) of this code; and~~

~~[(2)] claims to be a biological child of the decedent[, but with respect to whom a parent-child relationship with the decedent was not established as provided by Section 160.201, Family Code,] or [who] claims inheritance through a biological child of the decedent[, if a parent-child relationship between the individual through whom the inheritance is claimed and the decedent was not established as provided by Section 160.201, Family Code].~~

(b) The presumption under Section 160.505, Family Code, that applies in establishing a parent-child relationship also applies in determining heirship in the probate court using the results of genetic testing ordered with respect to an individual described by Subsection (a) of this section, and the presumption may be rebutted in the same manner provided by Section 160.505, Family Code. [Unless the results of genetic testing of another individual who is an heir of the decedent are admitted as rebuttal evidence, the court shall find that the individual described by Subsection (a) of this section is an heir of the decedent if the results of genetic testing ordered under Section 53A of this chapter identify a tested individual who is an heir of the decedent as the ancestor of the individual described by Subsection (a) of this section.]

(2) On page 11, line 23, strike SECTION 1.11 of Article 1 of the bill, substitute the following appropriately numbered SECTION, and renumber subsequent SECTIONS of the article accordingly:

SECTION 1.\_\_\_\_. Sections 29 and 53C(c), Texas Probate Code, are repealed.

(3) On page 12, between lines 18 and 19, insert the following:

(e) The changes in law made by this article to Sections 53C(a) and (b), Texas Probate Code, apply only to a proceeding to declare heirship commenced on or after September 1, 2011. A proceeding to declare heirship commenced before that date is governed by the law in effect on the date the proceeding was commenced, and the former law is continued in effect for that purpose.

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

SECTION 2.\_\_\_\_. Sections 204.151 and 204.152, Estates Code, as effective January 1, 2014, are amended to read as follows:

Sec. 204.151. APPLICABILITY OF SUBCHAPTER. This subchapter applies in a proceeding to declare heirship of a decedent only with respect to an individual who[~~±~~:

~~[(1) petitions the court for a determination of right of inheritance as authorized by Section 201.052(e); and~~

~~[(2) claims[~~±~~~~

~~[(A) to be a biological child of the decedent or claims[~~±~~, but with respect to whom a parent-child relationship with the decedent was not established as provided by Section 160.201, Family Code; or~~

~~[(B) to inherit through a biological child of the decedent[~~±~~, if a parent-child relationship between the individual through whom the inheritance is claimed and the decedent was not established as provided by Section 160.201, Family Code].~~

Sec. 204.152. PRESUMPTION; ~~[REQUIRED FINDINGS IN ABSENCE OF] REBUTTAL [EVIDENCE]~~. The presumption under Section 160.505, Family Code, that applies in establishing a parent-child relationship also applies in determining heirship in the probate court using the results of genetic testing ordered with respect to an individual described by Section 204.151, and the presumption may be rebutted in the same manner provided by Section 160.505, Family Code. ~~[Unless the results of genetic testing of another individual who is an heir of the decedent who is the subject of a proceeding to declare heirship to which this subchapter applies are admitted as rebuttal evidence, the court shall find that the individual described by Section 204.151:~~

~~[(1) is an heir of the decedent, if the results of genetic testing ordered under Subchapter B identify a tested individual who is an heir of the decedent as the ancestor of the individual described by Section 204.151; or~~

~~[(2) is not an heir of the decedent, if the results of genetic testing ordered under Subchapter B exclude a tested individual who is an heir of the decedent as the ancestor of the individual described by Section 204.151.]~~

(5) On page 19, line 6, strike "49(a), 77," and substitute "49(a), 53C(a) and (b), 77,".

Amendment No. 1 was adopted.

**CSHB 2903** (by Zerwas, et al.), A bill to be entitled An Act relating to the program of all-inclusive care for the elderly.

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

Representative Zerwas offered the following amendment to **CSHB 2903**:

Amend **CSHB 2903** (house committee printing) as follows:

(1) On page 1, lines 5 and 6, strike "Subsections (f), (g), and (h)" and substitute "Subsections (f) and (g)".

(2) On page 3, strike lines 5 through 8.

(3) On page 3, line 11, between "TEAM." and "The Department", insert "(a)".

(4) On page 3, between lines 20 and 21, insert the following:

(b) The PACE program team shall conduct a study to evaluate the feasibility of implementing a statewide standard reimbursement rate for all providers of services under the PACE program. Not later than September 1, 2012, the PACE program team shall submit to the Health and Human Services Commission a

written report containing the findings of the study conducted under this subsection and the team's recommendations. This subsection expires September 2, 2012.

Amendment No. 1 was adopted.

**HB 3002** (by Hughes), A bill to be entitled An Act relating to certain conservation and reclamation districts exempted from filing a full audit.

**HB 3109** (by Craddick), A bill to be entitled An Act relating to the rulemaking power of certain groundwater conservation districts.

**HB 3135** (by Shelton), A bill to be entitled An Act relating to reasonable break times and facilities for school district educators expressing breast milk. (Chisum, Flynn, Laubenberg, Legler, Paxton, and Phillips recorded voting no.)

**HB 3278** (by Shelton), A bill to be entitled An Act relating to membership of the commissioner of education and the Texas Education Agency in certain advisory committees, commissions, task forces, and other similar entities.

**HB 3298** (by Harper-Brown and Fletcher), A bill to be entitled An Act relating to the transfer of certain vehicle registrations at the time of sale of the vehicle. (R. Anderson, Garza, Landtroop, Laubenberg, Paxton, Sheets, and Simpson recorded voting no.)

**CSHB 3337** (by V. Gonzales and Laubenberg), A bill to be entitled An Act relating to the emergency medical services that give rise to an emergency medical services lien. (Garza recorded voting no.)

**CSHB 3396** (by Hernandez Luna), A bill to be entitled An Act relating to the prosecution of and punishment for the offense of breach of computer security.

**CSHB 3457** (by Eiland), A bill to be entitled An Act relating to the selection of certain members of the board of directors of an appraisal district.

**CSHB 3808** (by T. King), A bill to be entitled An Act relating to fishing with certain archery equipment in certain counties. (Chisum and Phillips recorded voting no.)

**SB 877** (Gallego - House Sponsor), in lieu of **HB 3077**, A bill to be entitled An Act relating to a verification of the incarceration of an accused person in a criminal case for the purpose of discharging a surety's liability on a bail bond. (Aycock, Flynn, Frullo, Garza, Kolkhorst, Laubenberg, Paxton, Sheets, and Shelton recorded voting no.)

Representative Gallego moved to lay **HB 3077** on the table subject to call, and the motion prevailed.

**HB 1500** (by White), A bill to be entitled An Act relating to allowing the commissioners court of a county to deliberate in a closed meeting regarding business and financial issues related to a contract being negotiated. (Carter, Perry, and Sheffield recorded voting no.)

#### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Economic and Small Business Development, upon first adjournment today, Desk 14, for a formal meeting, to consider pending business.

### ADJOURNMENT

Representative T. Smith moved that the house adjourn until 1:40 p.m. today.

The motion prevailed.

The house accordingly, at 12:39 p.m., adjourned until 1:40 p.m. today.

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### ADDENDUM

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#### SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

#### House List No. 21

**HB 905, HB 1808, HCR 9, HCR 104, HCR 105, HCR 106, HCR 107, HCR 108, HCR 111, HCR 112, HCR 113**

#### MESSAGES FROM THE SENATE

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

#### Message No. 1

#### MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, May 5, 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:**

#### LOCAL AND UNCONTESTED CALENDAR

**HB 558** Deshotel SPONSOR: Carona  
Relating to payoff statements provided in connection with certain home loans.

**HB 699** Deshotel SPONSOR: Lucio  
Relating to the funding of port security, facility projects, and port studies.  
(Committee Substitute)

**HB 801** Anderson, Charles "Doc" SPONSOR: Birdwell



Relating to the territory and dissolution requirements of the Southern Trinity Groundwater Conservation District.

**HB 1551** Aycocq SPONSOR: Fraser  
Relating to the power of the Bell County Water Control and Improvement District No. 1 to issue bonds.

**HB 1944** Hilderbran SPONSOR: Uresti  
Relating to the election of the board of directors of the Crockett County Water Control and Improvement District No. 1.

**HCR 45** Kleinschmidt SPONSOR: Ogden  
Designating Giddings as the official Depot Capital of Texas.

**SB 32** Zaffirini  
Relating to the consolidation of related higher education programs governing tuition, fee exemptions, and waivers respective to specific target populations.

**SB 66** Zaffirini  
Relating to the transfer of a student from the school district of the student's residence to another district.

**SB 682** Huffman  
Relating to access to criminal history record information that relates to a person who is an applicant for appointment to an appraisal review board.

**SB 812** Zaffirini  
Relating to the service retirement benefits of certain retirees who resume employment within the Texas Municipal Retirement System.

**SB 954** Gallegos  
Relating to the authority of certain counties to appoint, contract for, or employ physicians, dentists, or other health care providers for county jails.

**SB 955** Gallegos  
Relating to the authority of counties to appoint, contract for, or employ physicians, dentists, or other health care providers for county jails.

**SB 1057** Wentworth  
Relating to the transfer of certain vehicle registrations at the time of sale of the vehicle.

**SB 1209** Whitmire  
Relating to the detention of certain juvenile offenders.

**SB 1286** Watson  
Relating to the administration and funding of retirement systems for firefighters in certain municipalities.

**SB 1422** Nelson  
Relating to coordinated county transportation authorities; creating an offense.

**SB 1438** Van de Putte  
Relating to the program for impaired pharmacists and disciplinary proceedings conducted by the Texas State Board of Pharmacy.

**SB 1471** Hinojosa

Relating to land reclamation projects using tires.

**SB 1529** Hinojosa

Relating to the date by which law enforcement agencies must report arrests to the Department of Public Safety.

**SB 1533** Hinojosa

Relating to restrictions on school districts making available to students food containing industrially produced trans fat.

**SB 1727** Zaffirini

Relating to a fixed tuition rate program for certain students who transfer to a state university after completing an associate degree program.

**SB 1751** Uresti

Relating to calculation of the net resources of a person ordered to pay child support.

**SB 1816** Zaffirini

Relating to county and municipal land development regulation.

**SB 1849** Hegar

Relating to furthering stability and affordable service in the communications industry through the universal service fund.

**SB 1878** Deuell

Relating to the program of all-inclusive care for the elderly.

**SB 1910** Rodriguez

Relating to the delay of the transition to competition for an electric utility located in the Western Electricity Coordinating Council service area and net metering requirements and energy efficiency goals and programs for such utility.

**SCR 35** Wentworth

Designating western swing as the official State Music of Texas.

**SCR 39** Shapiro

Designating the month of April each year from 2011 through 2020 as Genocide Awareness and Prevention Month.

Respectfully,

Patsy Spaw

Secretary of the Senate



